

# Public Review Draft Sixth Cycle Housing Element

Public Comments

**From:** **Housing** <Housing@townoffairfax.org>  
**To:** **Daniel Hortert** <dhortert@4leafinc.com>  
**Subject:** Fw: Housing /homelessness  
**Date:** 13.04.2023 15:14:18 (+02:00)

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**From:** Hannah Ake <ake.hannah@gmail.com>  
**Sent:** Tuesday, April 4, 2023 12:04 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Housing /homelessness

I am very concerned about the increasing number of homeless camps in Fairfax, CA. Many of these folks do not come from Fairfax, but instead move here to set up camps. Please ensure this housing element addresses homelessness in Fairfax, and does not allow long term camping in any of our public spaces.

Thank you.

Hannah

**From:** **Housing** <Housing@townoffairfax.org>  
**To:** **Daniel Hortert** <dhortert@4leafinc.com>  
**Subject:** Fw: Public comment  
**Date:** 01.05.2023 16:51:01 (+02:00)

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**From:** heatherabramsemail@gmail.com <heatherabramsemail@gmail.com>  
**Sent:** Sunday, April 30, 2023 4:32 PM  
**To:** Andrew Hill <andrew@dyettandbhatia.com>; Housing <Housing@townoffairfax.org>  
**Subject:** Public comment



OPEN LETTER TO THE TOWN OF FAIRFAX RE:  
HOUSING ELEMENT

I just sent this to the email at [housing@townoffairfax.org](mailto:housing@townoffairfax.org) which is receiving public comments up until 5 pm today on the Housing Element. In the meantime, I am posting this here as an open letter to the town of Fairfax. For those of you who don't know me, I am Chair of FOSC (Fairfax Open Space Committee), an Artist in Residence along with Stephanie Mohan and Sharon Virtue, and was an active volunteer helping the town's elderly and disabled during the pandemic. This is my letter:

To Whom it Concerns;  
I am writing to urge Fairfax to reconsider the ill-  
conceived plan for Housing put forward by Dyett  
& Bhatia,  
a firm with no evident knowledge of the realities  
of Fairfax and its history,

As part of their proposed Housing Element, numerous properties which have been designated by the Town's General Plan as Open Space parcels, and even deemed of high priority conservation land by ABAG itself (eg: the Marinda Heights/Wall Property) are listed as potential sites for filling the density quotas.

This is not only inappropriate and flies in the face of the expressed wishes of our town residents and its General Plan, but it is unsustainable in terms of our infrastructure; it is imperative that our town leadership represent this, stand up for our interests and stop wasting tax payer time and money on a study that has no real relevance to the vision of Fairfax's future that we all have been collectively working for.



It is disrespectful to the people of Fairfax and to the commitment made by so many of our past leaders to ensuring a sustainable community integrated with healthy open spaces.

I know that the challenges are formidable, but we are relying on our town leaders to be formidable in return. Use your skills, vision, courage, and heart.

Please, do not succumb to the bullying and threats of outside agencies and interests.

That is why you were elected,

we believe you can stand up for us, we believe you have what is needed at this time. Dig deep, and we will be with you on this journey.

Sincerely,

Susan Pascal Beran

From: Andrew Hill <andrew@dyettandbhatia.com>  
To: Clare Kucera <clare@dyettandbhatia.com>  
Subject: Fwd: Commenting on Fairfax's Housing Element  
Date: 02.05.2023 09:04:32 (-0700)  
FYI

Begin forwarded message:

**From:** Heather Abrams <[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)>  
**Subject:** FW: Commenting on Fairfax's Housing Element  
**Date:** May 2, 2023 at 8:59:05 AM PDT  
**To:** "[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)" <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)>, "[dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)" <[dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)>

Regards,  
**Heather Abrams**  
Town of Fairfax | Town Manager  
[www.townoffairfax.org](http://www.townoffairfax.org)

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**From:** Michele Gardner <[mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org)>  
**Sent:** Monday, May 1, 2023 4:35 PM  
**To:** Heather Abrams <[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)>; [dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)  
**Subject:** FW: Commenting on Fairfax's Housing Element

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**From:** Michelle Simonson <[michelles21c@gmail.com](mailto:michelles21c@gmail.com)>  
**Sent:** Sunday, April 30, 2023 4:37 PM  
**To:** Michele Gardner <[mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org)>  
**Subject:** Fwd: Commenting on Fairfax's Housing Element

Hi all TC members (and Michelle),

I know all of you care about Fairfax and conserving open spaces, and I am praying you will do absolutely everything in your power to protect our town and especially our beautiful land.

Susan said exactly what I would like to say, so I am forwarding her letter and you can pretend I wrote it!

Thank you,

Michelle

PS I know there's a lot going on these days and your plates are pretty full, but I am begging you to please keep these issues really high on your priority list!

Begin forwarded message:

**From:** Susan Beran <[pascalberandesign@yahoo.com](mailto:pascalberandesign@yahoo.com)>  
**Subject:** Fw: Commenting on Fairfax's Housing Element  
**Date:** April 30, 2023 at 2:02:11 PM PDT

**To:** Michelle Simonson <[michelle@sparksandleaps.com](mailto:michelle@sparksandleaps.com)>

----- Forwarded Message -----

**From:** Pascal Beran Designs <[pascalberandesigns@yahoo.com](mailto:pascalberandesigns@yahoo.com)>

**To:** [housing@townoffairfax.org](mailto:housing@townoffairfax.org) <[housing@townoffairfax.org](mailto:housing@townoffairfax.org)>

**Sent:** Sunday, April 30, 2023 at 01:25:36 PM PDT

**Subject:** Commenting on Fairfax's Housing Element

To Whom it Concerns;

I am writing to urge Fairfax to reconsider the ill-conceived plan for Housing put forward by Dyett & Bhatia, a firm with no evident knowledge of the realities of Fairfax and its history, As part of their proposed Housing Element, numerous properties which have been designated by the Town's General Plan as Open Space parcels, and even deemed of high priority conservation land by ABAG itself (eg: the Marinda Heights/Wall Property) are listed as potential sites for filling the density quotas.

This is not only inappropriate and flies in the face of the expressed wishes of our town residents and its General Plan, but it is unsustainable in terms of our infrastructure; it is imperative that our town leadership represent this, stand up for our interests and stop wasting tax payer time and money on a study that has no real relevance to the vision of Fairfax's future that we all have been collectively working for.

It is disrespectful to the people of Fairfax and to the commitment made by so many of our past leaders to ensuring open spaces integrated with a sustainable community.

I know that the challenges are formidable, but we are relying on our town leaders to be formidable in return. Use your skills, vision, courage, and heart. Please, do not succumb to the bullying and threats of outside agencies and interests. That is why you were elected, we believe you can stand up for us, we believe you have what is needed at this time. Dig deep, and we will be with you on this journey.

Sincerely,

Susan Pascal Beran

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Virus-free. [www.avast.com](http://www.avast.com)



**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing element comments  
**Date:** 27.04.2023 16:52:08 (+02:00)

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**From:** Morgan Cantrell <morgancantrell@gmail.com>  
**Sent:** Wednesday, April 26, 2023 11:40 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Housing element comments

Hi,

We are proposing to build more housing when water supply is already a major concern.

We don't have enough water to support more housing so Marin Water is looking to pipe it in from other counties or desalinate bay water (major ecological damage). As Bolinas has done for decades (<https://bcpud.org/wp/wp-content/uploads/2020/12/Ord-38.pdf>), I suggest we acknowledge that we are using more water than our local watershed can support and push back against pressure to develop at these levels. We need to look more broadly at the hydrologic impact this will have on our ecosystem.

I also suggest we build strict landscaping requirements into any new housing that gets built, including those projects in the pipeline:

- Lawns and pools aren't allowed (excessive water use)
- Artificial turf not allowed (increased flood risk/no absorption)
- Landscape plans must include only plants native to Fairfax (habitat value)
- Hardscape must use permeable materials (runoff/flood mitigation)

Finally, I see the land above Cypress Road and before Toyon Fire Road in blue on the map and want to make sure the town is aware that the old growth forest in that canyon is perennial nesting habitat for the endangered Northern Spotted Owl and should not be built on.

In summary, it's time to look at this through the lens of sustainable development.

Morgan



From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Assassination, Federal Investigations--unfair, Housing  
Date: 13.04.2023 15:13:43 (+02:00)

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From: Corvus Corax <pantherareclusa@gmx.com>  
Sent: Sunday, April 9, 2023 11:18 PM  
To: Housing <Housing@townoffairfax.org>  
Subject: Assassination, Federal Investigations--unfair, Housing

Dear Fairfax

I have written the police about what happened to Robert Gash, whose dad and his family were long time residents and business owners, was assassinated in San Francisco California on May 8, 2023. Moreover, the homicide has been handled poorly, and serious crime ensued that has resulted in Catastrophic injuries to me his mom

Amongst all of the tragedy there is possible deep state causation of the crimes I have suffered and a blatant cruel and unusual manner of under the color of law, all relief was denied to me. Worse, is that these people added me to the targeted individual program, without real reason to do so, in fact they under the color of law, illegally forced me into homelessness after being stably housed for 22 years.

The SFPD forced me into the streets into the hands of the alleged gang that killed my son. Yes, the police and sheriff have with intent placed my life and safety as risk.

Oddly, I am under federal investigation why? I never even thought of contacting terrorists or ever did I ever belong to any organized criminal ring or want to engage in terrorist activity. The federal investigation is in response to my persistent demand the my son Robert Gash's coconspirators be held accountable, along with the new evidence. That's why they are trying to criminalize me.

As it turns out, the SFPD, SFDA, my son's attorney, and other policing agencies have refused to investigate the new evidence which are fotos of bullet holes on the front hood of my son's car, that were photoshopped to cover the bullet holes, cyber criminals got access of the murder trial case number, these two incidents were reported, the first for sure. Also, Facebook's picture of the vehicle was photoshopped altered and refused to even respond. The same has been true of the aforementioned characters. Why?

The SFPD Mission Station then out of disrespect to me and my deceased son, responded to my call to report burglaries in my home, for which all of the evidence against the landlord were stolen, along with the improperly performed sheriff's lock out, my personal property, and my security cameras were disabled, this is what I wanted to report. The records which I recently received show the response as a CAD t and the number is my son's birthdate. These people have disrespected me as a person, to the extent it that has placed me in danger, for defending my son's dignity and my own, too.

A lot of people made poor choices, now to get away with their crime, they have chosen to sacrifice me. Denying my son, who was born in Greenbrae, a full time pesticide applicator technician and responsible young man, was denied the right to life because he refused to go along with the corruption that has enveloped California.

Things become seriously corrupted. I was poisoned with carbon monoxide, by Micheal Campesino, who is also the cyber criminal that altered the photo of my son's car, with forensic evidence of what type of gun fired those shots at my son, days prior, to his assassination, before he died . He was not driving the night he was shot in the back of the head with three bullets off, Polk and Fern, which back then from my observations was a gang and biker bar on Friday, the night my son was killed. This whole situation is totally unfair and why everyone protects Micheal Campesino is leading me to think he is military or CIA and on an operation to cover my son's murder.

San Francisco Building Inspection, SFFire, SF planning all covered up the crimes of Micheal Campesino during the chemical poisoning. They protected him, as he entered my home, to remove PGE original reports to replace them, to remove incriminating evidence, such as, that they left me inside without capping of pipes, after shutting off the gas at its source, located in the bottom of the building. I breathed in all the dead gas in the pipes. It gets worse.

I am starting a blog to raise money for my living expenses, since, the state and many, will keep me homeless and deny me the rights others enjoy, but conspired to be denied to me, at least that is my opinion. I ask that you help me raise funds for my survival and for my son's non profit which I would like to found. If you can support me in making my story known in Marin, that would be great. Donations not

required, of course. I am writing to make you aware of the element, present in California, caused by corruption, and to PREVENT residents, in particular, vulnerable people like me, the disabled from similar calamities. Your young people too, need protection, so they don't end up, assassinated like Robert.

If you speak with deep state agencies about Robert or I, remember the SFPD, and the FBI gang task force, failed to notify me of Robert's involvement with gangs, alleged involvement. As far as I know he was not a gang member, their failure to notify me, which shows they failed to follow their own gang policies, is unfortunately, a costly mistake. My son would be alive if the police, or probation, and other responsible parties had done their job.

At any rate, while reviewing the tampered and missing documents from my files, I discovered that Leo Martínez had been removed from the evidence I had in my file folder. He lived in San Jose, and did associate with bikers. Why my landlord would remove his name from my records perplexes me.

The police reports I had downloaded on my home desktop were remotely accessed and printed. The person that broke in was Micheal Campesino, his handymen, too would carry out some misdeeds. The neighbors and later, the gang stalkers, were breaking inside my home, like I didn't exist.

The abuse of the disabled is horrible in the city. There are homeless people with terminal illness's, homeless, after an unfair eviction. I have been called derogatory terms for the disabled, my landlord loved to talk really bad about my mental health to everyone. Then, he used the sheriff, the SF mobile crisis unit to change my PGE account of over 21 years, by making false allegations. To alter my bill he had to lie, and say, it was impossible to reach me. He claimed it was weeks, which was impossible, since I lived on his property. Next, and this fact shows conspiracy about their intentions in SF to evade the legal and financial consequences for denying my son the right to life. The SF Crisis unit neglected to provide me support like they are funded to do, to provide emotional support for families that have lost their family to gun violence. They showed up to support Micheal Campesino illegally change my PGE bill. It's so weird. Then Cynthia Yanaonne of Calle 24th showed up in their place. She came as a friend and not representing the city of SF, she works for them.

I met her in college. I am sure she has a lot to do with why I am being investigated. See, she sells financial tools for Transamerica. She tried to sell me financial products, unfortunately, I had her meet my son, and she sold him various financial tools. I suspect large numbers of this criminal ring are involved in investing at Transamerica in SF, located in the pyramid.

Fairfax should take away from my input that opening your city to unknown strangers with affiliations to unknown actors poses a safety risk for many reasons. As is evident with my story, the corruption directly linked to criminal enterprises which includes sex trafficking, drugs, murder, firearms and terrorist activity, in particular these days, is a risk that Fairfax should not take---a Marinite male, gainfully employed, and not in gangs was killed. His mom, my person, has been tortured and UCSF and Ritter denied me treatment for torture and meds, respectively.

My cat was poisoned, my work, home and son's vehicle and his property all killed, tampered, destroyed or stolen by my landlord. The SFPD enabled his criminal activity, and refused to investigate him as a suspect in my son's murder.

Marin, must do it's best to stay safe, and prevent this type of activity from occurring to anyone in Marin.

I hope my input helps, feel free to reach out anytime, I support the ability for cities in Marin and elsewhere, to protect themselves and their children from experiencing cruel and unusual treatment with the acquiescence and support of legal departments, and other government staff---due to the length of my lived nightmare, I will stop.

Before, I go, I want to seek support recovering my son's ashes, please, which were in the trunk of his vehicle which were stolen from me 1/2021. My work supplies, and a client's property were taken. Honda, the police and possibly the sheriff illegally removed the car from my custody although I had caught up with the payments.

Prevent the corruption from spreading, into Marin. Block them from harming children, and women. Also, keep your son's and male staff safe from potentially deadly attacks, which from my case are being enabled and possibly carried out by the deep state.

Please visit [targetedjustice.com](https://targetedjustice.com) for more information on targeted individuals before making an assumption, based on lack of knowledge about the facts.

I am available to you anytime to answer questions.

I'm starting a consulting business to help people understand what human experimentation by the deep state is like in fact, I am a human cyborg, since I am remotely connected to a device that reads my thoughts and according to my latest read, the government can use what I think against me and as evidence in a court of law.

I am a human guinea pig. I never gave consent to this.

Thank you for reading my input, God bless, and protect, Fairfax.

A mourning mother  
Madison Ardgall

--

Sent from my Android phone with GMX Mail. Please excuse my brevity.



**From:** **Housing** <Housing@townoffairfax.org>  
**To:** **Daniel Hortert** <dhortert@4leafinc.com>  
**Subject:** Fw: I object to building new housing  
**Date:** 13.04.2023 15:13:31 (+02:00)

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**From:** Corvus Corax <pantherareclusa@gmx.com>  
**Sent:** Sunday, April 9, 2023 11:22 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** I object to building new housing

The real estate industry and construction industry caused me to loose my home because of the greed generated by investors. Moreover these industries are largely or often used to launder money legally procured.

Preserve affordable housing instead.

Madison

--

Sent from my Android phone with GMX Mail. Please excuse my brevity.



**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Request for a copy of last nights special meeting power point presentation  
**Date:** 24.04.2023 20:19:10 (+02:00)

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**From:** KEVIN CURTIS <k.curtis@comcast.net>  
**Sent:** Thursday, April 20, 2023 9:54 AM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Request for a copy of last nights special meeting power point presentation

Hi Heather,

Last night I spoke briefly with Janet, sitting alongside you, having made the compliment about her legal response to the Yes in My Back Yard people. I apologize for not introducing myself to you in the moment (we'd met before briefly anyway).

May I have a copy of the power point presentation that Andrew used please. I'm particularly interested in his slide showing all the encumbrances to the town in the hazzard map he presented. As former Mayor Hellman pointed out, there was some portions covered and not easily readable from both our positions in the room (and I really felt for you having to turn fully).

Thanks,

Kevin Curtis

**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Regarding the Housing Element public review  
**Date:** 24.04.2023 20:19:00 (+02:00)

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**From:** KEVIN CURTIS <k.curtis@comcast.net>  
**Sent:** Thursday, April 20, 2023 12:06 PM  
**To:** Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>; Housing <Housing@townoffairfax.org>  
**Subject:** Re: Regarding the Housing Element public review

Apologies to all,

I found what I was looking for within the Excel spreadsheet forms.

K

On 04/20/2023 11:56 AM KEVIN CURTIS <k.curtis@comcast.net> wrote:

Hi all,

Apologies to Lisel, as I cannot quickly find her email on the website for some reason.

Am I missing the requirement of an individual "sites analysis" for each parcel within the sites inventory list, across the entire Housing Element, as proposed? If I missed it, Heather, would you please respond with the section it is located within? And may we see the completed HCD forms filled out for each parcel, as they will be submitted.

Housing Element Guidebook:

Step 2: Inventory of Sites

Government Code section 65583.2(b)

Provide a parcel specific inventory of sites that includes the following information for each site:

- \*NEW\* Assessor parcel number(s).
- Size of each parcel (in acres).
- General plan land use designation.
- Zoning designation.
- For nonvacant sites, a description of the existing use of each parcel (See Part D)
- \*NEW\* Whether the site is publicly owned or leased.
- Number of dwelling units that the site can realistically accommodate (See Part C)
- \*NEW\* Whether the parcel has available or planned and accessible infrastructure (Part A: Step 3).
- \*NEW\* The RHNA income category the parcel is anticipated to accommodate (See Part A: Step 5).
- \*NEW\* If the parcel was identified in a previous planning period site inventory (Part B: Step 1).
- \*NEW\* Please note pursuant to Chapter 667, Statutes of 2019 (SB 6), the site

inventory must be prepared using the standards, form, and definitions adopted by HCD. HCD has prepared a form and instructions for this purpose that includes space for the information above and commonly provided optional fields. Starting January 1, 2021, local governments will need to submit an electronic version of the site inventory to HCD on this form along with its adopted housing element.

**\*NEW\*** Pursuant to Chapter 664, Statutes of 2019 (AB 1486), at Government Code section 65583.2(b)(3), if a site included in the inventory is owned by the city or county, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

#### Step 3: Infrastructure Availability

Government Code section 65583.2(b)(5)(B)

Determine if parcels included in the inventory, including any parcels identified for rezoning, have sufficient water, sewer, and dry utilities available and accessible to support housing development or whether they are included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity to secure sufficient water, sewer, and dry utilities supply to support housing development on the site in time to make housing development realistic during the planning period. Dry utilities include, at minimum, a reliable energy source that supports full functionality of the Site Inventory Guidebook Page 8 May 2020 home and could also include access to natural gas, telephone and/or cellular service, cable or satellite television systems, and internet or Wi-Fi service.

If Yes: Provide an analysis in the housing element describing existing or planned water, sewer, and other dry utilities supply, including the availability and access to parcels on the site inventory, distribution facilities, general plan programs or other mandatory program or plan (including a program or plan of a public or private entity to secure water or sewer service) to support housing development on the site. The housing element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have the capacity to accommodate development on all identified sites in order to accommodate the RHNA. For example, the water supply should be a reliable supply that meets federal and state drinking water standards. Please note sites identified as available for housing for above moderate-income households can still be in areas not served by public sewer systems.

If No: Include a program in the housing element that ensures access and availability to infrastructure to accommodate development within the planning period. If this is not possible, the site is not suitable for inclusion in the site inventory or in a program of action identifying a site for rezoning.

#### Step 4: Map of Sites

Government Code section 65583.2(b)(7)

Provide a map that shows the location of the sites included in the inventory. While the map may be on a larger scale, such as the land use map of the general plan, the more detailed the map, the easier it will be to demonstrate the sites meet new requirements pursuant to Chapter 958, Statutes of 2018 (AB 686) as stated below.

Thanks,

Kevin Curtis



From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: HOUSING ELEMENT FEEDBACK  
Date: 13.04.2023 18:11:51 (+02:00)

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From: Teliha Draheim <tdraheim@imagewestdesign.com>  
Sent: Thursday, April 13, 2023 10:15 AM  
To: Housing <Housing@townoffairfax.org>  
Subject: HOUSING ELEMENT FEEDBACK

Why has the Fairfax Town Council has removed the most eligible 25 acre, level plot of land, referred to as the Marin Town and Country Club (MTCC), from properties being considered for the Housing Element? The owner wants to sell, and the property already has an existing utility infrastructure and access road ready for development. This property is key to the Housing Element, yet the Town Council elected to remove it. State zoning laws have precedence over local zoning. This property alone would satisfy the majority of the Housing Element requirements. Why is our Town Council creating this roadblock? Instead, the Town Council has approved development of 175 multi-family units on a lot less than 2 acres in size. This will result in a building that is 5 to 7 stories high, which is out of character and out of place within the small town environment of maximum 2-story buildings. It will displace multiple local businesses and live/workspace occupants and eliminate valuable public parking from the downtown area. Added populations in this location will significantly add to downtown traffic congestion and parking problems, further limiting access to main fire/emergency exits on Sir Francis Drake Blvd. Additionally, the Fairfax Town Council has passed local 'rent stabilization' and 'just cause' eviction ordinances that are the most punitive and strictest in the State, resulting in laws which are so discriminatory against landlords that new data shows approximately 30% of Fairfax landlords will be permanently removing their rental units from the market, resulting in a loss of affordable housing. Stakeholders were not notified or given an opportunity to vote. This includes many of Fairfax's aging population who, in good faith, built ADU's and JADU's on their properties in compliance with addressing California's housing needs. The California Department of Housing and Community Development (HCD) requires that towns must remove any barriers to housing, particularly those that might perpetuate patterns of discrimination.

**ANTI DISCRIMINATION IN LAND USE LAW** Government Code section 65008

An action by a local jurisdiction is null and void if it denies any individual or group of individuals residence, land ownership, tenancy, or any other land use in the state based on the following: lawful occupation, age, or protected characteristic of any individual or groups of individuals; the method of financing of any residential development (including affordable housing); and the intended occupancy of any residential development by persons or families of very low, low, moderate, or middle income. These new Ordinances create legal barriers for homeowners to have control over who lives in their homes or on their property. This is very frightening to senior citizens. They would rather have less to eat than an unruly tenant who threatens them under their own roof. This is age discrimination for residents who have worked their entire lives for the goal of home ownership and invested in ADU's or JADU's so that they can age in place. The result of these discriminating actions will cause senior citizens to struggle financially and the community supply of affordable housing will be further reduced.

**ACCESSORY DWELLING UNIT LAW** Government Code section 65852.2

*Accessory dwelling units (ADUs) and junior ADUs (JADUs) are a flexible form of housing that is "affordable by design" and that can provide additional income to homeowners. ADU law addresses barriers, streamlines approval, and expands potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. While not required, jurisdictions may adopt an ordinance to outline standards for permitting ADUs and JADUs. HCD must review ADU ordinances for compliance with state law.*

The Fairfax Town Council has taken discriminatory actions which are in violation of Housing Element Law.

**HOUSING ELEMENT LAW** Government Code sections 65580-65589.11

*HCD has 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.*

I would like these issues addressed and corrected prior to completion of the Housing Element Plan.  
Thank you,

Teliha Draheim  
Fairfax citizen, 28 years

From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Revised HOUSING ELEMENT FEEDBACK  
Date: 13.04.2023 19:30:22 (+02:00)  
Attachments: Plan A by Berkeley.pdf (1 page), Plan B by Fairfax Staff.pdf (1 page)

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**From:** Teliha Draheim <tdraheim@imagewestdesign.com>

**Sent:** Thursday, April 13, 2023 12:28 PM

**To:** Housing <Housing@townoffairfax.org>

**Subject:** Revised HOUSING ELEMENT FEEDBACK

#### FAIRFAX HOUSING ELEMENT

I would like to add more documentation and attachments to my previously submitted 4/13/23 letter, revised below.

Why has the Fairfax Town Council has removed the most eligible 25-acre, level plot of land, referred to as the Marin Town and Country Club (MTCC), from properties being considered for the Housing Element? The owner wants to sell, and the property already has an existing utility infrastructure and access road ready for development. This property is key to the Housing Element, yet the Town Council elected to remove it. State zoning laws have precedence over local zoning. This property alone would satisfy the majority of the Housing Element requirements. Why is our Town Council creating this roadblock?

Instead, the Town Council has approved development of 175 multi-family units on a lot less than 2 acres in size. This will result in a building that is 5 to 7 stories high, which is out of character and out of place within the small-town environment of maximum 2-story buildings. It will displace multiple local businesses and live/workspace occupants and eliminate valuable public parking from the downtown area. Added populations in this location will significantly add to downtown traffic congestion and parking problems, further limiting access to main fire/emergency exits on Sir Francis Drake Blvd.

Additionally, the Fairfax Town Council has passed local 'rent stabilization' and 'just cause' eviction ordinances that are the most punitive and strictest in the State, resulting in laws which are so discriminatory against landlords that new data shows approximately 30% of Fairfax landlords will be permanently removing their rental units from the market, resulting in a loss of affordable housing. Stakeholders were not notified or given an opportunity to vote. This includes many of Fairfax's aging population who, in good faith, built ADU's and JADU's on their properties in compliance with addressing California's housing needs. The California Department of Housing and Community Development (HCD) requires that towns must remove any barriers to housing, particularly those that might perpetuate patterns of discrimination.

#### **ANTI DISCRIMINATION IN LAND USE LAW** Government Code section 65008

*An action by a local jurisdiction is null and void if it denies any individual or group of individuals residence, land ownership, tenancy, or any other land use in the state based on the following: lawful occupation, age, or protected characteristic of any individual or groups of individuals; the method of financing of any residential development (including affordable housing); and the intended occupancy of any residential development by persons or families of very low, low, moderate, or middle income.*

These new Ordinances create legal barriers for homeowners to have control over who lives in their homes or on their property. This is very frightening to senior citizens. They would rather have less to eat than an unruly tenant who threatens them under their own roof. This is age discrimination for residents who have worked their entire lives for the goal of home ownership and invested in ADU's or JADU's so that they can age in place. The result of these discriminating actions will cause senior citizens to struggle financially and the community supply of affordable housing will be further reduced.

#### **ACCESSORY DWELLING UNIT LAW** Government Code section 65852.2

*Accessory dwelling units (ADUs) and junior ADUs (JADUs) are a flexible form of housing that is "affordable by design" and that can provide additional income to homeowners. ADU law addresses barriers, streamlines approval, and expands potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. While not required, jurisdictions may adopt an ordinance to outline standards for permitting ADUs and JADUs. HCD must review ADU ordinances for compliance with state law.*

The new Ordinances are discriminatory to both tenants and landlords due to their excessive bureaucracy. The governing body is the Berkeley Rent Control Board, an entity which has no relationship to our Fairfax community. Appeals cases pertaining to the Ordinances involve a nineteen-step process. (See attached documentation.) This is discriminatory to both landlords and tenants who do not drive, or own cars or computers.

The Fairfax Town Council has taken actions which promote discrimination and diminish the supply of affordable housing. These actions are in violation of the State of California Housing Element Law.

#### **HOUSING ELEMENT LAW** Government Code sections 65580-65589.11

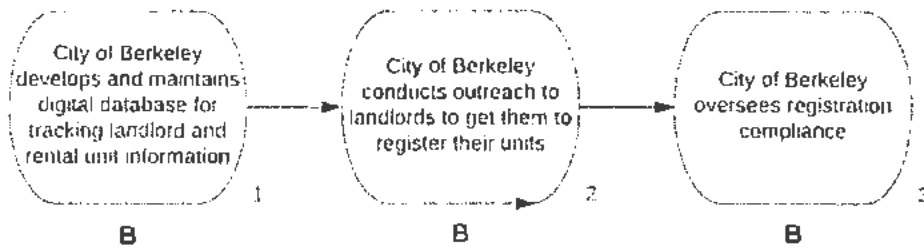
*HCD has authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes failure to implement program actions included in the housing element.*

I would like these issues addressed and corrected prior to completion of the Housing Element Plan.  
Thank you,  
Teliha Draheim  
Fairfax citizen, 28 years

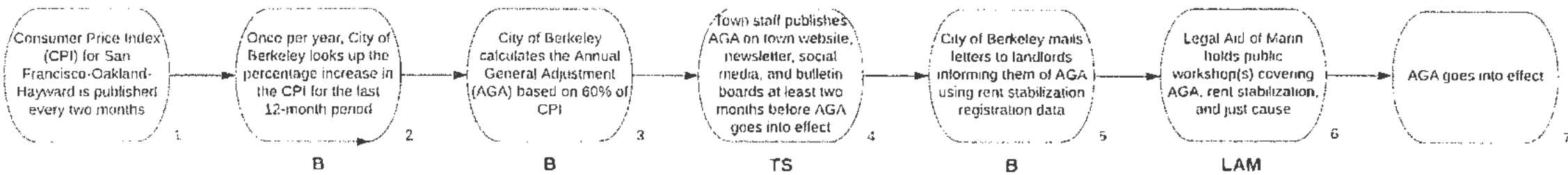
# Fairfax Rent Stabilization Program Administration

## Option A: Program Coordinated by City of Berkeley

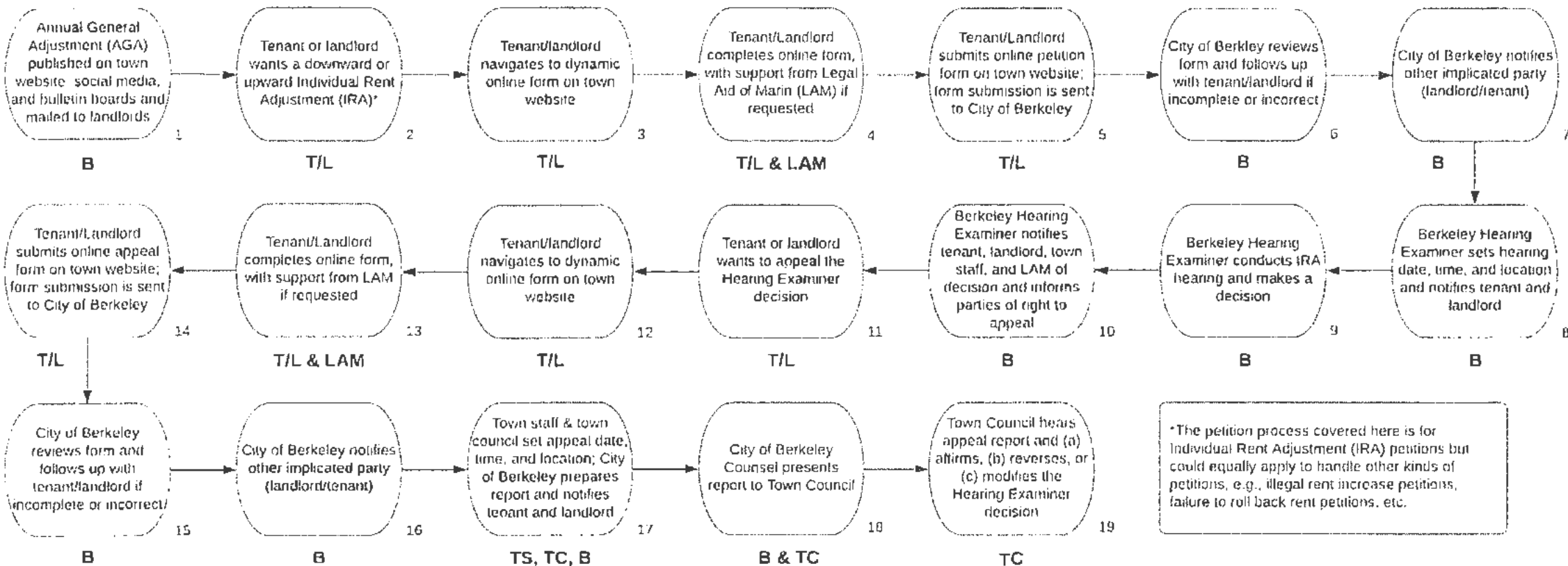
### Rent Stabilization Registration



### Annual General Adjustment (AGA) Determination & Publication



### Individual Rent Adjustment (IRA) Petition & Appeal Process\*



\*The petition process covered here is for Individual Rent Adjustment (IRA) petitions but could equally apply to handle other kinds of petitions, e.g., illegal rent increase petitions, failure to roll back rent petitions, etc.



# Fairfax Rent Stabilization Program Administration

## Option B: Program Coordinated by Town Staff

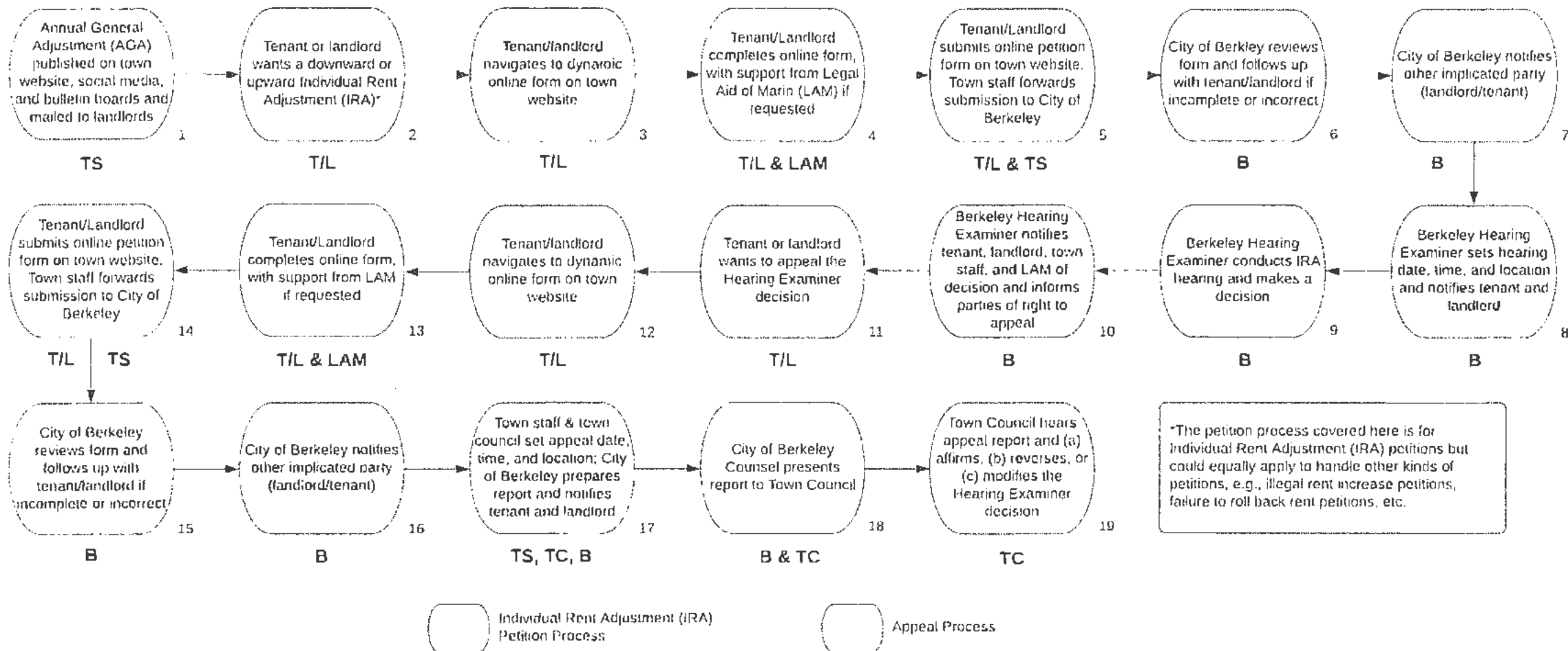
### Rent Stabilization Registration



### Annual General Adjustment (AGA) Determination & Publication



### Individual Rent Adjustment (IRA) Petition & Appeal Process\*



From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Comments on Fairfax's Housing & Safety Elements prepared by consultants Dyett & Bhatia  
Date: 01.05.2023 16:53:15 (+02:00)

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**From:** Jane Richardsonmack <janerichardsondesign@gmail.com>  
**Sent:** Monday, May 1, 2023 9:05 AM  
**To:** Frank Egger <fegger@pacbell.net>  
**Cc:** Heather Abrams <habrams@townoffairfax.org>; Housing <Housing@townoffairfax.org>  
**Subject:** Re: Comments on Fairfax's Housing & Safety Elements prepared by consultants Dyett & Bhatia

Oh Frank, what would we do without you? And what can we do?  
This is the WORST news ever.  
Is it possible to force the TC to respond to this email?  
May I forward it to them, even if you've previously sent? Maybe every should.  
Thank you, Jane Richardson Mack

On Sun, Apr 30, 2023 at 11:56 PM Frank Egger <[fegger@pacbell.net](mailto:fegger@pacbell.net)> wrote:

DATE: April 30, 2023

TO: Housing@TownofFairfax.org, Town Manager Heather Abrams

RE: Comments, Fairfax's Housing & Safety Elements prepared by Dyett & Bhatia

FROM: Frank Egger and Save Fairfax

In reading what Dyett & Bhatia has prepared for Fairfax's Housing & Safety Elements, it is clear they have no institutional knowledge of Fairfax, either the historical background as to why Fairfax remains the last of the old small towns in Marin or the legal battles fought out in local & appellate courts to preserve, protect & restore Fairfax. Dyett & Bhatia prepared the 2nd reiteration of Fairfax's Housing & Safety Elements after the initial process had been started by the EMC Planning Group and then after the firing of EMC.

The proposed Fairfax Housing Element has identified every vacant parcel of land in Fairfax and Dyett & Bhatia has set a density on these vacant and or underutilized parcels in Town knowing neither the history, the previous General Plan Elements, the Court decisions impacting any future development nor the applicable Town Code sections that apply to these parcels.

**School Street Plaza has been designated for 175 units in the Housing Element with 5 to 7 story buildings on 1.92 acres backing onto Fairfax Creek whose portion is in the known flood plain. The 1.92 acres is zoned CL LIMITED COMMERCIAL ZONE, § 17.092.040 PRINCIPAL PERMITTED USES AND STRUCTURES are commercial. School Street Plaza is a place for small businesses to locate, a spot for incubator businesses. The Fairfax zoning ordinance does not allow residential as a principal permitted use in the CL Limited Commercial Zone. Residence may be allowed by Use Permit if appropriate findings can be made by the**

Planning Commission & ultimately the Town Council. The height limit is 28.5 feet and may not contain more than two stories.

**Dyett & Bhatia has designated the 10.53 acre ridgetop open space parcel (174-060-21) for six units. It was the private Open Space for the 52 unit Meadowland subdivision that Fairfax annexed and re-approved in the later 1960's in a Planned District Development (PDD) zone. The County of Marin had initially approved the 52 unit subdivision conditioned on the 10.53 acre parcel being set aside as Private Open Space. That parcel is landlocked. The 10.53 acre open space parcel was sold about 4 years ago and the new owner still has no frontage on an improved Fairfax public street as required by Fairfax Town Code. The only way a vehicle can access the 10.53 acre Meadowland ridgetop parcel is by leaving Fairfax Town Limits and driving through unincorporated Fairfax up a very steep side ridge portion of the Marin County Open Space District's land which is prohibited by a Fairfax Ordinance adopted in 2001. The Private Open Space Parcel is above the Canon Tennis & Swim Club and has no access from Canon Village.**

Fairfax has many zoning ordinances on the books that I authored. One says a Fairfax development must be accessed through a Fairfax roadway and a developer cannot access their property in Fairfax through another jurisdiction like either Marin County or San Anselmo. The purpose there is to give direct access for emergency response from Fairfax Police and not require FPD to travel through another jurisdiction to get to a Fairfax property for emergencies. Another ordinance says any housing development in Fairfax must have frontage on a Fairfax public street. Each unit must have frontage on an improved public street, The 10.53 acre parcel has no Fairfax street frontage.

**There are 3 landlocked parcels close to our easterly border with San Anselmo, none of which have Fairfax street frontage, and Dyett & Bhatia has designated those 3 parcels with 10 units, all three parcels can only be accessed through San Anselmo, a 10 minute drive out of Fairfax east on Center Blvd to San Anselmo and then up Scenic Avenue. The first of the three is parcel # 002-181-20, the former Jammie Williams 6.99 acre property zoned Upland Residential 10 acre minimum above Sky Ranch. The Fairfax Town Council rejected development of that property in 2001 based on no frontage on an improved Fairfax public street and the only vehicle access was a narrow driveway easement through private property from Scenic Avenue in San Anselmo.**

**The second and third parcels are 002-181-04 and 002-181-05 (same owner) are designated for six units, roughly 10 acres combined and zoned Upland Residential 10 acre minimum. It is impossible to extend Hillside Drive to these two parcels and access from Scenic Avenue in San Anselmo and Francis Avenue in Fairfax will not work either.**

**Another parcel is a large parcel that was dedicated as Open Space through a Marin County Superior Court Order, the mandatory settlement requirement when the owner of the proposed Fairfax Hills subdivision sued Fairfax in the 1980's over our restrictions on the project. Dyett & Bhatia has designated a portion of that Private Open Space, parcel #174-070-71 with an address of 615 Oak Manor Drive, for 10 units. That parcel is the Remainder Parcel, originally the 50 acre parcel that was all Private Open Space as required by Marin County Superior Court Judge William H. Stephens' Order and signed by the Hill Family and the Town of Fairfax. Fairfax has already violated that court order once when the Planning Commission approved the building of at least one house on the Private Open Space towards the top on a cul de sac off of Oak Manor Drive when James Moore was Planning Director. The only two members of that Town Council still with us are former mayor Wendy Baker and myself.**

**Another 2 parcels that we purchased for Open Space in the late 1960's or early 1970's, Dyett & Bhatia want to put 10 units on them. Parcels 002-123-17 & 002-144-01 are on Forrest Ave and are very steep and forested. They border Marin Town & Country Club. Another reason Fairfax purchased those two parcels was to provide access to the Marin Town & Country Club should one day either a private or public club or recreation area, for which the land is zoned for, be restored there.**

**There is a 100 acre parcel that a developer wanted to subdivide into 10 estate lots with ADUs that is in a mapped Wildland Urban Interface Zone (WUI), a known high landslide prone area and mansions built on the Ridgeline Scenic Corridor and he called it Marinda Heights. 250 trees would have to be cut down and 4 years ago the then Town Council said an EIR was necessary for CEQA compliance but the developer refused to pay for an EIR. So, no EIR was ever done and now Dyett & Bhatia wants to designate it for a 10 estate lot subdivision with 10 acres for each lot with the**

**possibility of both an ADU and JADU on each parcel, perhaps 30 units.**

**The Ross property parcels, 003-171-02, 05 and 08 at the top of the north side of Toyon is shown with four units. The parcels are known as Northern Spotted Owl habitat and they sit in the middle of the Town's WUI Zone. A public roadway would have to be built and accepted by the Town for maintenance to provide vehicle access to 3 of the 4 units.**

**Fairfax banned septic tanks in 1974 and that ordinance has never been repealed. Canyon Road residents taxed themselves to install Ross Valley Sanitary District's system for new development. Fairfax allows new development on cascade drive on a septic tank in violation of Fairfax's ordinance.**

**During the early 1980's Fairfax merged over 1,000 parcels because they did not meet development and zoning standards. The Dyett & Bhatia proposal lists a number of vacant parcels to be developed. There is an Assessor's Parcel Book in the Town Safe with all of the merged parcels marked. Fairfax recorded the merged parcels at the Marin County Recorder's Office. Someone must review the Dyett & Bhatia listed vacant parcels to determine if any of them have been merged.**

**10 Olema, parcel 001-104-12 is zoned CL Limited Commercial, it has the same zoning constraints as School Street Plaza. It backs onto Fairfax Creek with a required creek setback of at least 20 feet from the top of the bank. The whole property flooded in 1982. One of Fairfax's oldest historical Victorian homes sits on the property. Dyett & Bhatia designated it for 31 units.**

**Dyett & Bhatia designates the Jehovah Witnesses Church property on SF Drake Blvd for 29 units.**

**Two parcels at the east end of SF Drake, the historic "Old Timer Club", now a beer pub, and the oldest home in Fairfax next door adjacent to the Town Limits of San Anselmo. Dyett & Bhatia has designated them for at least 6 units with no way to preserve the existing historic structures.**

**Dyett & Bhatia's Redevelopment proposals will turn the SF Drake Boulevard corridor from small commercial shops into a highrise zone.**

**Page 3-15, 2nd paragraph states Fairfax will undertake a focused geologic study to identify a range of measures that developers could incorporate to save costs. What Dyett & Bhatia do not know is that Fairfax has always suffered from landslides, homes sliding down the hillsides. Then, because of slides in the late sixties and early seventies and Fairfax's propensity of high hazards for landslides, The State of California, Division of Mines & Geology, moved State geologist Ted Smith to Fairfax for one year for the purpose of mapping every known landslide in Fairfax. The State rented Mr. Smith a house in Fairfax and he walked every street and road checking for both active and inactive landslide formations. He mapped the whole Town and each landslide area was marked with a number. A 4 being the most susceptible for a landslide.**

**In 1973 we hired Wallace McGarg Roberts & Todd (WMRT) to prepare Fairfax's 1974 Open Space Element. WMR&T was given a copy of State geologist Ted Smith's field notes to map Fairfax's known landslides. That General Plan Open Space Map was in the Town Safe when I left the Town Council in 2005. Now Dyett & Bhatia wants Fairfax to spend hundreds of thousands of dollars to remap all of the known landslides.**

**Fairfax is in the worst shape for disasters, fires and floods, than any other of Marin's towns/cities. Most of Fairfax is in the Wildland Urban Interface Zone (WUI) and what is not in the WUI Zone, is in the Flood Zone. In 1982 we had 18 inches of rainwater flowing through downtown Fairfax businesses. The Sunnyside Detention Basin constructed by the Ross Valley Flood Zone 9 will reduce downtown Fairfax Fairfax flooding by 4 inches so instead of 18 inches of flood water flowing through downtown businesses, only 14 inches of flood water will flow through them.**

**I was here in Fairfax in 1944 when Marin County prepared to evacuate the entire Town of Fairfax because of the wildland fire that came over Mount Tam burning north. The wind shifted to the northwest and Fairfax was spared. My father and I drove out to the Taylor Campgrounds (before it became Samuel Taylor State Park) and the fire burned itself out when it hit Lagunitas Creek.**

**Fairfax has one way in and one way out. A vehicle accident on SF Drake in Fairfax turns the Upper Ross Valley into**

**gridlock for hours. Fairfax must have a real Evacuation Plan to get 7,500 people out of here. The mapping we have today is useless in a major conflagration. Fairfax will end up being another "Paradise" if this Redevelopment Plan proposed by Dyett & Bhatia is approved as written.**

**Who will accept liability for death and destruction when the conflagration hits Fairfax, the Town Council? The State of California?**

**Fairfax must find a real environmental lawyer and challenge the CA Dept of Housing & Community Development and ABAG's RHNA numbers in court.**

**Thank you,  
/s/ Frank Egger for Save Fairfax  
[13 Meadow Way, Fairfax, CA](#)**

**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing element  
**Date:** 01.05.2023 16:51:14 (+02:00)

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**From:** Jessica Herbold <jessherbold@gmail.com>  
**Sent:** Sunday, April 30, 2023 4:33 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Housing element

Dear Members of the Town Council,

I am writing to express my grave concern about the housing element and the future of Fairfax.

Previously I spoke at a meeting that was focused on the property formerly known as the Marin Town and Country Club. I live across the creek from that property.

Fairfax is a beautiful oasis of calm and beauty in the Bay Area. Please do everything you can to preserve our natural beauty and open space for residents, for wildlife, and for future generations.

If having more rent control will protect our town from increased development, I am strongly in favor of rent control. I would also be willing to serve on a committee and or to volunteer time in some other way if this would help to protect our town from development.

Thank you,

Jessica Herbold  
26 Baywood Ct, Fairfax, CA 94930





Scott L. Hochstrasser  
**IPA, Inc.**

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E-Mail [slh3ipa@gmail.com](mailto:slh3ipa@gmail.com) \*195 John Street, Tomales (mail: P.O. Box 318), CA 94971\* Tele (415)572-2777

April 24, 2023

Mayor Chance Cutrano, Vice Mayor Barbara Coler  
Housing Element Subcommittee  
142 Bolinas Road  
Fairfax, CA 94930  
(Emailed: [Housing@townoffairfax.com](mailto:Housing@townoffairfax.com))

RE: 615 Oak Manor Drive, Fairfax CA 94930  
REQUEST FOR DRAFT HOUSING ELEMENT CHANGES

Dear Mayor Cutrano and Vice Mayor Coler,

My office has been retained by Mr. Robert Schwartz owner of the property known as 615 Oak Manor Drive, Fairfax CA. (APN 174-070-71). The subject property is listed in the Draft Housing Element update 2023-2031 (item #36) in Appendix A Fairfax Sites Inventory –HCD Form( #1) as a potential site for future development of up to 10 new above moderate income single family homes. This 40-45 acre property was not identified in prior housing elements. However, in previous iterations of the current draft housing element, in the site inventory this site was identified as a potential opportunity site for up to 40 dwelling units or one dwelling per one acre. The site is vacant except for one single family detached home and one accessory dwelling unit now occupied on-site. It is not clear in the administrative record why this sites future housing opportunity has been so dramatically reduced. But it is my opinion that the subject property presents opportunity for more housing than the 10 new above moderate income single family homes.

**In short the purpose of this letter is to request that prior to adoption of the draft Housing Element that your committee modify the “Appendix A-Fairfax Sites Inventory” for the property at 615 Oak Manor Drive (APN 174-070-71 to include a potential for up to 27 units.**

My client is committed to seeing his large piece of vacant land as an opportunity for the Town to address the affordable housing crisis not just with the potential development of more “above moderate income” single family detached homes and accessory dwellings. Accordingly, he has taken the next step to demonstrate conceptually that his property has the potential to provide a mix of housing unit types including potentially up to 20 multiple residential attached moderately priced ‘for sale condo’ or rental apartments on a 1 acre plus site. In the following land planning analysis it will be demonstrated that the subject property provides the Town with an excellent opportunity for additional housing to address the needs of the community, region and state while

at the same time generally meeting the Town of Fairfax General Plan policies.

## PROPERTY CHARISTICS

Assessor's parcel # 174-070-71 is a large vacant property located on the northwest part of the Town of Fairfax. It is generally an upslope and wooded hillside and secondary ridge of the Loma Alta landmark. The southern corner of the lot fronts Sir Francis Drake Blvd, a major roadway arterial, the flat portion of the site sits cross the road from four (4) large two story multiple attached rental home complexes. To the east the property backs up to approximately fifty (50) existing single family detached homes that front on Oak Manor Drive. There is hillside open space to the west and north property boundary.

## HOUSING OPPORTUNITIES

In addition to the opportunity for up to ten (10) new above moderate single family homes with ADUs, as identified in the Draft Housing Element site inventory, a portion of the property fronting on Sir Francis Drake Blvd. provides the potential for up to 20 new multiple attached residential dwellings.

Attached to this letter please find a single page (11"x17") "Preliminary Site Plan- Robert Schwartz –Fairfax CA – APN 174-070-71" prepared by "b.thomas-draft design" dated April 24, 2023. The purpose of this preliminary site plan is to provide an aerial visual of the property and its juxtaposition to the existing developed area. A careful review of the exhibit demonstrates potential housing opportunity locations exist in "infill" sites (shown in white on the exhibit). These sites are located on public roadways, transit line, fronting on pedestrian/bike ways and where ample established utilities exist. All of the potential new single family home sites identified are within less than a mile walking distance, and the multiple residential attached units are less than ¼ mile walking distance to shopping, public transit, schools and churches.

### A. Potential Opportunities for Seven (7) New Single Family Homes

The attached exhibit shows the location (See Exhibit Table Item #1) of a recently developed single family home and accessory dwelling constructed by Mr. Schwartz. Although the client supports use of portions of his property to meet Town housing needs he intends to maintain approximately 15 acres of the large site for his own residential use and private open space enjoyment. Lot 1 on the exhibit shows the existing developed area with two buildings and the potential private property lot of the owner.

Lot 2 in the exhibit shows a future larger parcel with up to four (4) new homes clustered on the Oak Manor roadway frontage at the top of the hill. The four (4) new lots could be approximately 10,000 sq each and show potential for single family dwelling footprints and ADUs. These would be "infill" lots completing the row of housing on the west side of Oak Manor Drive. The lot sizes and future homes would be sized to generally be consistent with the established community character.

By locating the lots on the existing roadway frontage they are significantly down slope, approximately 100 ft vertically, from the higher property elevations and can comply with a long

standing policy of the town to avoid development on visually prominent ridge lines. Homes in this location provide future residents with immediate access to existing roadway and utilities, public open space and are within less than a mile from public transit, public school, a church and a small shopping center.

Lot 3 in the exhibit shows two additional 23,000 sq ft lots with single family home and ADU footprints. These lots would be accessed with a common driveway leading from Oak Manor Drive an established roadway with utilities. The lots are within 2,000 ft of a public transit stop, an elementary school (Manor School), a church and small neighborhood shopping center.

#### *B. Potential Opportunities for Twenty (20) New Multifamily Attached Homes*

Lot 4 on the attached exhibit shows an area at the most southern portion of the subject property where generally there is over an acre of flat land fronting on Sir Francis Drake Blvd. (SFDB). SFDB is a major roadway, transit route and pedestrian walk/bikeway used by the public for access to two public schools, churches, neighborhood shopping center and Fairfax downtown. This lot is located in the western end of the Town of Fairfax which is developed with several large rental apartment buildings on the adjacent and south side of Sir Francis Drake Blvd. The subject property practically shares a common boundary with a neighborhood shopping center.

Based on a land use compatibility assessment of existing land use patterns this location is exactly where multiple family attached “infill” housing is appropriate. The site provides an ideal location for multiple attached rental or moderate or lower cost ‘for sale’ condominiums with immediate pedestrian/bike access to utilities, transit and community resources including schools, churches and shopping.

#### **SUMMARY AND CONCLUSION**

Opportunities for new housing development on the subject property had been a challenge for many years for previous owners because of regulatory barriers, mostly Town zoning restrictions and the community desires to preserve the upper reaches of the ridgeline for public open space. Furthermore, the property admittedly has site specific challenges related to geologic, biologic, hydrologic conditions but none of which would actually preclude balanced site development. This is actually demonstrated at 615 Oak Manor Drive (see Lot 1) by the Town planning approval and the clients construction of a new single family home and ADU developed on a portion of the property.

The site plan attached herewith demonstrates that it is possible for the subject property to address two competing goals of the Town and the citizens. First, to meet significant housing needs with additional housing opportunities with various unit types. These sites can potentially be developed on the property boundaries at “infill” locations where multi model access, utilities and community resources are immediately available. Secondly, with careful project planning over 30 acres of the subject property can be protected for its ridge line scenic and open space values desired by the Town citizens.

*This request to modify the site inventory is consistent with several of the Draft Housing Element goals, objectives, policies and programs which may also need some revisions as noted below;*

Goal 5 – Program 5-1 Goal 5 – “Monitor Effectiveness of housing programs ....” Program 5-1 “Ensure that the Town is meeting State requirements as well as housing needs of current and future residents by carrying out procedures for tracking progress toward achieving adopted housing goals and objectives.” This program should include re-zonings for each of the sites in the inventory to be initiated immediately by the Town and before HCD certifies the housing element.

Pages 4-7- Program M-1 zoning incentives – this is a key program that should be modified to include a Town initiated rezoning of all of the opportunity sites identified that require rezoning. The site inventory table could be expanded to note the sites that need a rezoning to allow the housing opportunities identified, new zoning required and a timeframe for completing the rezoning. It should be specific to include portions of the property at 615 Oak Manor Drive and others identified in the site inventory to remove zoning regulatory barriers to future housing development.

Program 2-D – this program should be modified to be more specific and identify the large hillside and flat sites listed in the site assessment. It would be helpful if the specific sites in the inventory that fall under this program were listed in Program 2-D. One idea might be to list the sites by the number referenced in the site inventory and provide a thematic map of the hillside and flat portions on the sites listed.

Finally, as respectfully requested modifying the *“Appendix A-Fairfax Sites Inventory” for the property at 615 Oak Manor Drive (APN 174-070-71 to include a potential for up to 27 units is fair, reasonable, good planning and necessary for the Town to demonstrate a true commitment to addressing the housing needs of the citizens.*

Thank you in advance for your kind consideration of this request.

Sincerely,  
Scott L. Hochstrasser

CC – via email:  
Town Council Members  
Client  
Legal Counsel  
California Housing and Community Development



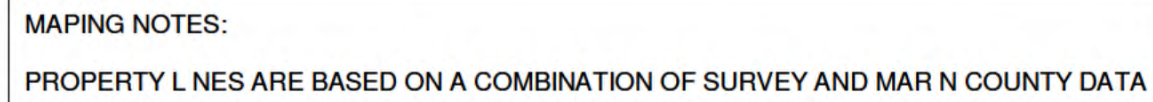


ALL DRAWINGS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UN-PUBLISHED WORK OF B. THOMAS DRAFT & DESIGN LLC AND MAY NOT BE DUPLICATED OR USED WITHOUT WRITTEN OR DISCLOSED CONSENT. ALL EXPRESSED DIMENSIONS AND ANNOTATIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

**Fairfax, CA**

APN: 174-070-71

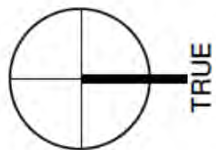
Scale  $1'' = 160'-0''$



PARCEL NOTES:

CALCULATED AREA WITH N PROPERTY LINE BOUNDARY: 45 ACRES

1	15 ACRES w/ (E) SINGLE FAM LY DWELLING (SFD) AND ADU
2	4 (N) SFD PLUS ADU ON SEPARATE PARCELS OF APPROX 10k SQ FT EACH
3	2 (N) SFD PLUS ADU ON SEPARATE PARCELS OF APPROX 23k SQ SF EACH
4	20 (N) MULTIPLE RES DENTIAL ATTACHED UNITS ON APPROX 1 ACRE PARCEL ALONG SIR FRANCIS DRAKE BLVD
5	POTENTIAL OPEN SPACE OF 30+ ACRES





From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: FOSC Comments on Housing Element Update  
Date: 01.05.2023 16:51:44 (+02:00)  
Attachments: 20230428 FOSC Comments on Housing Element Update.docx (7 pages), Exhibit 1 to FOSC Comments on Housing Element Update.pdf (1 page), Exhibit 2 to FOSC Comments on Housing Element Update.pdf (11 pages)

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From: Jack Judkins <junkthird@gmail.com>  
Sent: Sunday, April 30, 2023 4:46 PM  
To: Housing <Housing@townoffairfax.org>  
Cc: Susan Beran <pascalberandesign@yahoo.com>; Michael Ardito <michael.ardito@sbcglobal.net>; Chance Anthony Cutrano <ccutrano@gmail.com>; Stephanie Hellman <shellman@townoffairfax.org>  
Subject: FOSC Comments on Housing Element Update

The attached memo, with accompanying Exhibits, is submitted on behalf of the Fairfax Open Space Committee, a committee created by the Town by resolution and which is charged specifically with the obligation to participate as an advisory body to the Town on open space matters and specifically to **"review planning and development matters in order to formulate policies that it may deem appropriate to advocate"**. We hope that we will be more directly brought into the process so that we can carry out our statutory responsibilities as a committee of the Town. Please direct any questions to me on behalf of the committee

Jack Judkins, Vice Chair, Fairfax Open Space Committee



**TOWN OF FAIRFAX  
FAIRFAX OPEN SPACE COMMITTEE**

**MEMORANDUM**

To: Town Councilmembers, Town Manager, Town Planning Director  
From: Fairfax Open Space Committee  
Jack Judkins, Vice Chair  
Date: April 28, 2023  
Re: FOSC Comments on Updated Housing Element: Priority Open Space lands

***Introduction: Role of the OS Committee and the Public Process***

The Fairfax Open Space Committee (FOSC or the Committee) was established by Resolution of the Town (Resolution No. 2334, as subsequently amended) in 2004. Under that resolution the purposes of the Committee include advising the Town on matters affecting open space lands which are environmentally sensitive and which have aesthetic qualities. In addition, the Committee was given the specific responsibility to participate as an advisory body and to **“review planning and development matters in order to formulate policies that it may deem appropriate to advocate”**.

Consistent with these purposes, the Open Space Element of the Town General Plan, adopted in 2012, specifically identifies the Committee as having the responsibility to “create an inventory of undeveloped and underdeveloped lands within the Fairfax Planning Area”. See General Plan Objective OS-1.2. Appendix OS-A to the Open Space Element provides “a preliminary inventory of approximately 30 known parcels within the Fairfax Planning Area that are undeveloped or underdeveloped”.

The “Miranda Heights Property”, the “Ross Property” and the undeveloped 18 acres of the “RFC Property”, as now identified in the Housing Element Update as sites available for housing, were included on the General Plan open space “inventory” as high priority open space parcels since the adoption of the current General Plan in 2012.

Under the General Plan, FOSC was also charged with the responsibility to: “create an inventory of undeveloped and underdeveloped land parcels within the Fairfax Planning Area, and make the inventory publicly accessible”. This inventory shall take the form of a map and a list”. See Open Space Element, Program OS-1.2.1.1.

Consistent with that directive, in 2015 FOSC submitted to the Town Council and the Town Council approved additional properties that were identified as high priority open space lands to be conserved. At the same time, The Town Council approved the submission of an application by the Town to the Association of Bay Area Governments (ABAG), through the “One Bay Area” process, for ABAG acknowledgment and designation of these properties as “Priority Conservation Areas” (PCAs). Under this process, in 2015, ABAG approved and designated 3 new areas in the Fairfax planning area as PCAs, adding to the earlier approved (2008) designation of the “Central Marin Ridge Lands” PCA. ABAG made these PCA designations in large part on the conclusion that these properties were deemed to be located within an area that had significant and exceptional open space values, including recreational opportunities, visual qualities, and plant and animal ecosystems. A copy of the map submitted to and approved by ABAG, showing the 2015 designated “Fairfax Open Space PCAs (PCAs 1-3)”, as well as depicting the earlier 2008 approved Central Marin Ridge Lands PCA, is attached as Exhibit 1. Also attached, as Exhibit 2, is a 2016 MTC memo referencing the approval by ABAG of these PCAs.

A comparison of the PCA maps with the “vacant single-family lots” identified in the Housing Element Update as sites available for housing reveals that many of these sites that are “available for housing” are also specifically designated as priority conservation lands by ABAG, by the General Plan and by the General Plan inventory.

Because of their inclusion under the inventory and designation under the PCA process as high priority open space properties, the Open Space Element affords these properties special status and protection. The following objectives, policies and programs of the Open Space Element require that:

- Objective OS-1.4: Protect undeveloped and underdeveloped lands according to the [inventory] list and priorities established by Objective OS-1.2 and OS-1.3 by converting them to Designated Open Space.



- Policy OS-1.4.3:: Acquire parcels in this inventory if they become available for purchase if possible.
- Program OS-1.4.3.1: If high-priority parcels on the inventory list come up for sale or auction, the Town Council shall consider allocation of funds from any available sources to acquire the property and create additional Designated Open Space (see Appendix OS-B).
- Policy OS-1.4.4: Acquire and encourage the acquisition of appropriate [open space] easements on parcels in this inventory, if possible.
- Program OS-1.4.4.1: Conservation and open space easements acquire development rights for the public, for all or part of a property, while ownership is retained by the property owner. If purchase is not feasible, the Town of Fairfax shall approach the owners of these properties to investigate the possibility of creating Designated Open Space through acquisition of an appropriate easement.
- Policy OS-1.4.5: Dedicate all or part of privately owned parcels in the inventory for use as open space, whenever possible.
- Program OS-1.4.5.1: Property owners shall be encouraged to set aside land dedicated to open space as a condition to development of parcels in the inventory. While access to these open space lands may be restricted, the preservation of open space land in its natural state is valuable.
- Program OS-1.4.5.2: Identify opportunities early in the planning process for transferring development rights between parcels to create dedicated open space.

Other language in the Open Space Element and elsewhere in the General Plan also recognize the critical importance of these priority open space lands and the visual, recreational, and natural resources found on them:

- General Plan Introduction, pp. 16-17: Today, Fairfax is a small town located at the western edge of Marin County's city centered corridor that parallels U.S. Highway 101, with the agriculturally rich rural portion of the county just beyond to the west. The town's natural setting encompasses a series of valleys, canyons, and forested hills with largely undeveloped ridgelines. Scenic and natural resources are key aspects of the community's sense of place and contribute to

the overall quality of life in Fairfax. In addition to the form of the land, mature trees and the extensive areas of protected open space in and around the Town help define the Town's identity as a community that values nature and environmental preservation.

- Open Space Element, OS-1 to OS-2: In 2004, the Town Council created a standing Open Space Committee to further long-term goals to acquire and maintain open space lands in the Fairfax Planning Area. The Open Space Element of the General Plan plays a major role in maintaining what residents cherish about living in Fairfax, and shaping the future of the town. Open space tends to vanish over time unless it is protected. This document outlines ways for the Town of Fairfax and its residents to consider existing open space areas, protect them from development, and expand protections for open space in the future. This Open Space Element establishes a series of programs in support of these goals.
- Open Space Element, OS-2: The Fairfax Planning Area (see Figure LU-4 in the Land Use Element) is visually and geographically defined by prominent ridgelines that separate it from adjacent communities in Marin County.
- Open Space Element, Objective OS-3.2: Preserve the visual appeal of the natural landscape in the Fairfax Planning Area.
- Open Space Element, Policy OS-3.2.2: Discourage development of any man-made structure on the ridgelines and within the ridge zones within the Fairfax Planning Area.
- Open Space Element, Policy OS-3.2.3: Prevent development from blocking or impairing existing views of Visually Significant Areas identified in Figure OS-1.
- Open Space Element, Program OS-3.2.3.1: Review development applications to ensure that views of Visually Significant Areas are not negatively impacted.
- Open Space Element, Objective OS-3.3: Constrain anthropogenic sound levels in and around open space areas so that natural sounds of flora and fauna are audible.
- Open Space Element, Policy OS-3.3.1: Constrain noise levels in Fairfax-Designated Open Space.

- Open Space Element, Objective OS-4.1: Create and preserve Designated Open Space to mitigate the threat of natural hazards.
- Open Space Element, Policy OS-4.1.1: Areas that are prone to landslides must remain as open space, or be developed with adequate engineering to mitigate the hazard.
- Open Space Element, Policy OS-4.1.2: Designated Open Space along creek channels and in flood-prone areas should be created whenever possible to mitigate flood hazards.
- Open Space Element, Policy OS-4.1.3: Mitigate extreme wildfire hazard in open space areas by reducing fire risk and removing invasive non-native species.
- Open Space Element, Program OS-4.2.1.1: Require that the design, location and construction of utilities, in existing open space or parcels in the inventory established by OS-1.2.1, minimize harm to the area's environmental and visual qualities.
- Land Use Element, Policy LU-1.1.1: New development shall be limited and of a scale that preserves the significant scenic and natural resources and rural character of the areas adjacent to the Town.
- Land Use Element Objective, LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town.
- Land Use Element, Policy LU-1.2.4: No roads or streets shall be permitted to traverse a ridge, except as deemed necessary specifically for emergency access and egress.
- Open Space Element, Objective OS-3.1: Provide and maintain a system of recreational trails that will create access amongst and between downtown Fairfax, neighborhoods of Fairfax, and open space in the Fairfax Planning Area.
- Land Use, Policy LU-1.1.3: Existing public easements will be utilized to develop a system of pathways as a potential recreational, circulation, and public safety resource.
- Land Use, Policy LU-7.1.6: New and renewed residential development outside of the Town Center Area should be compatible with, and subordinate to, the

topography, wildlife corridors and habitat, natural vegetation pattern, hydrology, and geotechnical characteristics of the area.

- Conservation Element, Objective CON-6.1: Protect special-status species, resident and migrant wildlife and their associated habitats.

Despite the obvious disconnect between the strong protections under the General Plan, required for these special status properties and the resource values associated with them, the draft updated Housing Element continues to show these properties as ones which could be developed to meet the new housing requirements imposed by ABAG. Equally inconsistent is that this same regional agency, ABAG, through a parallel process (One Bay Area), has identified these very properties as PCA's, indicating that they should not be developed but, instead, to the extent possible, preserved and protected as open space.

By including these properties on the list of properties on which housing could be built to meet the ABAG housing requirements, not only is the Town acting inconsistently with the existing General Plan and PCA designations, but, worse, such inclusion might be used to argue against any opportunity to acquire or otherwise protect all or a part of these properties as open space, should that opportunity present itself. It seems unlikely that the community or Town Council would desire this outcome.

For these reasons, FOSC voted unanimously that we strongly recommend to the Town that it reconsider the designation of these properties as suitable to meet the housing needs under the Updated Housing Element. We urge you and your Housing Element contractor to involve the Committee in the update process and to consider these issues and to look for other opportunities, especially ones involving infill, for meeting housing needs.

At a minimum, the update to the Housing Element should seek to minimize the impact on these priority open space properties by imposing constraints on any development the would:

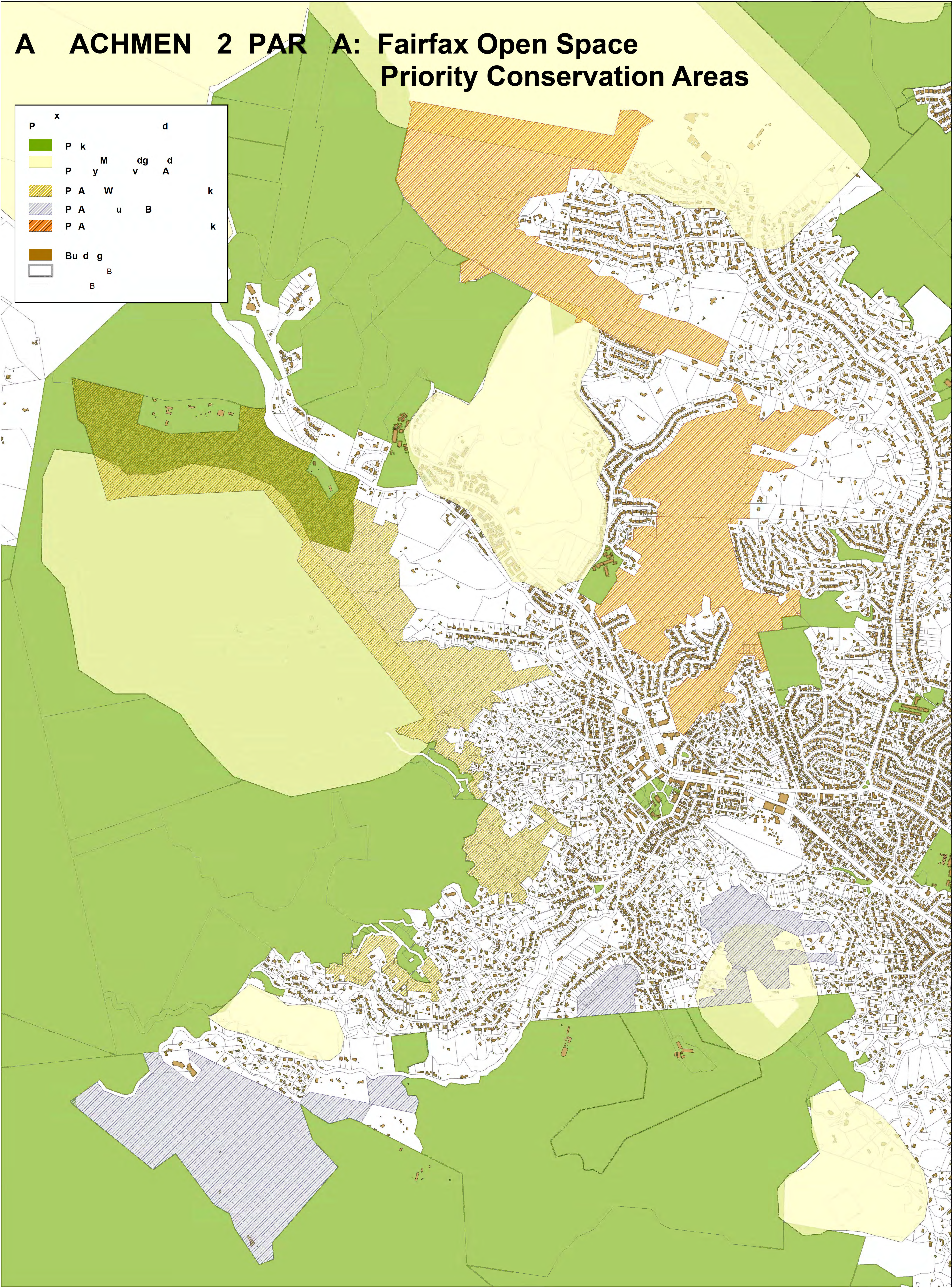
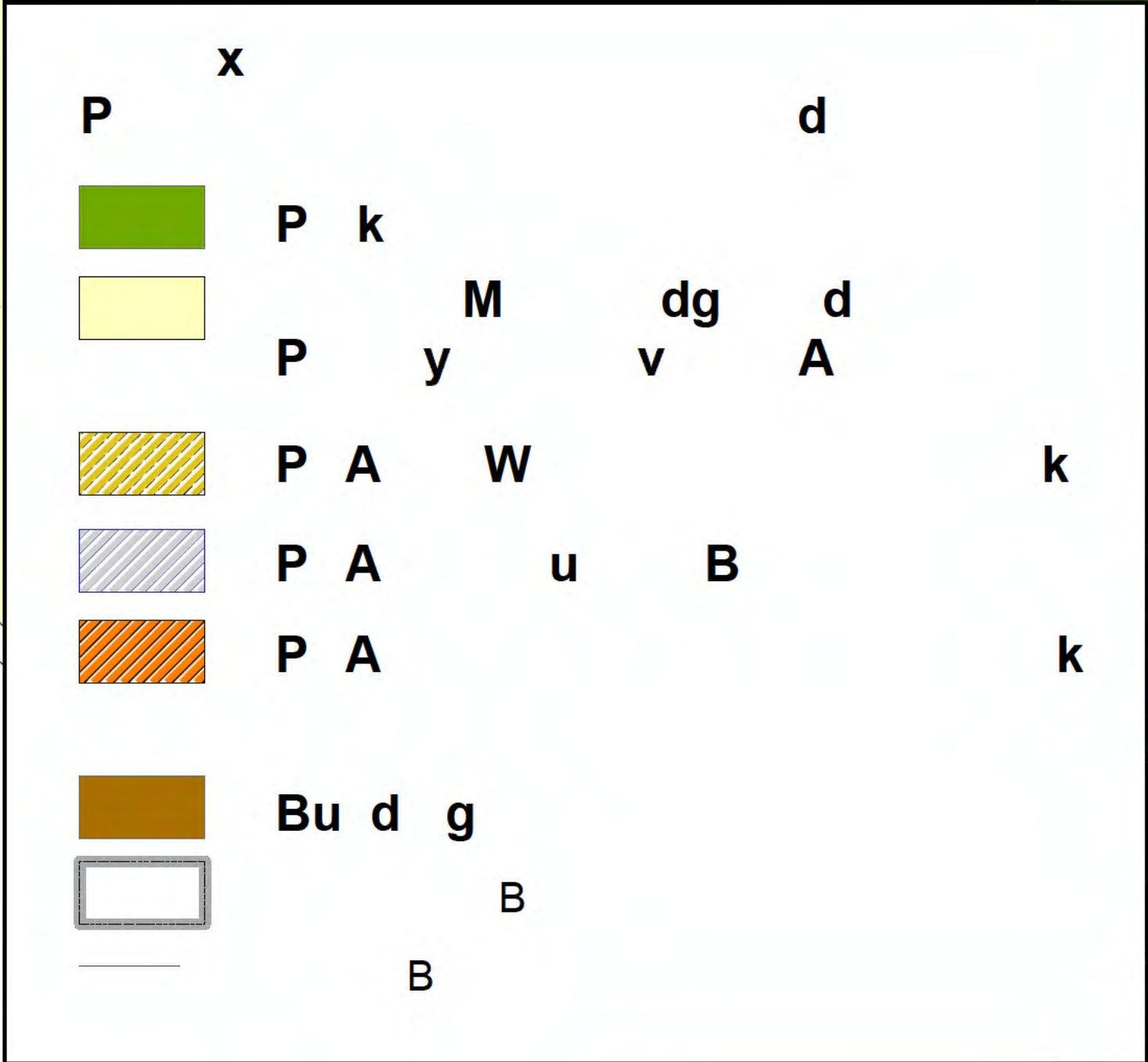
1. Require significant clustering.
2. Limit development to a minimum size.
3. Preserve ridgelines corridors.
4. Avoid impact on visual resources, water resources, and native flora and fauna
5. Respect and preserve wildlife corridors.
6. Identify those properties with special status species and preclude development that would affect those species.

7. Avoid impact on recreational uses which exist and have existed on many of these properties for well over a half-century and which may well be public access easements created by implication.

In addition, the bulk of housing development should be encouraged only in already developed areas, where infill opportunities exist and infrastructure is already present or can be readily provided.



**A ACHMEN 2 PAR A: Fairfax Open Space  
Priority Conservation Areas**







**DATE:** March 24, 2016

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Dianne Steinhauser, Executive Director  
David Chan, Programming Manager

**SUBJECT:** Adopt Priority Conservation Area (PCA) Guidelines for OBAG 2 (Action), Agenda Item No. 10

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## **RECOMMENDATION**

Recommend the TAM Board adopt the Marin PCA Program guidelines as shown in Attachment A.

On March 14, 2016, the Programming and Projects Executive Committee discussed the proposed Marin PCA Guidelines and unanimously approved staff's recommendation as presented.

## **BACKGROUND**

The Metropolitan Transportation Commission (MTC) adopted the One Bay Area Grant (OBAG) Program Cycle 2 to establish policies and programming guidance for federal surface transportation funds, covering five years - FY 17/8 to FY 21/22. OBAG was devised with the intent to integrate the federal surface transportation program with the region's land-use and housing policies with supportive transportation investments. More specifically, OBAG is MTC's attempt to effectuate the Sustainable Community Strategy (SCS), promulgated by SB 375.

In an effort to support the SCS under OBAG, MTC heavily emphasized the effort to promote transportation investments in Priority Development Areas (PDAs), which are infill development opportunity areas within existing communities identified by local jurisdictions. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a bicycle and pedestrian-friendly environment served by transit. By concentrating transportation investments in PDAs, MTC believes that the OBAG program will be consistent with the goals of SB 375.

While one of the primary goals of OBAG is targeted transportation investment in PDAs, MTC also recognizes the importance of the Bay Area's open space and agricultural lands by creating the Priority Conservation Area (PCA) Program in OBAG 1 where funding was set aside for projects in designated PCAs around the Bay Area. MTC has continued this commitment in OBAG 2.

## **PRIORITY CONSERVATION AREA (PCA) PROGRAM**

The goal of the PCA Program is to support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands in the Bay Area, for residents and businesses. These values include globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others. The PCA Program should also be linked to SB 375 goals which direct MPOs to prepare sustainable community strategies which consider resource areas and farmland in the region.

PCAs were nominated by local jurisdictions and adopted by the ABAG Executive Board during opened call periods in 2008, 2013, and 2015. In 2015, the ABAG Executive Board adopted 68 new PCAs and confirmed 97 existing PCAs for a total of 165 PCAs in the Bay Area.

There are 21 PCAs within Marin's boundaries. In addition, there are three regional PCAs with portions that lie within Marin, such as the San Francisco Bay Trail that circumvents the San Francisco Bay. See Attachment B for the list of PCAs in Marin.

### **PCA Funds Available**

Unless amended, a total of \$790 million is available to the Bay Area under OBAG Cycle 2. MTC has set aside \$436 million for regional programs that will be administered by MTC with the remaining funds apportioned to the CMAs. Within the \$436 million regional programs, MTC allocated \$16.4 million for the Priority Conservation Area (PCA) Program under OBAG 2.

The fund source used for the PCA Program is federal Surface Transportation Program (STP) funds. Project eligibility is limited by the eligibility of STP funding; unless the CMA can exchange these funds or leverage new fund sources for their programs.

While MTC's intent was to manage a competitive program across all nine Bay Area counties, the four North Bay Counties were able to influence MTC leadership to retain and expand the unique programs in the North Bay. Marin's program was used as an example of a very well run program. The four North Bay counties of Marin, Napa, Sonoma and Solano will therefore receive \$8.2 million (\$2.05 million each); the rest of the Bay Area counties will be participating in a regionally-managed PCA program to be administered by MTC, ABAG, and the Coastal Conservancy.

Agencies in any of the four North Bay Counties must apply in the county in which they reside. Therefore, an agency in a North Bay County cannot apply to the Regional PCA Program to avoid "double-dipping."

### **MTC/ABAG Program Evaluation**

The PCA Program was a pilot program under OBAG 1. Under OBAG 1, MTC and ABAG evaluated the selected projects from the North Bay Counties to determine their consistency to the program goal and their success in delivery. Marin was showcased with selecting projects that were consistent with the goals of the PCA program.

It is important that Marin and the other North Bay Counties continue to select projects that meet PCA goals in OBAG 2 and demonstrate to MTC and ABAG the effectiveness and efficiency of a locally-determined program so that the North Bay PCA program may advance in future federal authorizations.

## **PCA Administrators**

The Regional PCA Program will be administered by the Coastal Conservancy in partnership with MTC and ABAG. MTC has adopted Guidelines for the Regional PCA Program as shown in Attachment A.

The North Bay PCA Program framework is to be developed by the four North Bay county Congestion Management Agencies. The Regional Guidelines are similar to the first cycle of the PCA program, with a few notable two differences that include 1) reducing the minimum local match requirement from 3:1 in OBAG 1 to 2:1 in OBAG 2 and 2) adding a new eligible category, called Urban Greening, that allows the funding of green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.

TAM is the administrator for the Marin PCA Program and is responsible for adopting guidelines for the Marin PCA Program.

## **Proposed Marin PCA Guidelines**

After reviewing the adopted Regional PCA Program guidelines, it is the recommendation of staff to use many of the Regional guidelines for the proposed Marin guidelines, except for a few areas noted below.

PCA Designation – Eligible projects must be within a designated PCA.

Since there are 24 PCAs in Marin, there should be ample applications to consider when the Call for Projects is issued without having to expand the description. ABAG has periodically conducted Calls for Nominating PCAs. After requests are received, ABAG approved those qualified requests to be PCAs at one time as a group.

In OBAG 1, applicants had the option to request ABAG to consider new PCAs on an individual basis, separate from the Calls for Nominating PCAs. This option will not be available in OBAG 2 because the most recent Call for Nominating PCAs just concluded in September 2015. ABAG will not be considering new PCAs on an individual basis like it did in OBAG 1.

Non-Federal Local Match – MTC requires a 2:1 minimum match from non-federal funds, which means that 66% of the total funds will be from non-federal funding source(s) and 33% from PCA funds.

Under OBAG 1, TAM imposed a 1:1 minimum match for the Marin Program. Staff asked MTC if TAM has the discretion to use the 1:1 minimum match for OBAG 2. MTC maintains that the minimum match of 2:1 will be required for the Regional Program and the North Bay Counties.

TAM staff will conduct a Call for Projects under the 2:1 minimum match rule, and screen results. If insufficient candidates come forward, staff will bring further discussion back to the TAM Board.

Meets the Program Goals – The Regional Program listed four criteria as meeting program goals. TAM staff is recommending adopting the same four criteria, and adding two additional criteria, which include complete funding plan and non-substitution of existing funding source.

Staff anticipates receiving many applications for limited funds and recommends the additional criteria to better distinguish the applications from one another.

Emphasis Areas/Eligible Projects – Staff is essentially proposing the same emphasis areas/eligible projects for the Marin Program as the Regional Program with the addition of “Farm to Market” in the

description, entitled “5. Protection.” This recommendation is consistent with our adopted guidelines from OBAG 1.

## **EXECUTIVE COMMITTEE**

On March 14, 2016, the Programming and Projects Executive Committee discussed the proposed Marin PCA Guidelines and adopted to support staff’s recommendation as presented.

Commissioner Furst asked if maps are available, showing the boundaries of each designated PCA in Marin. Staff was able to ascertain that maps are not currently available, but ABAG is the process of developing maps for the adopted PCAs. ABAG is not certain when the maps will be finished but is hoping to make them available on its website by the summer of 2016.

## **NEXT STEPS**

After the adoption of the Marin PCA Program Guidelines, staff will issue a Call for Projects in the amount of \$2.05 million. Applicants will be given about 8 weeks to submit applications. An evaluative committee will be formed to evaluate the applications against the adopted guidelines. A proposed list of projects will be presented to the TAM Board for adoption, tentatively scheduled for July 2016. The TAM Board adopted list of projects will be forwarded to MTC for inclusion into the federal TIP database.

## **ATTACHMENT**

Attachment A: Draft Marin PCA Program  
Attachment B: PCA Areas in Marin  
Attachment C: Approved PCA Projects from OBAG 1

**OBAG 2 - Priority Conservation Area (PCA) Programs  
(Draft March 14, 2016)**

	<b>Regional PCA Program</b>	<b>Marin PCA Program</b>
<b>Administrator</b>	<b>Coastal Conservancy</b>	<b>TAM</b>
<b>Program Goals</b>	Support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands and open space for residents and businesses, including globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others.	Same
<b>Funding Amount</b>	\$8.2 million	\$2.05 million
<b>Funding Source</b>	Federal Surface Transportation Program (STP) funds unless funds can be exchanged with other local funds.	Same
<b>Programmed FYs</b>	Funds can be programmed in FY 17/18, FY 18/19, FY 19/20, FY 20/21, and/or FY 21/22.	Same
<b>Screening Criteria</b>	<b>PCA Designation:</b> Eligible projects must be within a designated PCA.	Same
	<b>Regionally Significant:</b> Indicators of regional significance include a project's contribution to goals stated in regional habitat, agricultural or open space plans, countywide Plans or ABAG's PCA designations. Applicants should describe who will benefit from the project and regional (greater-than-local need) it serves.	Same
	<b>Open Space Protection In Place:</b> Linkages to or location in an area that is protected from development. Land acquisition or easement projects would be permitted in an area without open space policy protections in place.	Same
	<b>Non-Federal Local Match:</b> 2:1 minimum match,	Same, but greater consideration will be given to projects with higher than the minimum match.
	<b>Meets Program Goals:</b> Projects that meet one of the following program goals from Group A:	Projects must have one of the goals from Group A and all of the program goals from Group B



	<p><u>Group A</u></p> <ul style="list-style-type: none"> <li>o Protects or enhances “resource areas” or habitats.</li> <li>o Provides or enhances bicycle and pedestrian access in an open space /parkland resources. Notable examples are the Bay and Ridge Trail Systems.</li> <li>o Supports the agricultural economy of the region.</li> <li>o Includes existing and potential urban green spaces that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.</li> </ul>	<p><u>Group B</u></p> <ul style="list-style-type: none"> <li>o With the requested PCA funds, project sponsor has substantially all funds needed to complete the project without seeking other funds.</li> <li>o Does not replace existing funding source.</li> </ul>
<b>Eligible Applicant</b>	Local governments (cities, counties, towns), county congestion management agencies, tribes, water/utility districts, resource conservation districts, park and/or open space districts, land trusts and other land/resource protection nonprofit organizations based in Marin County are invited to nominate projects. Applicants are strongly encouraged to collaborate and partner with other entities on the nomination of projects, and partnerships that leverage additional funding will be given higher priority in the grant award process. Partnerships are necessary with cities, counties, or CMAs in order to access federal funds. Project must have an implementing agency that is able to receive a federal-aid grant (master agreement with Caltrans)	Same
<b>Emphasis Areas / Eligible Projects</b>	<p><b>1. Planning Activities</b></p> <p><b>2. Pedestrian and Bicycle Facilities/ Infrastructure:</b> On-road and off-road trail facilities, sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming, lighting and other safety related infrastructure, and ADA compliance, conversion and use of abandoned rail corridors for pedestrians and bicyclists.</p> <p><b>3. Visual Enhancements:</b> Construction of turnouts, overlooks and viewing areas.</p> <p><b>4. Habitat / Environmental Enhancements:</b> Vegetation management practices in transportation rights-of-way, reduce vehicle-caused wildlife</p>	<p>Same, except the following:</p> <p><b>5. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands:</b> Parks and open space, <b>farm to market</b>, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife</p>

	<p>mortality or to restore and maintain connectivity among terrestrial or aquatic habitats, mitigation of transportation project environmental impacts funded through the federal-aid surface transportation program.</p> <p><b>5. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands:</b> Parks and open space, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife corridors, wildlife corridors watersheds, or agricultural soils of importance.<sup>1</sup></p> <p><b>6. Urban Greening:</b> Existing and potential green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.</p> <p>Note: MTC encourages PCA project applicants to partner with other agencies and programs to leverage other funds in order to maximize benefits. As such, PCA funded projects may become eligible to deliver net environmental benefits to a future Regional Advance Mitigation Planning (RAMP) program project, above any required mitigation requirements. Note that such projects may need to rely on funding exchanges with eligible non-federal funds because most land acquisition and habitat restoration projects that are not mitigation for transportation projects are not eligible for federal transportation funds. Any such funding exchanging must be consistent with MTC's funding exchange policy (MTC Resolution No. 3331).</p>	<p>corridors, wildlife corridors watersheds, or agricultural soils of importance.<sup>1</sup></p>
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<sup>1</sup> Projects under this category would need another funding source to exchange with grant funds since federal STP funds are prohibited from land acquisition and non-transportation related projects.

Adopted Priority Conservation Areas  
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR2	3rd Valley Creek/Chicken Ranch Beach Conservation Area	Inverness	Marin County	Inverness	29	Tomales Bay Watershed Council	Point Reyes National Seashore, Gulf of the Farallones National Marine Sanctuary, State Lands Commission, California Department of Fish and Game, Coastal Commission, California State Parks, Marin County, Inverness Public Utility District, Environmental Action Committee of West Marin, Inverness Association, and private property owners.	NL			2008
MR3	San Geronimo Valley headwaters of the Lagunitas Watershed and shore of Tomales Bay		Marin County	San Geronimo Valley and shore of Tomales Bay, west Marin County; 9 square-miles headwaters (out of a total 103 square mile watershed)	5,760	Salmon Protection And Watershed Network	Point Reyes National Seashore (National Park Service)	NL, RR			2008
MR4	Marin County Agricultural Lands		Marin County	agriculturally zoned land in unincorporated Marin County	75,000	Marin Agricultural Land Trust	State Coastal Conservancy, Department of Conservation Farmland Conservancy Program, Marin County, Marin Resource Conservation District, Marin Farm Bureau, Tomales Bay Watershed Council, National Park Service	AL			2008
MR5	Marin City Ridge	Marin City	Marin County	Marin City Ridge adjacent to the Golden Gate National Recreation Area	72	National Park Service, Golden Gate National Recreation Area	Potential partners could include Marin County Open Space District and the Golden Gate Parks Conservancy	NL, RR			2008
MR6	North GGNRA Lagunitas Creek Parcels		Marin County		331	National Park Service, Golden Gate National Recreation Area	Marin County Open Space District, Marin County Bicycle Coalition, Point Reyes National Seashore	NL, RR			2008
MR7	Central Marin Ridge lands	Central urban Marin, San Anselmo, Fairfax, Ross, County, San Rafael	Marin County	Central Marin	996	Marin County Parks and Open Space Department	San Anselmo, Ross, Fairfax, San Rafael, Marin Conservation League, County Flood Control, TPL	NL			2008
MR8	North County Gateway		Marin County	Unincorporated undeveloped lands north of Novato on either side of Highway 101 to the Sonoma County line and the Petaluma River	5,330	Marin County Parks and Open Space Department	Marin Conservation League, Sierra Club, Bay Area Ridge Trail Council, Bay Trail, SCAPOSD, State Parks	NL			2008

Adopted Priority Conservation Areas  
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR9	Bothin Waterfront		Marin County	The Upper Richardson Bay waterfront in City of Mill Valley and County Jurisdiction	50	Marin County Parks and Open Space	County Flood Control, City of Mill Valley, Marin Audubon, Bay Trail, MCL, Sierra Club	NL			2008
MR10	Big Rock Ridge Lands		Marin County	Unincorporated Central Big Rock Ridge area, City of Novato backdrop	3,000	Marin County Parks and Open Space Department	Bay Area Ridge Trail Council, City of Novato	NL			2008
MR11	Tiburon Ridge Lands		Marin County	Incorporated and Unincorporated lands along the Tiburon Ridge from the bay to Ring Mountain	322	Marin County Parks and Open Space Department	Town of Tiburon, Native Plant Society, Marin Conservation League	NL			2008
MR12	Bowman Canyon	Adjacent to Novato	Marin County	SW of 101 adjacent to Stafford Lake and Mt. Bordell open space	1,200	Marin Conservation League	Marin County Open Space District, Marin County Flood Control District, Marin Agricultural Land Trust, California State Parks, Sierra Club, Friends of Novato Creek, Bay Area Ridge Trail Council	NL, AL, RR			2008
MR14	St. Vincent's and Silveira Properties	Unincorporated area of San Rafael	Marin County	Unincorporated area between Hwy 101 and SF Bay	335	Marin Audubon Society/Marin Baylands Advocates	Sierra Club, Marin Conservation League	NL			2008
MR15	Central Marin Bayfront, Madera Bay Park	Town of Corte Madera	Marin County	Shorebird Marsh, owned by the Town of Corte Madera is to the west, and the Department of Fish and Game owned, Corte Madera Ecological Reserve is to the north, east and south.	5	Marin Audubon Society/Marin Baylands Advocates	Marin County Open Space District, Sierra Club, Marin Conservation League, Priority Conservation Area Committee	NL			2008
MR18	Central Marin Bayfront, Canalways		Marin County	San Rafael Waterfront, adjacent to San Rafael Shoreline Park; Bayfront of the City of San Rafael	85	Marin Audubon Society	Sierra Club, Marin Conservation League, Priority Conservation Area Committee, Marin County Department of Parks and Open Space	NL			2008
MR19	Fairfax Zone 1 - Western Fairfax/Tamarancho/Cascade	Fairfax	Marin County	located west of developed areas of Fairfax, west of Sir Francis Drake Blvd, north of Bolinas/Fairfax Rd	308	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015
MR20	Fairfax Zone 2 - Southern Fairfax/Bald Hill	Fairfax	Marin County	south of Sir Francis Drake Blvd and Bolinas/Fairfax Rd	275	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015

Adopted Priority Conservation Areas  
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR21	Fairfax Zone 3 - Northern Fairfax/Sleepy Hollow/Oak Manor/Wall	Fairfax	Marin County	north of Sir Francis Drake Blvd	448	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015
MR22	Carmel Open Space	Novato	Marin County	south of Carmel Drive, north of Vallejo Ave	5	City of Novato		NL, RR	recreation, terrestrial ecosystems		2015
MR23	Davidson Hill Area	Novato	Marin County	Davidson St south of Olive Ave	30	City of Novato		NL, RR	recreation, terrestrial ecosystems		2015
MR24	Hill Recreation and Arroyo Avichi Creek Area	Novato	Marin County	1560 Hill Road and 1521 Hill Road, Novato	23	City of Novato		NL, AL, UG, RR	community health, terrestrial ecosystems, agricultural resources	compact growth	2015
MR25	O'Hair Park	Novato	Marin County	855 Sutro Ave, Novato	100	City of Novato		UG, RR	recreation, community health, terrestrial ecosystems	wildlife habitat	2015
MULTI1	San Francisco Bay Trail – Bay Area Ridge Trail	Fremont, Albany,	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties	Completion of regional trail systems	1,675	San Francisco Bay Trail Project	Bay Area Ridge Trail Council	NL			2008
MULTI4	California Coastal Trail	Regional	Sonoma, Marin, San Francisco, San Mateo counties	Over 137 miles of Coastal trail are currently open to the public along the Sonoma, Marin, San Francisco, and San Mateo coasts; once completed, the Coastal Trail in the Bay Area will be approx 170 miles long	400	San Mateo County, on behalf of the State Coastal Conservancy	Coastal Conservancy, numerous counties and cities along the 1,200-mile California coast	RR	recreation	scenic, economic, alternative transportation, health, environmental protection	2015
MULTI5	San Francisco Bay Area Water Trail	Regional	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties	Along the shoreline of San Francisco Bay and its tributary waters in all nine counties	30	San Mateo County, on behalf of the State Coastal Conservancy	ABAG, Coastal Conservancy, Bay Conservation & Development Commission, Division of Boating and Waterways, 9 counties, numerous cities, ports resource agencies, nonprofit organizations	RR	recreation	scenic, economic, health, environmental protection and stewardship	2015



<b>Approved PCA Projects from OBAG 1</b>				
<b>Sponsor</b>	<b>Project</b>	<b>Total Project Cost</b>	<b>PCA Fund Requested</b>	<b>Approved PCA Funds</b>
MALT	Thacher Ranch Easement Acquisition	\$1,628,000	\$250,000	\$250,000
Novato	Pacheco Hill Parkland Acquisition	\$6,600,000	\$500,000	\$500,000
Mill Valley	Bayfront Park Recreational Bay Access Pier Rehabilitation	\$223,000	\$100,000	\$100,000
San Anselmo	Sunny Hills Ridge Trail	\$160,000	\$80,000	\$80,000
Marin County	Mill Valley-Sausalito Pathway Rehabilitation	\$1,756,000	\$878,000	\$320,000
	<b>Total</b>	<b>\$10,367,000</b>	<b>\$1,808,000</b>	<b>\$1,250,000</b>

From: **Marin Town and Country Club** <mtcc@classactionlocator.com>  
To: **heather@townoffairfax.org** <heather@townoffairfax.org>  
CC: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: site inventory list  
Date: 27.04.2023 01:58:26 (+02:00)  
Attachments: 1\_fairfax\_zoning\_Map.pdf (1 page), 2\_Fairfax\_Site\_Inventory\_list.pdf (1 page), 3\_topo, 10 olema rd.pdf (1 page), 4\_Parcel Detail, 10 olema rd.pdf (3 pages), 5\_Topo, school street.pdf (1 page), 6\_Parcel Detail, 6 school street.pdf.pdf (2 pages), 7\_topo, deer park villa.pdf (1 page), 8\_Parcel Detail, Deer Park Villa.pdf (3 pages), 9\_topo, eastside commercial (12 Parcels).pdf (1 page), 10\_topo, eastside commercial over view.pdf (1 page), 11\_Parcel Detail, 1573 sir francis drake.pdf (2 pages), 12\_Parcel Detail, 1599 sir francis drake.pdf (2 pages), 13\_topo, 711 center.pdf (1 page), 14\_Parcel Detail, 711 center.pdf (2 pages), 15\_topo, 137 mono ave.pdf (1 page), 16\_Parcel Detail, 137 mono ave.pdf (3 pages), 17\_topo, 141 bolinas.pdf (1 page), 18\_Parcel Detail, 141 bolinas.pdf (2 pages), 19\_topo, 615 oak manor.pdf (1 page), 20\_Parcel Detail, 615 oak manor.pdf (2 pages), 21\_topo, marinda heights .pdf (1 page), 22\_Parcel Detail, marinda part 1.pdf (2 pages), 23\_Parcel Detail, marinda part 2.pdf (2 pages), 24\_Parcel Detail, marinda part 3.pdf (2 pages), 25\_Topo, MT&CC.pdf (1 page), 26\_Parcel Detail, mtcc pt 1.pdf (2 pages), 27\_Parcel Detail, mtcc pt 2.pdf (2 pages), MTCCHousingNOP2.220922.docx (2 pages), MTCCHCDZoning.230124.pdf (3 pages)

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**From:** Marin Town and Country Club

**Sent:** Wednesday, April 26, 2023 6:55 PM

**To:** heather@townoffairfax.org

**Cc:** bcoler@townoffairfax.org; backerman@townoffairfax.org; shellman@townoffairfax.org; ccutrano@townoffairfax.org; lblash@townoffairfax.org; housing@townoffairfax.org; info@dyettandbhatia.com; dhorterrt@4leafinc.com; housing@doj.ca.gov

**Subject:** Fw: site inventory list

Dear Heather:

I did not see the attached emails and letter included in your comments for your last NOP. Please include this in your comments section for both the past and current NOP.

I will forward an updated "Comments" for your current NOP and General Housing Element. It would be misfeasance to exclude these. I also call out the changing format which precludes a reasonable person from readily observing the differences between presentations.

I especially bring to your attention our attached Housing NOP (220922) letter's comment on CEQA:

*CEQA 65864 Policy*

*c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.*

*If costs of a project exceed the anticipated return on investment, no building will occur. In the past these additional costs would render a project infeasible. It was a way Towns could provide sites, knowing nothing will ever be built there. The HCD has financial ramifications to address such avoidance.*

*A Financial Feasibility report is required and a quantitative determination comparing different sites containing different utilities; is a resource that must be provided in the Housing Element when known. If these real costs are not provided, how could the public make an informed decision?*

Please recall the lands of the MT&CC are flat, they are above the 500-year flood plain, currently have with room to expand a 4" water line, and a 14" sewer trunk line that originates on our property. We believe our 14" sewer trunk line was built in 1922 for approximately 8,000 homes.

As for the continued false assumptions that the lands of the MT&CC cannot be included in your housing element, I call to your attention the attached letter from HCD to San Diego, dated June 10, 2022. Please recall that I have cited this letter at Council meetings as well as I and others have forwarded it to you. Again, the HCD has clearly stated that local Voter Zoning cannot Trump State Law. HCD included case law for your review.

Additionally, under separate cover, I provided case law that a General or Common Law Town cannot have contradictory laws.

When the Town first came to me, Fairfax suggested 350 - 450 homes on my property. Then a Town website was put up where 6,000 community comments allocated the MT&CC 161 housing units.

Please review and confirm that this time the comments are included and readily available for the general public and HCD's review.

Thank you

Michael Mackintosh

---

**From:** Marin Town and Country Club  
**Sent:** Wednesday, September 28, 2022 3:44 PM  
**To:** Heather Abrams  
**Subject:** Fw: site inventory list

Dear Heather:

As pointed out in my letter of September 22, under separate cover would follow this attached information.

At the last planning meeting I patiently waited to raise my hand to comment (add the following information), something happened, and the Zoom meeting was closed. The next Day Rob Jansen from the Planning Commission called to apologize. Somehow, they saw my hand raised, an apology was offered. So please include these in your comments.

After you read the following, maybe the Town should reconsider their arbitrary position excluding the only large, utility in place, buildable site, in the Town of Fairfax: The Marin Town & Country Club (MT&CC LLC).

As the Town Manager you have a requirement to endorse the information in the Fairfax Housing Element provided to the HCD.

I continue and again here enclosed is an invitation to meet, to open a dialog between you, the Town Council, and the Planning Commission. The lack of dialog has required contacting the HCD.

Please reconsider your position. Respond with some sort of dialog and include the MT&CC in the current Housing Element. Without the MT&CC included, your Housing Element is deficient.

Thank you for your considerations.

Michael Mackintosh

**Town of Fairfax Site Inventory List Information:**

1- Town of Fairfax Zoning Map

2- Site Inventory List For Fairfax

~total of 498 homes planned on 163.36 acres

Please review your tallies. Our version's numbers do not add up.

3- 10 Olema Rd Topo Map

The entirety of this site is in the Floodplain, with Flood Insurance required. Average Slope 17.93%.

Rendering this property not a priority site.

4- 10 Olema Rd Parcel Information (31 homes planned)

5- 6 School Street Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 13.59%.

At 1.8 acres, your proposal with no setback, is approx. 80units/acre. Buildable site.

6- 6 School Street Parcel Information (160 homes planned)

7- Deer Park Villa Topo Map

Outside the Floodplain. Average Slope 4.69. Buildable site.

8- Deer Park Villa Parcel Information (27 homes planned)

9- East Side Commercial site Topo Map (12 Parcels, and 23 homes total planned)

This area contains 12 parcels. Slope approx. 3-6%

This area has commercial buildings. Do your plans contemplate demolishing all preexisting structures?

10- East Side Commercial Site overview Topo

11- East Side Commercial, Parcel Information for 1573 Sir Francis Drake (3 homes planned)

12- East Side Commercial, Parcel Information for 1599 Sir Francis Drake (2 homes planned)

13- 711 Center Blvd (FairAnselm Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 17.97%.

The buildings abruptly border the creek and are cantilevered over the lands of the MT&CC, APN:002-131-11.

Any new building will not be allowed to cantilever over the creek. The "temporary maintenance easement" extended by the MT&CC will not be extended.

14- 711 Center Blvd (FairAnselm Site) Parcel Information (27 homes planned)

15- 137 Mono Ave (FairAnselm Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 8.84%.

16- 137 Mono Ave (FairfAnselm Site) Parcel Information (3 homes planned)

17- 141 Bolinas Ave (Central Commercial Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 6.36%.

18- 141 Bolinas Ave (Central Commercial Site) Parcel Information (2 homes planned)

19- 615 Oak Manor Dr. (50 acre Site) Topo Map

According to County Topo maps, part is listed in the Floodplain, with Flood Insurance required. This should be contested.

Large site average slope 49.12%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Unbuildable.

20- 615 Oak Manor Dr. (50 acre Site) Parcel Information (40 homes planned)

21- Marinda Heights Site (currently no address) Topo map

Large site average slope 50.04%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Unbuildable.

22- Marinda Heights Site; 001- 251- 31 Parcel Information (0 homes planned)

23- Marinda Heights Site; 001- 150- 12 Parcel Information (25 homes planned)

24- Marinda Heights Site; 001- 160- 09- Parcel Information (0 homes planned)

25- MT&CC Topo map

According to County Topo maps, part is incorrectly listed in the Floodplain, with Flood Insurance required.

Please see FEMA verified, these parcels are at the 500-year Floodplain requiring no Flood Insurance.

Large site average slope 9.15%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Buildable 23.5 flat acres.

26- MT&CC; 002- 131- 11 Parcel Information (0 homes planned)

27- MT&CC; 002- 131- 12 Parcel Information (0 homes planned)



# TOWN OF FAIRFAX

## Zoning Map



TOWN OF FAIRFAX  
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 / FAX (415) 453-1618

**ZONING DISTRICTS**

**PUBLIC ZONES**  
PD - Public Domain

**COMMERCIAL ZONES**  
CC - Central Commercial  
CH - Highway Commercial  
CL - Limited Commercial  
CS - Service Commercial  
CR - Recreational Commercial

**RESIDENTIAL ZONES**  
RD - 5.5 - 7 - Residential  
RS - 6 - Single Family Residential  
RS - 7.5 - Single Family Residential  
RM - Multi-Family Residential  
RM-S - Multi-Family Senior Residential  
PDD - Planned Development District  
UR - 7 - Upland Residential (7ac/du)  
UR - 10 - Upland Residential (10ac/du)

\*RS - 6 - zoning determined by arrowwood settlement agreement recorded 5/28/91

**OPEN AREA ZONE**  
O-A - Open Area

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

**OTHER**  
 Municipal Boundaries  
 Fairfax Parcels Boundaries  
 Creeks

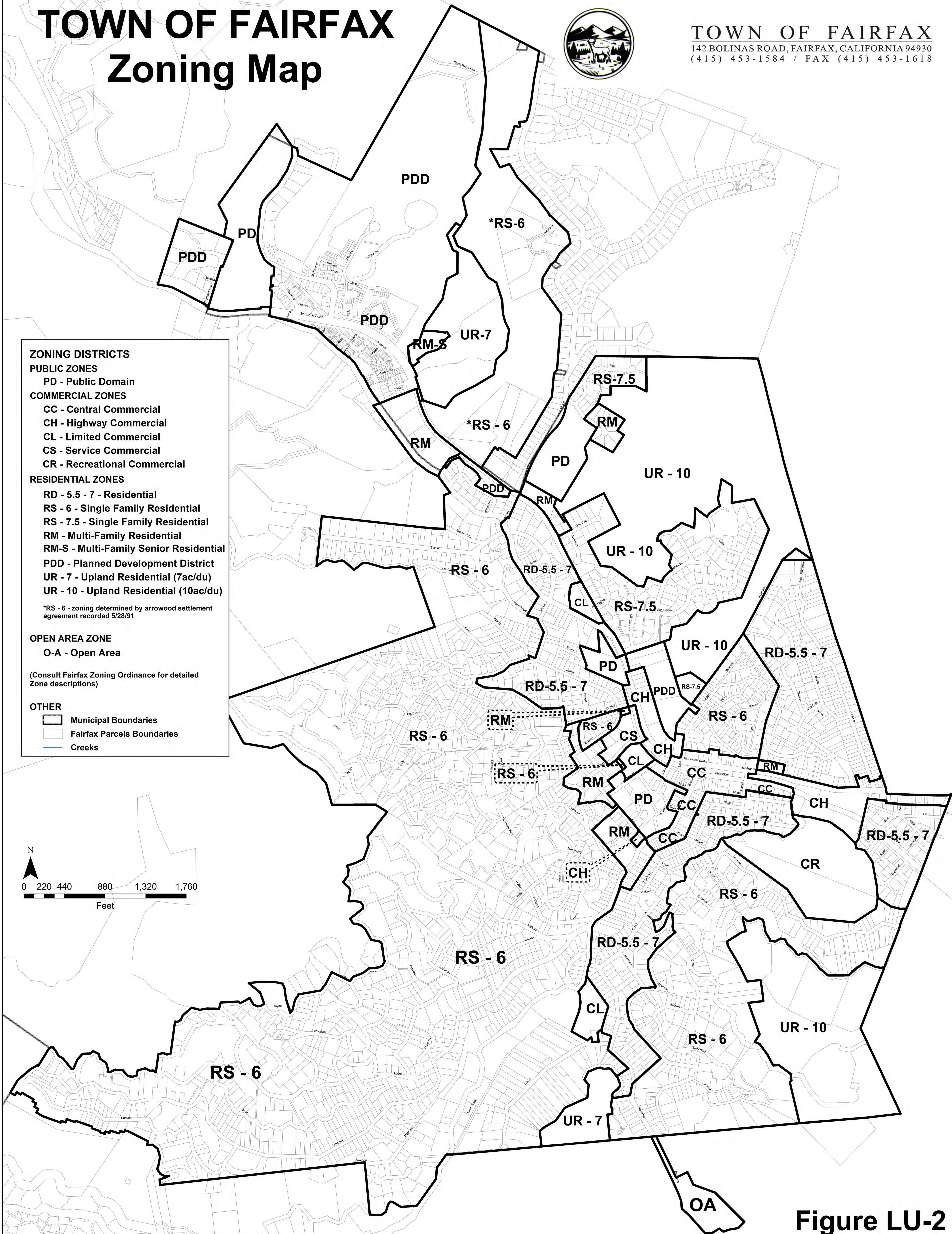
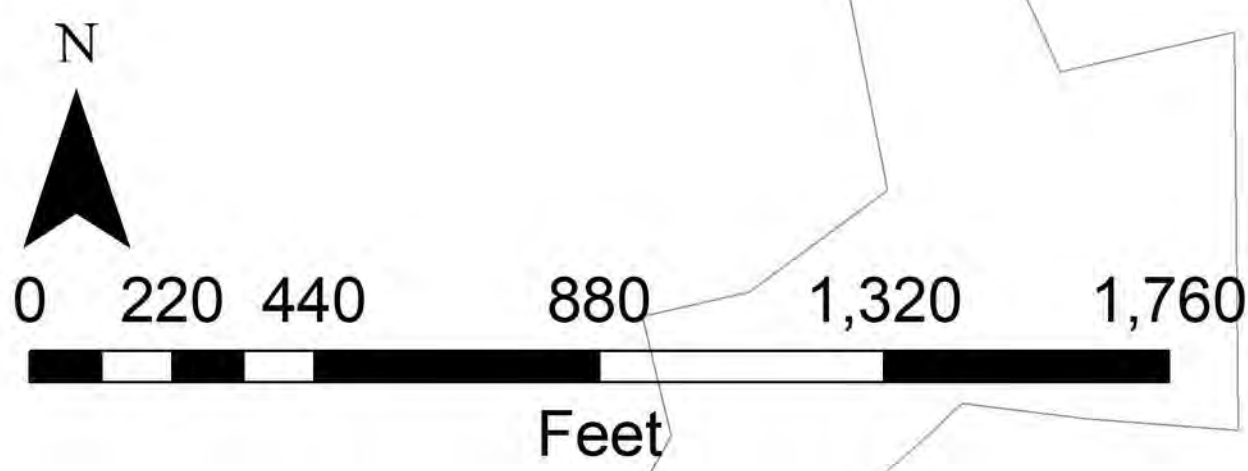
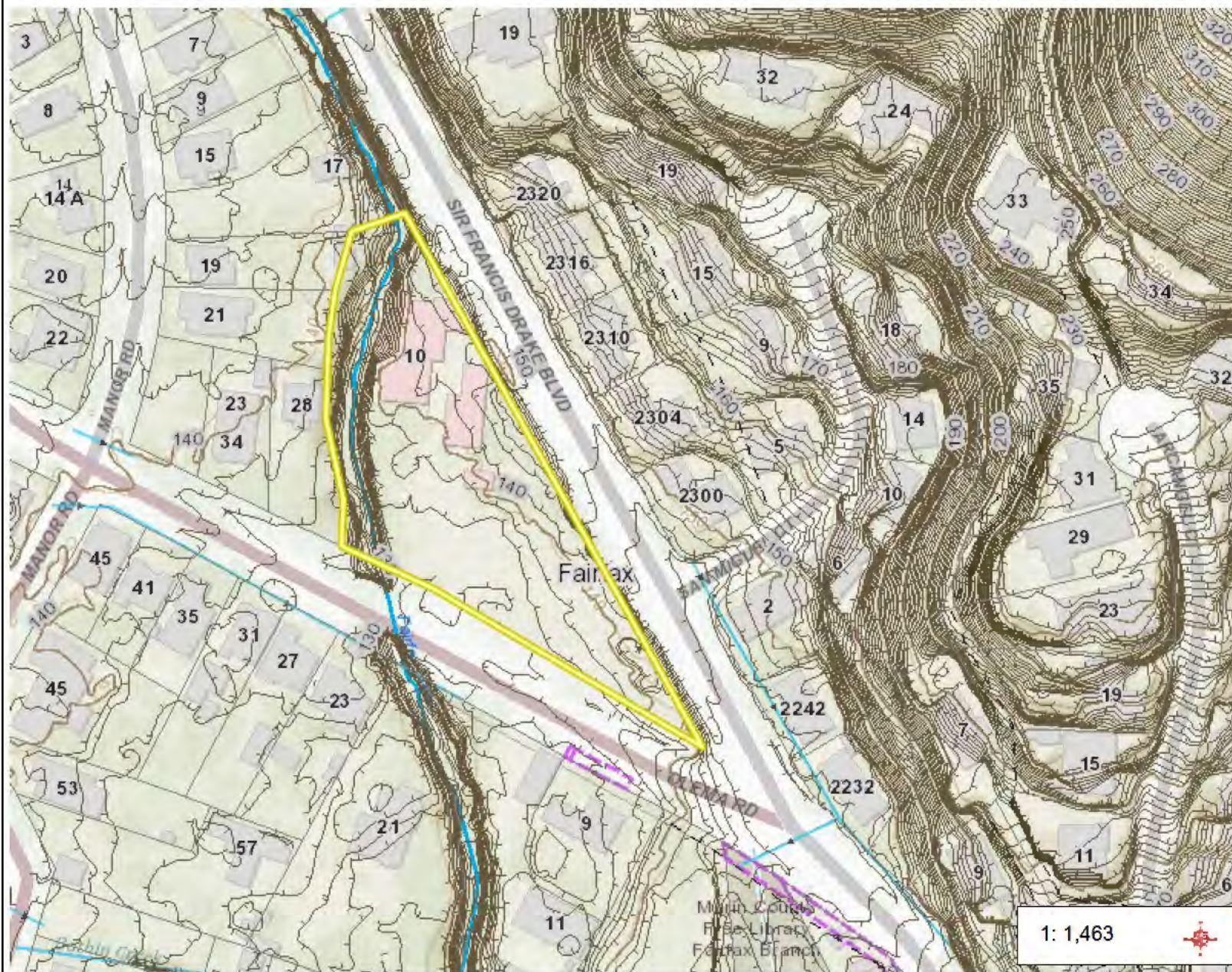


Figure LU-2



Site #	Site Address	Assessor Parcel Number	Parcel Size (Gross Acres)	Identified in Last/Last Two Planning Cycle(s)	Very Low Income Capacity	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Minimum Capacity
1	10 Olema		1.11		10	7	5	12	32
	2170 Sir Francis Drake Blvd	110412	1.11	yes	10	7	5	12	31
2	School Street Plaza		1.92		52	35	26	60	161
	6 School St	211213	1.92	yes	52	35	26	60	160
3	Deer Park Villa		1.00		9	6	5	11	28
	367 Bolinas Rd	204138	1.00	no	9	6	5	11	27
4,5,6,7	Westside Commercial		2.78		10	13	9	23	55
	2090 Sir Francis Drake Blvd	118312	0.17	yes	3	1	1	2	3
	2094 Sir Francis Drake Blvd	118313	0.17	yes		1	1	2	3
		118310	0.41	no		2	2	4	8
	2000 Sir Francis Drake Blvd	118317	0.51	yes	4	2	2	4	10
	2086 Sir Francis Drake Blvd	118314	0.19	yes		1	1	2	3
	2082 Sir Francis Drake Blvd	118315	0.19	yes		1	1	2	3
	2040 Sir Francis Drake Blvd	118304	0.62	yes		2	2	4	12
	1966 Sir Francis Drake Blvd	122112	0.52			3	2	4	10
8	O'Donnell's Nursery		1.03		0	9	6	15	30
	1700 Sir Francis Drake Blvd	123691	0.37	no		3	2	6	11
		123692	0.36	no		3	2	5	10
		123693	0.30	no		3	2	5	9
9	Pancho Villa		0.26		0	3	2	5	8
	1625 Sir Francis Drake Blvd	221121	0.26	yes		3	2	5	8
10,11	Eastside Commercial		1.53		0	14	9	23	23
	1585 Sir Francis Drake Blvd	221306	0.10	yes		1	1	2	0
	1573 Sir Francis Drake Blvd	221310	0.20	yes		2	1	3	3
	1583 Sir Francis Drake Blvd	221307	0.08	yes		1	0	1	1
	1581 Sir Francis Drake Blvd	221325	0.25	yes		2	2	4	3
	1599 Sir Francis Drake Blvd	221327	0.21	yes		2	1	3	2
	1591 Sir Francis Drake Blvd	221304	0.09	yes		1	1	1	0
	1589 Sir Francis Drake Blvd	221305	0.05	yes		1	0	1	1
	1607 Sir Francis Drake Blvd	221105	0.11	yes		1	1	2	2
	1613 Sir Francis Drake Blvd	221104	0.09	yes		1	1	1	1
	1621 Sir Francis Drake Blvd	221102	0.06	yes		1	0	1	0
	1601 Sir Francis Drake Blvd	221120	0.23	yes		2	1	3	5
	1615 Sir Francis Drake Blvd	221103	0.06	yes		1	0	1	0
12,13,14	Fair-Anselm Shopping Center		0.77		12	9	7	15	42
	711 Center Blvd	213114	1.35	yes	8	5	4	9	27
	760 Center Blvd	213116	0.57	yes	3	2	2	4	11
	137 Mono Ave	212374	0.20	no		1	1	2	3
15,16,17	Central Commercial Downtown		0.93		8	11	8	19	44
	89 Broadway Blvd (BOA)	211308	0.35	no	8	5	4	9	17
	95 Bolinas Rd	212247	0.51	no		5	4	9	24
	141 Bolinas Rd	210404	0.07	no		1	1	2	2
18	50-Acre Site		50.00		12	8	6	14	40
	615 Oak Manor Dr	17407071	50.00	no	12	8	6	14	40
19	Marinda Heights		102.03		8	5	4	9	26
	Not yet addressed	115012	73.75	yes	8	5	4	9	25
		116009	16.86	yes					0
		125131	11.42						0
Grand Total					123	122	89	209	498
RHNA					117	118	71	184	490
Difference					6	4	18	25	53
									498





### Legend

- Parcel Note
  - easement
  - centerline
- Address
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft
  - Interior
  - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463



### Notes

not at 2170 sir francis drake blvd

243.8 0 121.89 243.8 Feet



# MarinMap Site Parcel Report

Property ID: 001-104-12

## Parcel Information

Report generated 9/21/2022 2:56:33 PM

**Property ID:** 001-104-12  
**Address:** 10 OLEMA RD , FAIRFAX  
**Land Use:** Commercial - Improved  
**Units:** 2  
**Tax Rate Area:** 003-000  
**Average Slope:** 17.93



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	146	Fire Service:	Ross Valley Fire Department
Zoning:	PDD	Fire Authority:	Ross Valley Fire Department
PDD - Planned Development District			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

Census:	114100	Local Coastal Plan:	
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:			Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	146		Fire Service:	Ross Valley Fire Department
Zoning:	RD-5.5-7		Fire Authority:	Ross Valley Fire Department
	RD-5.5-7 Residential			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

- This parcel is in these Tax Districts
- CITY : FAIRFAX (TOWN OF)
  - ELEM. SCHOOL : ROSS VALLEY
  - HIGH SCHOOL : TAMALPAIS UNION
  - COMM. COLLEGE : MARIN JUNIOR
  - MOSQ & VECTOR CONTRL : MARIN SONOMA JT(21,49)
  - BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
  - AIR QUALITY MGMT. : BAY AREA JT(1,7,21,28,38,41,43,48,49)
  - HOSPITAL : MARIN COUNTY (GENERAL)
  - REGIONAL PARK : MARIN COUNTY
  - TRANSIT : MARIN COUNTY
  - MUNICIPAL WATER : MARIN
  - MOSQ & VECTOR CONTRL : MARIN SONOMA

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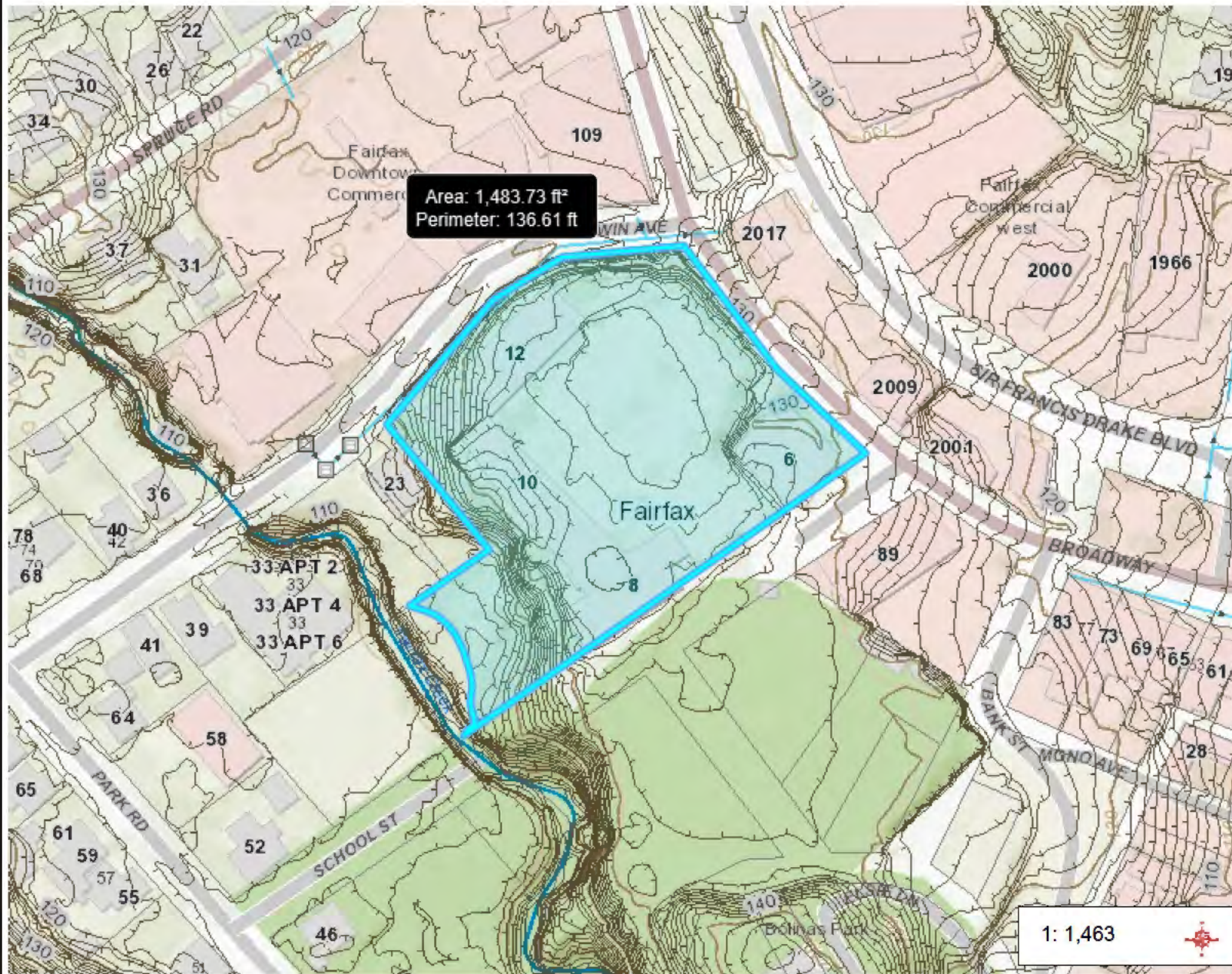
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY





## 6 school street plaza



### Legend

- Parcel Note**
  - easement
  - centerline
- Address**
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City**
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft**
  - Interior
  - Index
- PG&E Gas Transmission Line**
- Catch Basin**
- Pipes**
- DMA Facility**
- MMWD Easement**
- Stream - Perennial (NHD)**

### Notes

243.8 0 121.89 243.8 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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THIS MAP IS NOT TO BE USED FOR NAVIGATION



# MarinMap Site Parcel Report

Property ID: 002-112-13

## Parcel Information

Report generated 9/21/2022 2:35:12 PM

**Property ID:** 002-112-13  
**Address:** 6 SCHOOL ST , FAIRFAX  
**Land Use:** Commercial - Improved  
**Units:** 0  
**Tax Rate Area:** 003-000  
**Average Slope:** 13.59



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	146	Fire Service:	Ross Valley Fire Department
Zoning:	PDD	Fire Authority:	Ross Valley Fire Department
PDD - Planned Development District			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

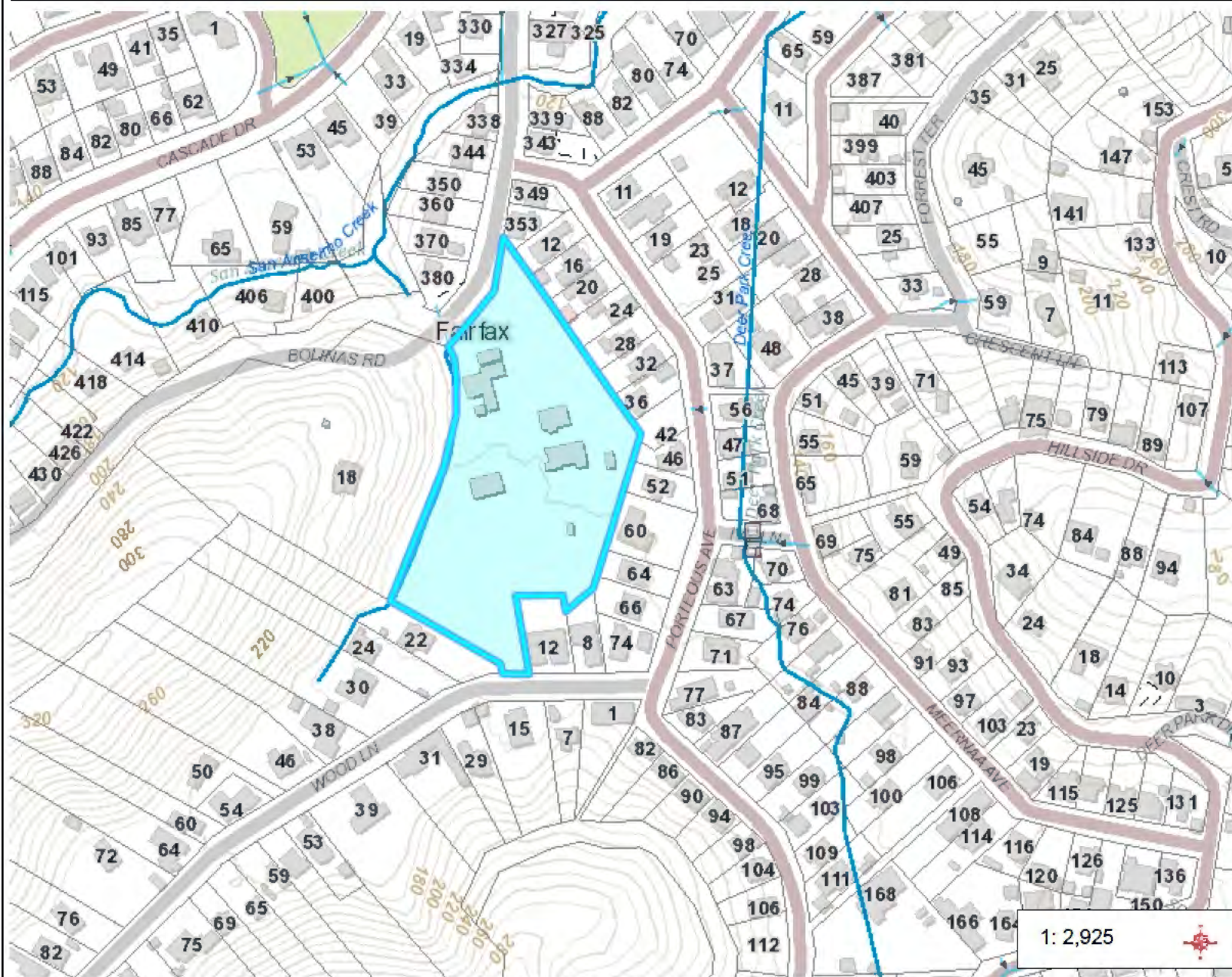
MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY





## Deer Park Villa



### Legend

- Parcel Note
  - easement
  - centerline
- Address
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft
  - Interior
  - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

### Notes

487.6 0 243.78 487.6 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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Parcel Information

Report generated 9/21/2022 3:00:27 PM

**Property ID:** 002-041-38

**Address:**

**Land Use:** Commercial - Improved

**Units:** 3

**Tax Rate Area:** 003-000

**Average Slope:** 4.69



Parcel highlighted in blue

**Census:** 114100

**District:** 2 Katie Rice

**Wildland Interface:** Y

**Community Plan:** Upper Ross Valley

**Community:**

**ClubList:**

**Traffic Zone:** 145

**Zoning:** CL

CL - Light Commercial

**Local Coastal Plan:**

**Dam Failure Area:**

**Alquist Priolo Zone:**

**Stream Conserv. Area/Buffer:** 0

**CWP Area:** Upper Ross Valley

**CWP Corridor:** CITY-CENTERED

**Fire Service:** Ross Valley Fire Department

**Fire Authority:** Ross Valley Fire Department

**Flood Zone:** X **Insurance Required:** N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

**Census:** 114100 **Local Coastal Plan:**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:	Y		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	145		Fire Service:	Ross Valley Fire Department
Zoning:	RS-6		Fire Authority:	Ross Valley Fire Department
	RS-6 Single Family Residential			

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

- This parcel is in these Tax Districts
- CITY : FAIRFAX (TOWN OF)
  - ELEM. SCHOOL : ROSS VALLEY
  - HIGH SCHOOL : TAMALPAIS UNION
  - COMM. COLLEGE : MARIN JUNIOR
  - MOSQ & VECTOR CONTRL : MARIN SONOMA JT(21,49)
  - BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
  - AIR QUALITY MGMT. : BAY AREA JT(1,7,21,28,38,41,43,48,49)
  - HOSPITAL : MARIN COUNTY (GENERAL)
  - REGIONAL PARK : MARIN COUNTY
  - TRANSIT : MARIN COUNTY
  - MUNICIPAL WATER : MARIN
  - MOSQ & VECTOR CONTRL : MARIN SONOMA

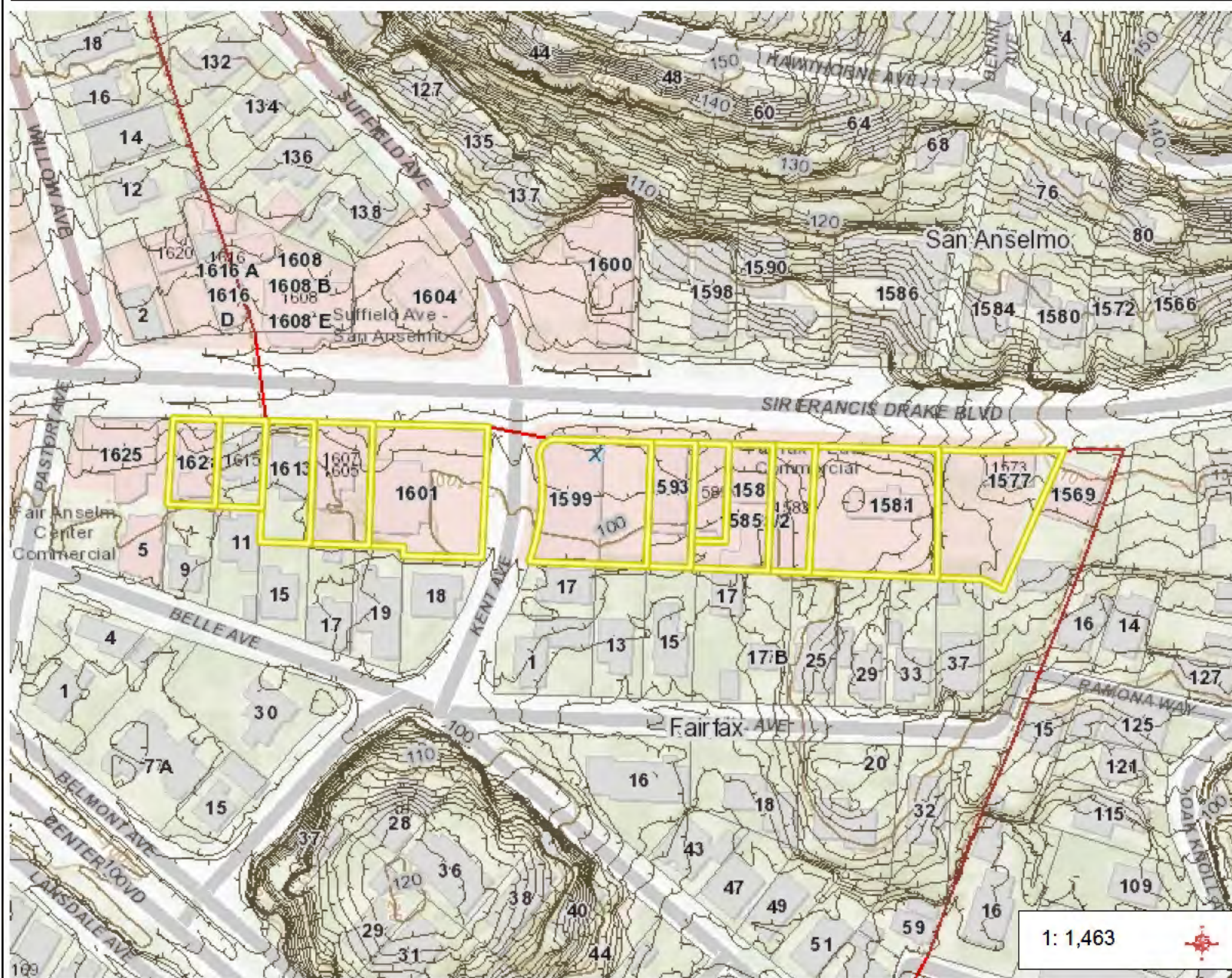


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JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

## Eastside Commercial, overview 2



1: 1,463

243.8	0	121.89	243.8 Feet
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NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Legend

### Parcel Note

**easement**

centerline

Address

☐ Parcel☐ Condominium Common Area☐ Mobile Home Pad

City

Old-Community

— Elevation 2017 1ft

— Elevation 2017 idx 5ft

 Marin County Legal Boundary

☐ Other Bay Area County

Elevation 2019 NAVD88 2Ft

### Interior

## Index

 MMWD Easement


— Base Flood Elev, August 2017

Flood Hazard Zone, August 20

 A

AE

AE, FLOODWAY

 AH

AO

☐ D

 V

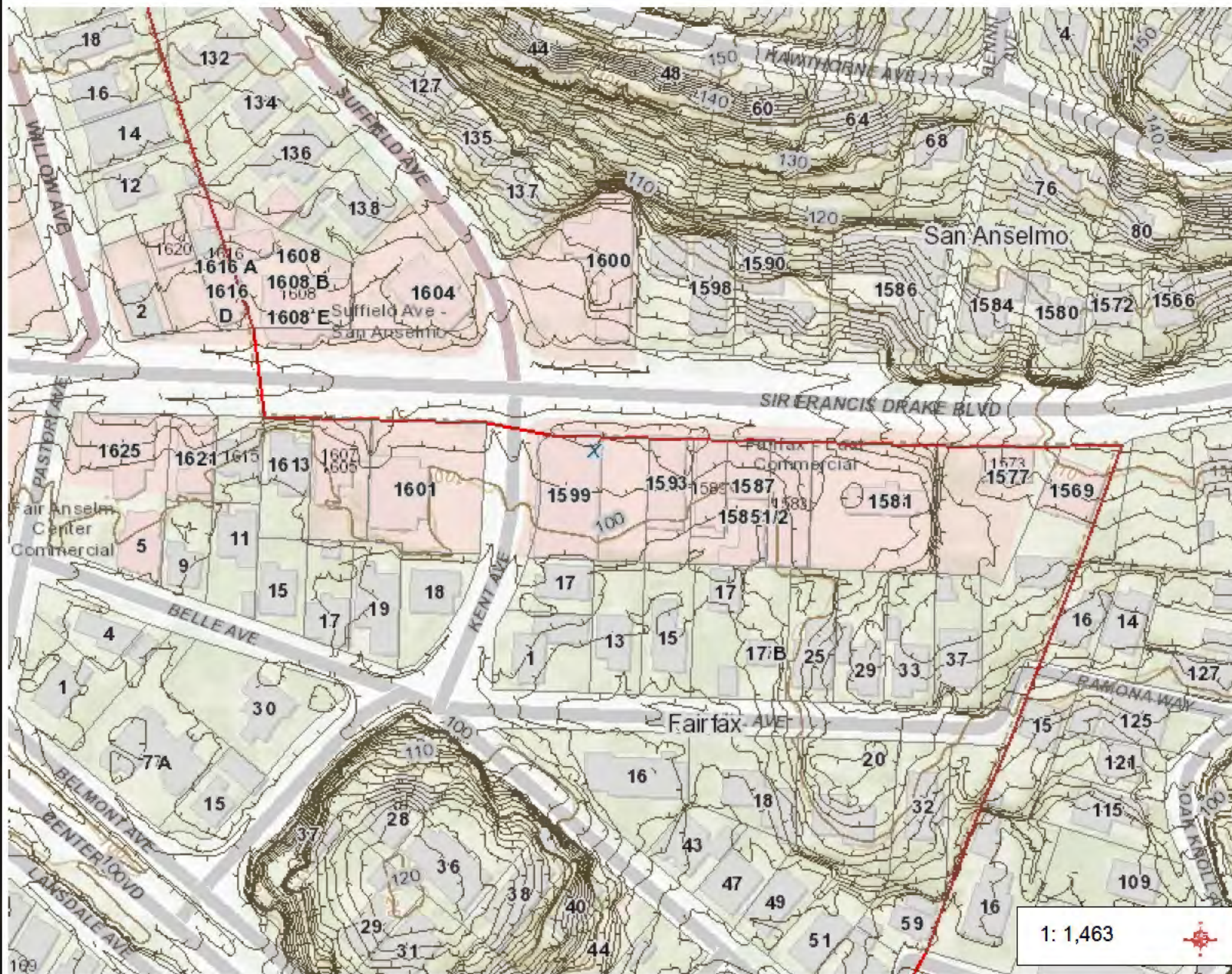
VE

☐ X

## Notes



# Eastside Commercial, overview



## Legend

- Parcel Note**
  - easement
  - centerline
- Address**
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft**
  - Interior
  - Index
- MMWD Easement
- Base Flood Elev, August 2017
- Flood Hazard Zone, August 20**
  - A
  - AE
  - AE, FLOODWAY
  - AH
  - AO
  - D
  - V
  - VE
  - X
  - X
  - X

1: 1,463



## Notes

243.8 0 121.89 243.8 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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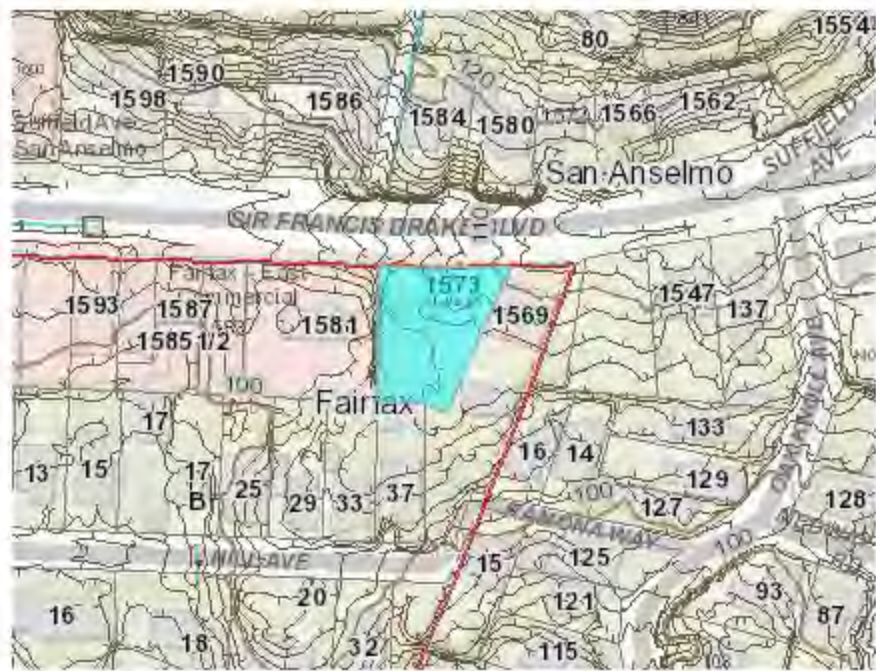
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Parcel Information

Report generated 9/21/2022 3:20:00 PM

Property ID:	002-213-10
Address:	1573 SIR FRANCIS DRAKE BLVD , FAIRFAX
Land Use:	Commercial - Improved
Units:	0
Tax Rate Area:	003-000
Average Slope:	6.88



Parcel highlighted in blue

This parcel is in these Tax Districts

- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY

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MUNICIPAL WATER : MARIN

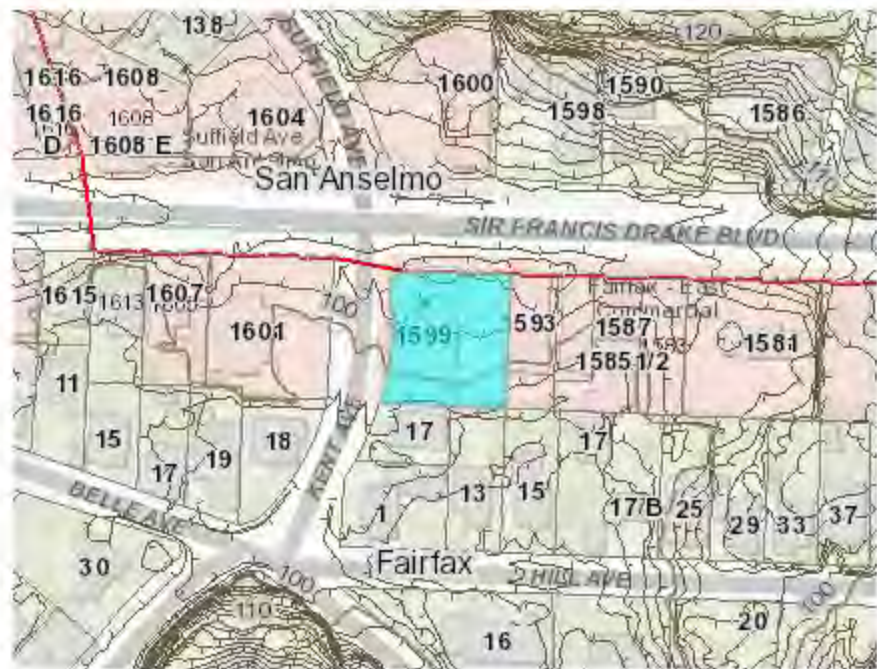
MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Report generated 9/22/2022 3:13:26 PM

Property ID:	002-213-27
Address:	1599 SIR FRANCIS DRAKE BLVD , FAIRFAX
Land Use:	Commercial - Improved
Units:	0
Tax Rate Area:	003-000
Average Slope:	3.52



Parcel highlighted in blue

This parcel is in these Tax Districts

- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



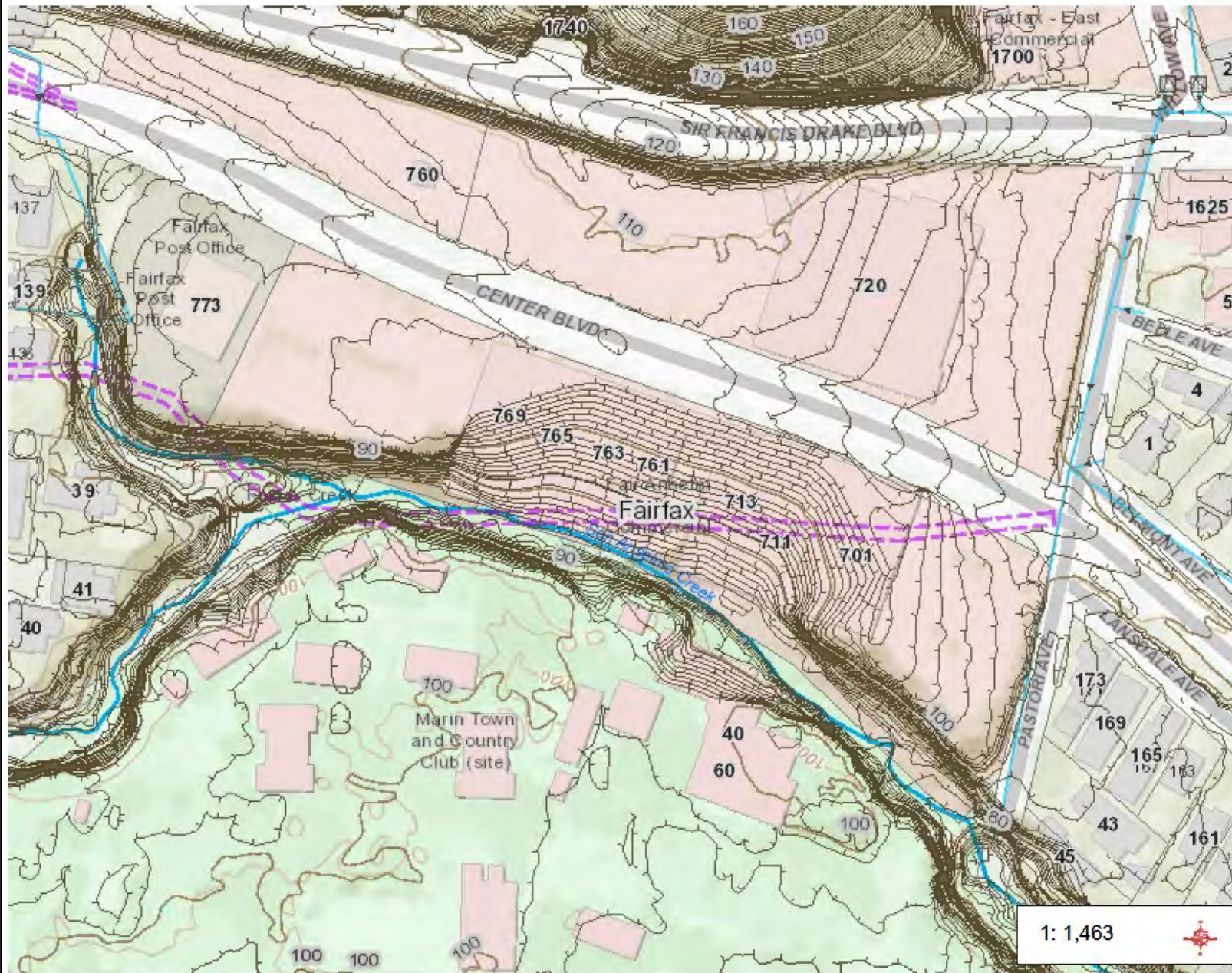
MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



## 711 center blvd



### Legend

- Parcel Note**
  - easement
  - centerline
- Address**
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City**
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft**
  - Interior
  - Index
- PG&E Gas Transmission Line**
- Catch Basin**
- Pipes**
- DMA Facility**
- MMWD Easement**
- Stream - Perennial (NHD)**

1: 1,463



### Notes

243.8 0 121.89 243.8 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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# MarinMap Site Parcel Report

Property ID: 002-131-14

## Parcel Information

Report generated 9/21/2022 3:36:30 PM

**Property ID:** 002-131-14  
**Address:** 711 CENTER BLVD , FAIRFAX  
**Land Use:** Commercial - Improved  
**Units:** 0  
**Tax Rate Area:** 003-000  
**Average Slope:** 17.97



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CH	Fire Authority:	Ross Valley Fire Department

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.



This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

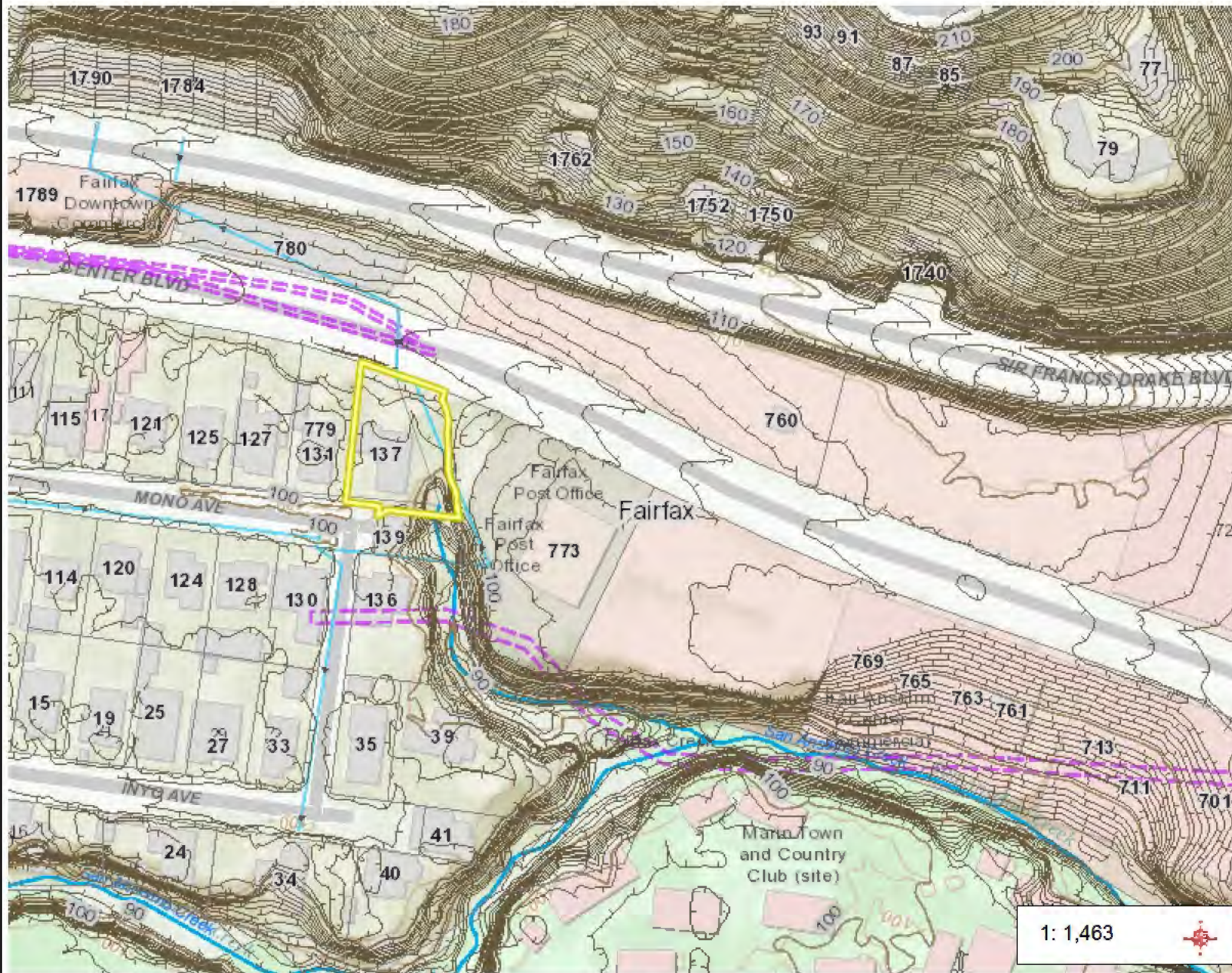
TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY





### Legend

- Parcel Note
  - easement
  - centerline
- Address
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City
  - City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft
  - Interior
  - Index
- PG&E Gas Transmission Line
  - PG&E Gas Transmission Line
- Catch Basin
  - + Catch Basin
- Pipes
  - Pipes
- DMA Facility
  - DMA Facility
- MMWD Easement
  - MMWD Easement
- Stream - Perennial (NHD)
  - Stream - Perennial (NHD)

1: 1,463



### Notes

243.8 0 121.89 243.8 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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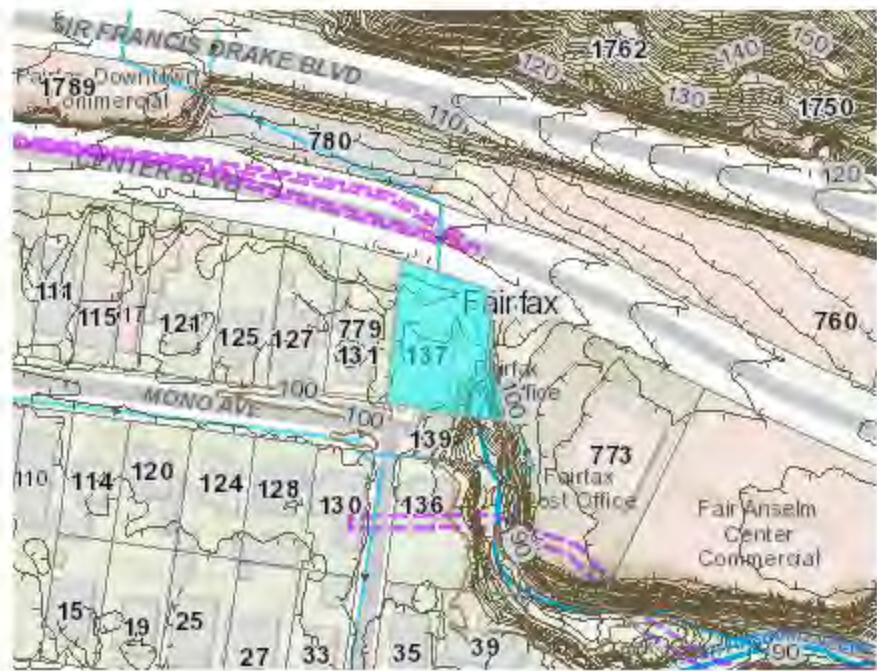
# MarinMap Site Parcel Report

Property ID: 002-123-74

## Parcel Information

Report generated 9/21/2022 3:40:22 PM

Property ID:	002-123-74
Address:	137 MONO AVE , FAIRFAX
Land Use:	Single-Resid. - Improved
Units:	1
Tax Rate Area:	003-000
Average Slope:	8.84



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CC	Fire Authority:	Ross Valley Fire Department
	CC - Central Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

Census:	114100	Local Coastal Plan:	
---------	--------	---------------------	--

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:	Y		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	145		Fire Service:	Ross Valley Fire Department
Zoning:	RD-5.5-7		Fire Authority:	Ross Valley Fire Department
	RD-5.5-7 Residential			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

- This parcel is in these Tax Districts
- CITY : FAIRFAX (TOWN OF)
  - ELEM. SCHOOL : ROSS VALLEY
  - HIGH SCHOOL : TAMALPAIS UNION
  - COMM. COLLEGE : MARIN JUNIOR
  - MOSQ & VECTOR CONTRL : MARIN SONOMA JT(21,49)
  - BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
  - AIR QUALITY MGMT. : BAY AREA JT(1,7,21,28,38,41,43,48,49)
  - HOSPITAL : MARIN COUNTY (GENERAL)
  - REGIONAL PARK : MARIN COUNTY
  - TRANSIT : MARIN COUNTY
  - MUNICIPAL WATER : MARIN
  - MOSQ & VECTOR CONTRL : MARIN SONOMA

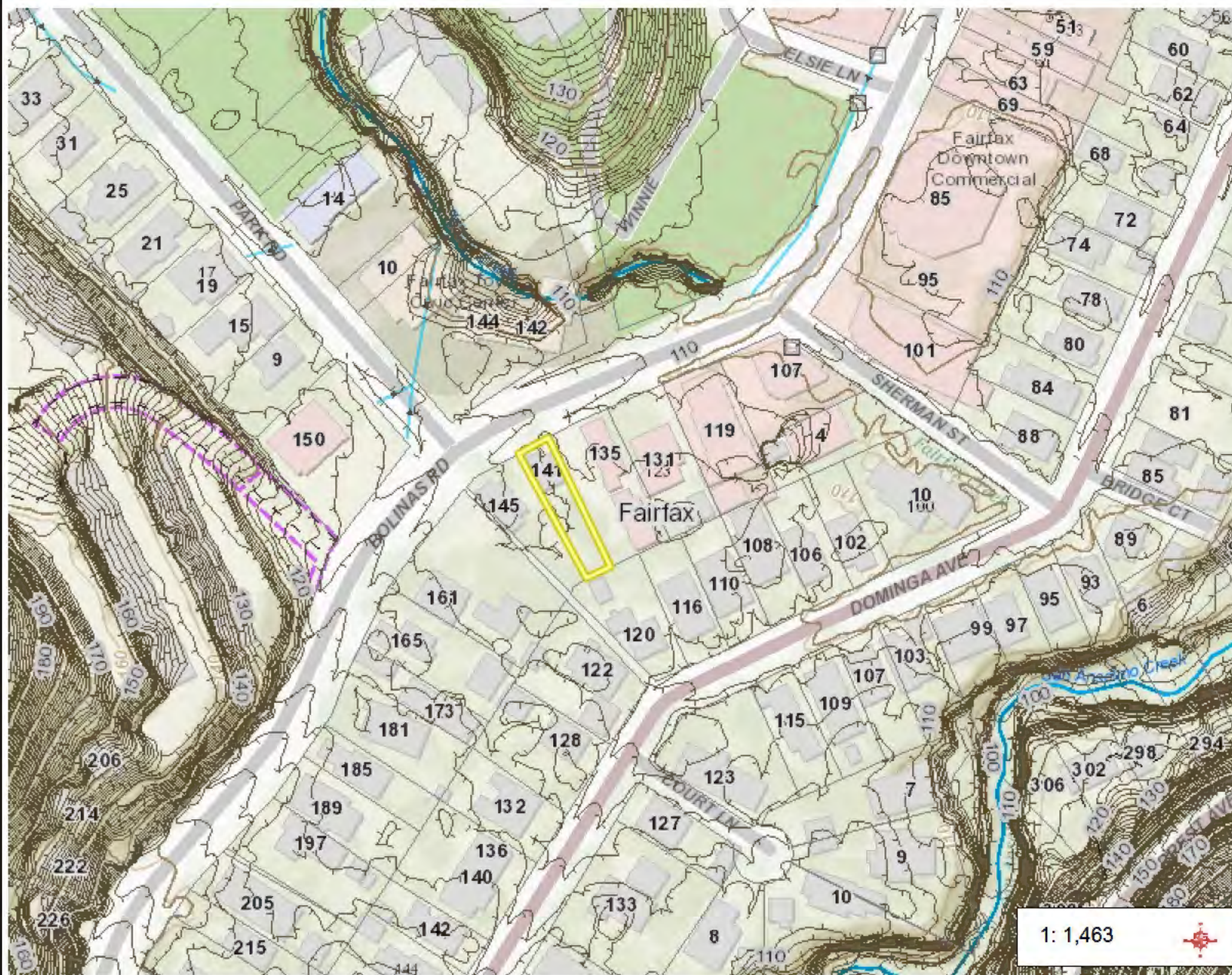


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.JT-ORIGINAL AREA

SANITATION : ROSS VALLEY





### Legend

- Parcel Note
  - easement
  - centerline
- Address
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
- City
  - City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft
  - Interior
  - Index
- PG&E Gas Transmission Line
  - PG&E Gas Transmission Line
- Catch Basin
  - Catch Basin
- Pipes
  - Pipes
- DMA Facility
  - DMA Facility
- MMWD Easement
  - MMWD Easement
- Stream - Perennial (NHD)
  - Stream - Perennial (NHD)

1: 1,463



### Notes

243.8 0 121.89 243.8 Feet



# MarinMap Site Parcel Report

Property ID: 002-104-04

## Parcel Information

Report generated 9/21/2022 3:44:05 PM

**Property ID:** 002-104-04

**Address:** 141 BOLINAS RD , FAIRFAX

**Land Use:** Single-Resid. - Improved

**Units:** 1

**Tax Rate Area:** 003-000

**Average Slope:** 6.36



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CC	Fire Authority:	Ross Valley Fire Department
	CC - Central Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.



This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

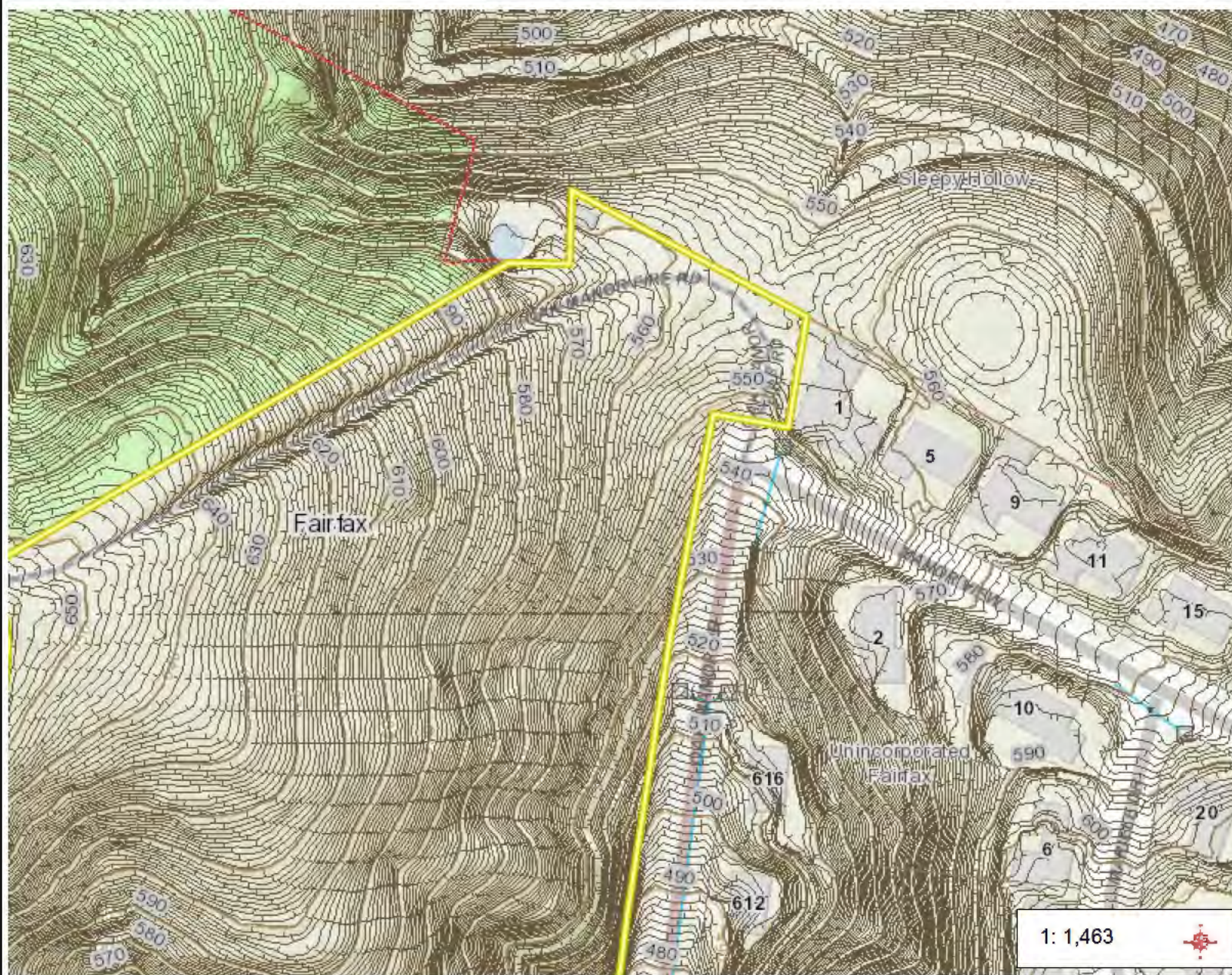
TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY





## Legend

- Parcel Note**
  - easement
  - centerline
- Address**
  - Parcel
  - Condominium Common Area
  - Mobile Home Pad
  - Easement (Access)
  - City
  - Old-Community
  - Marin County Legal Boundary
  - Other Bay Area County
- Elevation\_2019\_NAVD88\_2Ft**
  - Interior
  - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

## Notes

243.8 0 121.89 243.8 Feet

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# MarinMap Site Parcel Report

Property ID: 174-070-71

## Parcel Information

Report generated 9/21/2022 3:46:44 PM

**Property ID:** 174-070-71

**Address:**

**Land Use:** Single-Resid. - Improved

**Units:** 1

**Tax Rate Area:** 003-001

**Average Slope:** 49.12



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	RS-6	Fire Authority:	Ross Valley Fire Department
	RS-6 Single Family Residential		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

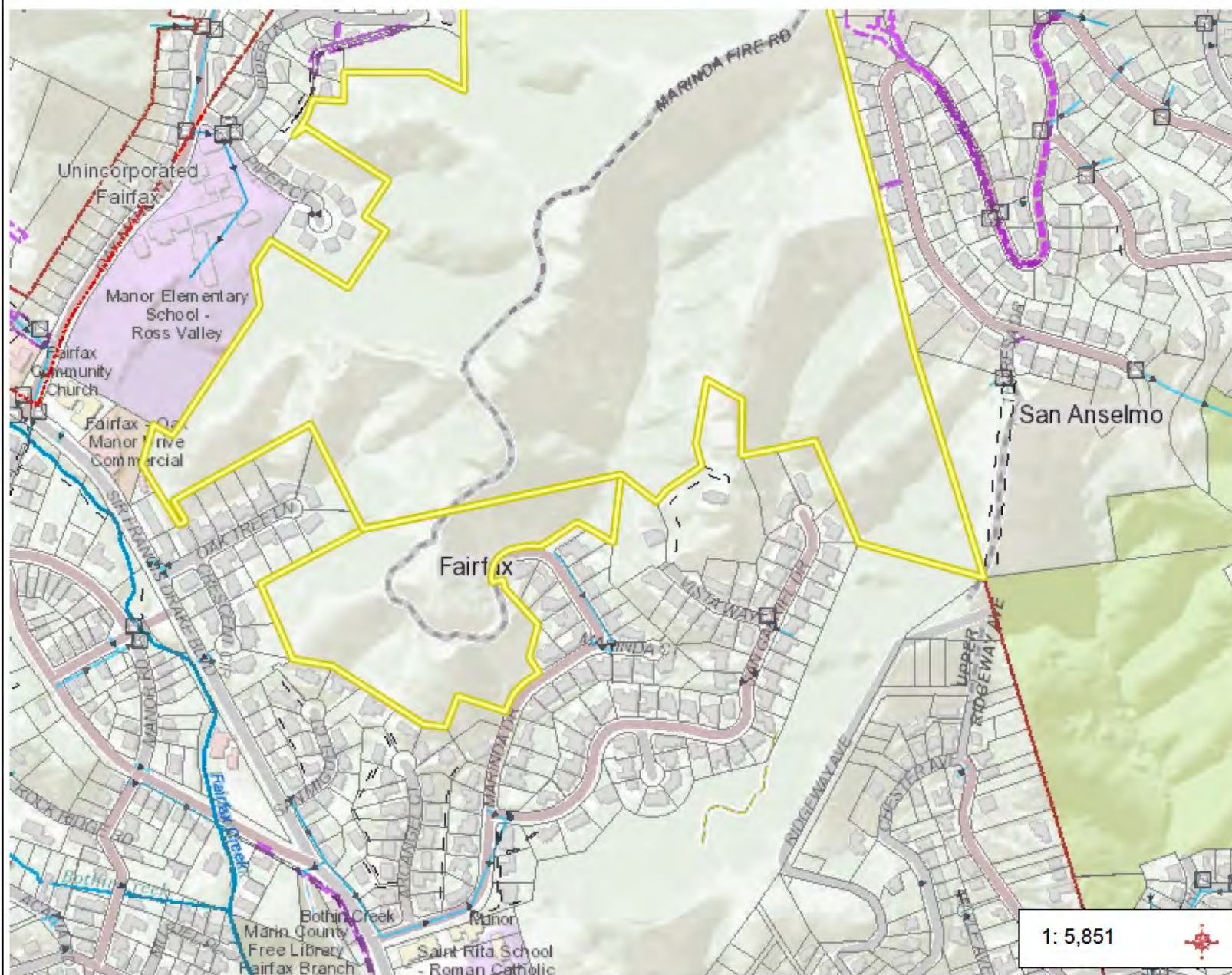
This parcel is in these Tax Districts

- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)
- FLOOD CONTROL : COUNTY- ZN. NO. 09 (FCZ  
#9 - ROSS VALLEY)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY
- MUNICIPAL WATER : MARIN
- MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA
- SANITATION : ROSS VALLEY





## topo marina heights



### Legend

- Parcel Note
  - easement
  - centerline
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation\_2019\_NAVD88\_10F
  - Interior
  - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 5,851



975.1 0 487.56 975.1 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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### Notes



Parcel Information

Report generated 9/21/2022 3:56:31 PM

**Property ID:** 001-251-31

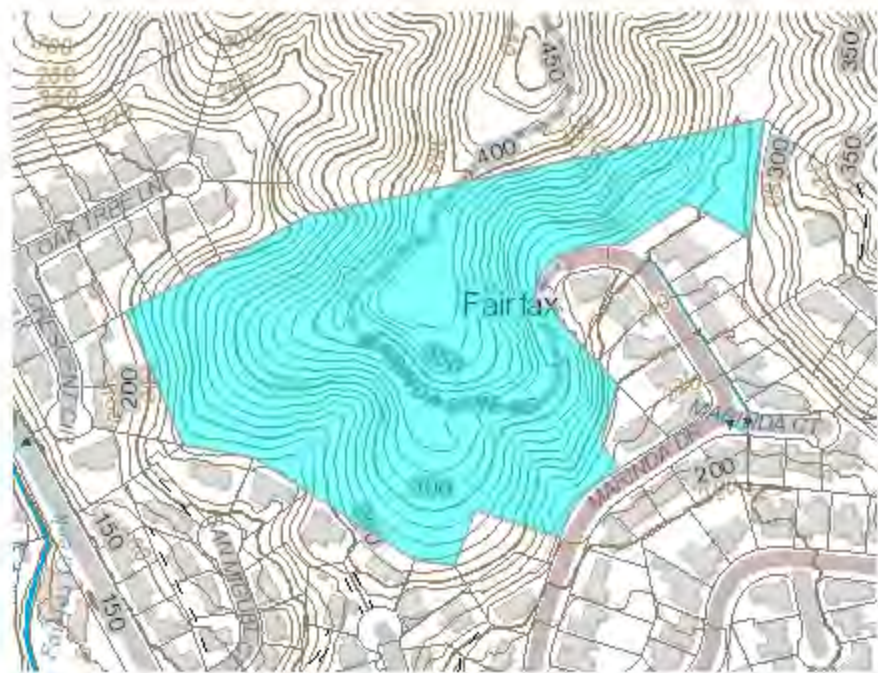
**Address:**

**Land Use:** Single-Resid. - Unimproved

**Units:** 0

**Tax Rate Area:** 003-000

**Average Slope:** 50.70



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.



This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Report generated 9/21/2022 3:58:00 PM

**Property ID:** 001-150-12

**Address:**

**Land Use:** Single-Resid. - Unimproved

**Units:** 0

**Tax Rate Area:** 003-000

**Average Slope:** 58.42



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.



This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Report generated 9/21/2022 3:59:07 PM

**Property ID:** 001-160-09

**Address:**

**Land Use:** Single-Resid. - Unimproved

**Units:** 0

**Tax Rate Area:** 003-000

**Average Slope:** 50.04



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

**Flood Zone:** X **Insurance Required:** N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.



This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



## Topo, MT&CC



### Legend

- Parcel Note
  - easement
  - centerline
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation\_2019\_NAVD88\_10F
  - Interior
  - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 5,851



### Notes

975.1 0 487.56 975.1 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Parcel Information

Report generated 9/21/2022 4:03:10 PM

**Property ID:** 002-131-11

**Address:** 40 PASTORI AVE , FAIRFAX

**Land Use:** Commercial - Improved

**Units:** 40

**Tax Rate Area:** 003-000

**Average Slope:** 9.15



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CR	Fire Authority:	Ross Valley Fire Department
	CR - Recreational Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



# MarinMap Site Parcel Report

Property ID: 002-131-10

## Parcel Information

Report generated 9/21/2022 4:03:34 PM

Property ID:	002-131-10
Address:	
Land Use:	Commercial - Unimproved
Units:	0
Tax Rate Area:	003-000
Average Slope:	9.22



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CR	Fire Authority:	Ross Valley Fire Department
	CR - Recreational Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA  
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA  
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



## MARIN TOWN & COUNTRY CLUB

P.O. BOX 150870

SAN RAFAEL, CA 94915

[mtcc@classactionlocator.com](mailto:mtcc@classactionlocator.com)

Heather Abrams  
Town Manager  
Town of Fairfax  
142 Bolinas Rd.  
Fairfax, California 94930

September 22, 2022

RE: Notice of Preparation (NOP)  
Programmatic EIR  
EIR / CEQA

Dear Heather:

At the last meeting discussing the Housing Element, possibly August 31, there was an open discussion inviting Public comment. Specifically, it addressed the NOP for the EIR regarding the overall impact of the collective sites chosen to be included in the upcoming Housing Element. Please recall these sites listed on the tentative Inventory Site List illustrate the distribution of the required housing allotments, RHNA's.

In that meeting I expressed concerns that the known anticipated financial impacts to the community, regarding specific sites, should be included in the EIR. The gentleman from EMC said that he was "only" looking for biodiversity issues. I believe this intentional act to exclude relevant information is misfeasance. It certainly supports the arbitrary and subjective approach the Town employs towards the allocation of housing opportunities that otherwise should be available to the general community.

The reason we should employ a more objective standard, it better addresses the inequity different stakeholders have endured from this Town over the last 79 years. An objective standard would include financial feasibility comparisons between the different sites. This approach would also ensure the contemplated sites actually get built.

When any State, County, Agency, or Town, knowingly withholds readily available facts that a reasonable person would rely on before foisting their discussion, it provides legal standing for all disenfranchised individuals. The entire Town has standing due to the future financial impacts withheld by your process.

To determine which agencies, need to be consulted, CEQA asks; *What resources are affected by the (a) Project?* Utilities are resources, they need to be included.

A site comparison financial feasibility report should be presented within the Fairfax Housing Element.

If one site is flat and two of your sites have an incline exceeding 49% , what is the public exposure to the costs to be incurred to provide roads, utilities, Fire Safety Egress and Fire Water suppression to the incline? Please recall the recent decision by MMWD not to provide water to the Martha Company due to access and elevation.

If one site has all the required sewage and water capacity and another site does not; will the public be advised that a future Bond of maybe \$25m will be foisted upon the public to pay for this unnecessary expense, because of choosing one site without utilities over another with utilities?

#### CEQA 65864 Policy

*c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.*

If costs of a project exceed the anticipated return on investment, no building will occur. In the past these additional costs would render a project infeasible. It was a way Towns could provide sites, knowing nothing will ever be built there. The HCD has financial ramifications to address such avoidance.

A Financial Feasibility report is required and a quantitative determination comparing different sites containing different utilities; is a resource that must be provided in the Housing Element when known. If these real costs are not provided, how could the public make an informed decision?

Please accept the above as informational, to encourage compliance within the Housing Element. An objective process benefits all parties. Arbitrary and subjective approaches only serve to expose our Town to legal claims and continue the inequity objectivity tries to tamper down.

Thank you

Michael Mackintosh

Some interested parties that should have input for compliance:

California:

Environmental Protection Agency	Air Resources Board
Regional Water Quality Control Board	State Transportation Agency
Highway Patrol	Department of Fish and Wildlife
Department of Parks and Recreation	

U.S:

Army Corps of Engineers

Marin:

Flood District 9	Transportation Authority of Marin
MMWD	RVSD
PG&E	Golden Gate Bridge Highway & Transportation District



**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](http://www.hcd.ca.gov)



June 10, 2022

Elyse Lowe, Director  
Development Services Department  
City of San Diego  
1222 First Avenue  
San Diego, CA 92101

Dear Elyse Lowe:

**RE: 2662 Garnet Avenue – Letter of Technical Assistance**

The purpose of this letter is to provide technical assistance to the City of San Diego (City) regarding a proposed 100-percent affordable residential infill project to be located at 2662 Garnet Avenue (Project). The Project applicant submitted a request for technical assistance to the California Department of Housing and Community Development (HCD) on March 3, 2022, and the City subsequently asked for clarification on the relationship between State Density Bonus Law (SDBL) and the City's Coastal Height Limit Overlay Zone (CHLOZ) which was created via voter initiative. Specifically, the applicant wanted to know if the SDBL might permit a qualifying housing development to exceed the 30-foot building height limit established by the CHLOZ, given that the Project site is located outside of the State Coastal Zone (and is therefore not subject to the requirements of the Coastal Act or the City's Local Coastal Program).

**Background**

HCD understands the Project would create 60 deed-restricted units that would be affordable to low- and very low-income households. The Project would serve transitional aged youth, veterans experiencing homelessness, and low-income individuals. The ground floor would contain supportive services. HCD understands that the Project meets the criteria of Government Code section 65915, subdivision (b)(1)(G), and is located within one-half mile of a major transit stop. Therefore, pursuant to Government Code section 65915, subdivision (d)(2)(D), the project "shall . . . receive a height increase of up to three additional stories, or 33 feet."

The critical issue relates to the potential significance of the fact that the 30-foot height limit was established via voter initiative and not by City Council action (as local development standards are typically established). The City appears to believe that because its height restriction was created by a voter initiative, a state law like the SDBL cannot require the City to grant the height increase. Therefore, the question presented

*is: Is a development standard created by voter initiative immune from the requirements of the State Density Bonus Law?*

### **Brief Answer**

No. The State Legislature can and does preempt local initiatives. "If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void." Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 897, 16 Cal.Rptr.2d 215, 217. It makes no difference that the local law was created by voter initiative. Courts have repeatedly held that the Legislature can preempt local initiatives that conflict with state law. See, for example, Building Industry Association v. City of Oceanside, (1994) 27 Cal.App.4th 744, 771-72, 33 Cal.Rptr.2d 137, 154-55 (local growth control initiative invalid because of facial conflict with state housing policy).

### **Analysis**

Under the California Constitution, a city or county may make and enforce ordinances and regulations "not in conflict with general laws." (Cal. Const., art. XI, section 7). Conversely, a city may not make or enforce a regulation that conflicts with state law. As noted above, "If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void." See, Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 897, 16 Cal.Rptr.2d 215, 217. The City of San Diego apparently interprets the development standard at issue here as disallowing the height increase guaranteed by SDBL. Accordingly, the development standard conflicts with SDBL and is void.

For purposes of preemption analysis, it makes no difference that the preempted local regulation was enacted by local voter initiative. California courts have repeatedly held that the Legislature can preempt local initiatives that conflict with state law. For example, in City of Watsonville v. State Department of Health Services (2005) 133 Cal.App.4th 875, 881, 35 Cal.Rptr.3d 216, 218, the court invalidated a local initiative prohibiting fluoridation of the water supply because the initiative conflicted with state law. Similarly, and especially relevant here, in Building Industry Association v. City of Oceanside, (1994) 27 Cal.App.4th 744, 771-72, 33 Cal.Rptr.2d 137, 154-55, the court struck down a local growth control initiative because it conflicted with state housing policy.<sup>1</sup>

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<sup>1</sup> The fact that San Diego is a charter city does not change this analysis. California courts have repeatedly held that housing is a matter of statewide concern and that state housing laws preempt conflicting local law. See, for example, Ruegg & Ellsworth v. City of Berkeley (2021) 63 Cal.App.5th 277, 277 Cal.Rptr.3d 649 (SB 35, codified as Government Code section 65913.4, preempts conflicting charter city ordinance) and Anderson v. City of San Jose (2019) 42 Cal.App.5th 683, 709-710, 255 Cal.Rptr.3d 654 (Surplus Land Act preempts conflicting charter city ordinance). See also, Buena Vista Gardens Apartments Association v. City of San Diego (1985) 175 Cal.App.3d 289, 306, 220 Cal.Rptr. 732, 742 (Housing Element Law applies in the charter city of San Diego. "[I]f a matter is of statewide concern, then charter cities must yield to the applicable general state laws regardless of the provisions of its charter.").



The ability of state law to preempt conflicting local initiatives is necessary for the state to regulate areas of statewide concern. As the court stated in Mission Springs Water Dist. v. Verjil (2013) 218 Cal.App.4th 892, 920, 160 Cal.Rptr.3d 524, 545, "[i]f the state Legislature has restricted the legislative power of a local governing body, that restriction applies equally to the local electorate's power of initiative. . . . If the rule were otherwise, the voters of a city, county, or special district could essentially exempt themselves from statewide statutes."

### **Conclusion**

HCD respects the challenges inherent in infill development and applauds the City's commitment to the production of affordable housing. Based on maps provided to HCD by City staff, it appears that a substantial amount of land shares the same particular characteristics as the subject site (i.e., located outside of the Coastal Zone but inside the 30-foot height limit area of the CHLOZ). It is HCD's hope that the determinations made in this letter might serve to further facilitate the production of affordable housing in these areas, especially insofar as the 30-foot height limit may have been a barrier to SDBL-enabled applications in the past. If you have questions or need additional information, please contact Brian Heaton, of our staff, at [brian.heaton@hcd.ca.gov](mailto:brian.heaton@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West  
Housing Accountability Unit Chief

From: **Andrew Hill** <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)>  
To: **Clare Kucera** <[clare@dyettandbhatia.com](mailto:clare@dyettandbhatia.com)>  
Subject: Fwd: Comments for the NOP // Housing Element  
Date: 28.04.2023 16:51:53 (+02:00)  
Attachments: site comparrison.xls (4 pages), text.html (1 page)

Please double check and make sure this is reflected in the comments summary memo and compiled with other emails/letters. - Andrew

Begin forwarded message:

**From:** Rajeev Bhatia <[rajeev@dyettandbhatia.com](mailto:rajeev@dyettandbhatia.com)>  
**Subject:** Fwd: Comments for the NOP // Housing Element  
**Date:** April 28, 2023 at 4:22:59 PM PDT  
**To:** Andrew Hill <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)>

Begin forwarded message:

**From:** Marin Town and Country Club <[mtcc@classactionlocator.com](mailto:mtcc@classactionlocator.com)>  
**Subject:** Comments for the NOP // Housing Element  
**Date:** April 28, 2023 at 4:15:54 PM PDT  
**To:** "[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)" <[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)>  
**Cc:** "[bcoler@townoffairfax.org](mailto:bcoler@townoffairfax.org)" <[bcoler@townoffairfax.org](mailto:bcoler@townoffairfax.org)>, "[backerman@townoffairfax.org](mailto:backerman@townoffairfax.org)" <[backerman@townoffairfax.org](mailto:backerman@townoffairfax.org)>, "[shellman@townoffairfax.org](mailto:shellman@townoffairfax.org)" <[shellman@townoffairfax.org](mailto:shellman@townoffairfax.org)>, "[lblash@townoffairfax.org](mailto:lblash@townoffairfax.org)" <[lblash@townoffairfax.org](mailto:lblash@townoffairfax.org)>, "[ccutrano@townoffairfax.org](mailto:ccutrano@townoffairfax.org)" <[ccutrano@townoffairfax.org](mailto:ccutrano@townoffairfax.org)>, "[info@dyettandbhatia.com](mailto:info@dyettandbhatia.com)" <[info@dyettandbhatia.com](mailto:info@dyettandbhatia.com)>, "[dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)" <[dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)>, "[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)" <[mlockaby@townoffairfax.org](mailto:mlockaby@townoffairfax.org)>, "[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)" <[lneal@townoffairfax.org](mailto:lneal@townoffairfax.org)>

Dear Heather:

Attached please find a spreadsheet (Entitled: Site Comparison) supporting that the Town of Fairfax is recycling parcels that were listed in prior Housing Elements and again they are being included in our current Housing Element. We call this to your attention as it illustrates the continued misfeasance and nonfeasance of the Town of Fairfax's Town Council as it relates to the Housing Element and public disclosure.

The attached spreadsheet illustrates 29 parcels that are included in our current Housing Element Public Review Draft, that were included in prior Housing Elements. These are highlighted in yellow for your convenience.

Undeveloped parcels included in prior Housing Elements have proven to be infeasible to develop due to the costs related to access, slope, and lack of utilities. On our current Housing Opportunity Site list, we have brought to your attention that Miranda Heights is a collective 50.2% and the Manor parcel is a collective 49.5%. HCD has already shared their reservations about including such steep parcels, contrary to what your consultant Andrew Hill publicly shared at our April 19th Housing Element NOP meeting.

In your new list the Town has out done itself by including APN #002-123-17 and APN #002-144-01. These slopes are 57.61% and 63.28%



respectively. We ask, which illustrates your subjective approach, why was APN # 002-191-13, also Town owned property not included?

Please recall these three parcels are downhill from an unreinforced single lane road. The cost to develop would exceed any reasonable expectations. Therefore, the Town must have included these to fluff your RHNA with no real expectations that they will ever or could ever be developed.

These parcels, as well as 2600 Sir Francis Drake, Miranda Heights and Manor property, do not have infrastructure for any development.

I also feel it in bad form to re-zone our publicly paid for open space property which we have reserved for safety access to the Lands of MT&CC. Please recall APN #002-123-17, #002-144-01, and #002-191-13, are all adjacent to the MT&CC's 25 acres of flat land, located above the 500-year floodplain.

Furthermore, we call to your attention that the newly presented Housing Opportunity site list uses "Family Sur Names" in place of some street addresses and street addresses in other. This obfuscates the information so as to confuse and restrict peoples ability to comment. Even further you have no rhyme or reason to your sorting of APNs. They are not consecutive nor are they next to each other to illustrate adjacent parcels.

The Town continues to diminish the only viability for meaningful development, the MT&CC. We have a 14" sewer trunk line bifurcating the meadow and 4" of water.

Please include this in your comments and make certain the general public has access to this information this time.

Michael Mackintosh

Parcel #:	Acreage:	Capacity:	Address:	Year:		2015 Capac	2023 Capac	Previous Cycle:	Net Capacity:	
174-290-06	2.15	1		2007-2014		1				
174-290-05	2.21	1		2007-2014		1				
174-290-03	1.69	1		2007-2014		1				
174-290-01	2.11	1		2007-2014		1				
174-070-50	6.22	29		2023-2031			29			29
174-070-017	20	40	Cal Lutheran	2007-2014		40				
002-213-27	0.24	1	Eastside Com	2007-2014		1				
002-213-26	0.24	1	Eastside Com	2007-2014		1				
002-213-25	0.27	1	Eastside Com	2007-2014	*	1		1		
002-213-25	0.25	6		2023-2031			6		5	5
002-213-10	0.19	1	Eastside Com	2007-2014	*	1		1		
002-213-10	0.2	6		2023-2031			6		5	5
002-213-07	0.08	1	Eastside Com	2007-2014	*	1		1		1
002-213-07	0.08	2		2023-2031			2		1	
002-213-06	0.11	1	Eastside Com	2007-2014	*	1		1	2	2
002-213-06	0.1	3		2023-2031			3			
002-213-05	0.06	1	Eastside Com	2007-2014	*	1		1	1	1
002-213-05	0.05	2		2023-2031			2			
002-213-04	0.09	1	Eastside Com	2007-2014	*	1		1	1	1
002-213-04	0.09	2		2023-2031			2			
002-211-21	0.26	1	Eastside Com	2007-2014	*	1		1	3	3
002-211-21	0.26	4		2023-2031			4			
002-211-20	0.22	1	Eastside Com	2007-2014	*	1		1	4	4
002-211-20	0.23	5		2023-2031			5			
002-211-05	0.11	1	Eastside Com	2007-2014	*	1		1	2	2
002-211-05	0.11	3		2023-2031			3			
002-211-04	0.09	1	Eastside Com	2007-2014		1				
002-211-03	0.05	1	Eastside Com	2007-2014		1				
002-211-02	0.06	1	Eastside Com	2007-2014		1				
002-181-22	0.74	1		2007-2014		1				
002-181-21	11	1		2007-2014		1				
002-181-20	6.79	1		2007-2014		1				



002-181-12	11.21	1		2007-2014		1				
002-181-04	4.78	1		2007-2014		1				
002-181-03	4.78	1		2007-2014		1				
002-144-01	both forrest parcels	5		2023-2031			5			5
002-131-15	0.59	3	FairAnselm P	2007-2014		3				
002-131-14	2.69	6	FairAnselm P	2007-2014	*	6		1		1
002-131-14				2006						
002-131-14				2006						
002-131-13				2006						
002-131-12	2.12	6	FairAnselm P	2007-2014	*	6		1		1
002-131-12	2.12			2006						
002-131-12				2006						
002-131-09	0.01	1	FairAnselm P	2007-2014	*	1		1		
002-131-09				2006						
002-131-07	0.02	1	FairAnselm P	2007-2014	*	1		1		
002-131-07				2006						
002-127-02				2006						
002-127-01	0.28	2	FairAnselm P	2007-2014	*	2		1		
002-127-01	0.35	2	FairAnselm P	2007-2014		2				
002-127-01				2006						
002-123-17	0.5	5		2023-2031			5			5
002-122-47	0.51	7		2023-2031			7			7
002-116-07	0.14	1	West Comme	2007-2014	*	1		1		
002-116-07				2006						
002-116-06	0.17	1	West Comme	2007-2014	*	1		1		
002-116-06				2006						
002-116-04	0.17	1	West Comme	2007-2014	*	1		1		
002-116-04				2006						
002-113-08	0.35	10		2023-2031			10			10
002-112-13	1.8	9	School Street	2007-2014	*	9		1	164	164
002-112-13	1.92	175		2023-2031			175			
002-112-13	1.8			2006						
002-101-13				2006						

002-071-01	0.04	1		2007-2014		1				
001-251-31	11.5	1		2007-2014		1				
001-236-56				2006						
001-236-55				2006						
001-236-54				2006						
001-236-53				2006						
001-235-11				2006						
001-235-10				2006						
001-235-08				2006						
001-226-53	0.33	5		2023-2031			5			5
001-221-12	0.5	2	West Comme	2007-2014	*	2		1		
001-221-12				2006						
001-183-20	0.19	6		2023-2031	*		6	1		6
001-183-20	0.19	6		2023-2031			6			6
001-183-17	0.42	2	West Comme	2007-2014	*	2		1	12	12
001-183-17	0.51	14		2023-2031			14			14
001-183-17				2006						
001-183-17				2006						
001-183-16	0.17	1	West Comme	2007-2014	*	1		1		
001-183-16				2006						
001-183-16				2006						
001-183-15	0.17	1	West Comme	2007-2014	*	1		1		
001-183-15	0.17			2006						
001-183-14	0.17	1	West Comme	2007-2014		1				
001-183-13	0.16	1	West Comme	2007-2014	*	1		1		
001-183-13	0.15			2006						
001-183-12	0.17	1	West Comme	2007-2014	*	1		1	4	4
001-183-12	0.17	5		2023-2031			5			
001-183-12	0.17			2006						
001-183-10	0.41	12		2023-2031	*		12	1		12
001-183-10	0.36			2006						
001-183-10	0.36			2006						
001-183-08	0.17	1	West Comme	2007-2014	*	1		1		
001-183-08	0.17			2006						
001-183-04	0.92	2	West Comme	2007-2014	*	1		1		
001-183-04	0.95			2006						



001-183-04				2006						
001-183-014	0.17			2006						
001-181-01				2006						
001-160-09	18.45	2		2007-2014		2				
001-150-12	68.05	6		2007-2014		6				
001-104-012	1.24	22	10 Olema Rd	2007-2014	*	22		1	9	
001-104-012	1.21	31	10 Olema Rd	2023-2031			31			31
001-018-01	0.16	1	West Comme	2007-2014		1				
						141	343	29	213	336
							Total:			





**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing sites on the Housing opportunity list  
**Date:** 01.05.2023 16:47:45 (+02:00)  
**Attachments:** Parcel info Sheet1 (2), Table A.pdf (4 pages), Parcel info sheet Sheet1, Table B.pdf (2 pages)

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**From:** Barbara Coler <bcoler@townoffairfax.org>  
**Sent:** Friday, April 28, 2023 7:05 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Fw: Housing sites on the Housing opportunity list

Barbara Coler, Vice Mayor  
Town of Fairfax

*\*\*The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated \*\**

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**From:** Marin Town and Country Club <mtcc@classactionlocator.com>  
**Sent:** Friday, April 28, 2023 4:55 PM  
**To:** Heather Abrams <habrams@townoffairfax.org>  
**Cc:** Chance Cutrano <ccutrano@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Linda Neal <lneal@townoffairfax.org>; Mark Lockaby <mlockaby@townoffairfax.org>; dhortert@4leafinc.com <dhortert@4leafinc.com>; info@dyettandbhatia.com <info@dyettandbhatia.com>; Housing <Housing@townoffairfax.org>; housing@doj.ca.gov <housing@doj.ca.gov>  
**Subject:** Housing sites on the Housing opportunity list

Dear Heather:

Attached please find two spreadsheets representing the parcels cited on your Housing Opportunity Site list. We have numbered your identified sites so as to help you better understand the information provided.

The attached parcel sheets will illustrate slopes, fire overlays, and flood zoning requiring a more exhaustive CEQA review. For the safety of our community please ensure this legal requirement.

We again call out that your nonfeasance and misfeasance will become malfeasance when properties are developed that will require new roads, new water lines, new gas lines, new electric lines, and new sewer lines; if the associated feasibility reports are not undertaken. Has the Town initiated a feasibility study summing all related expenses of this new construction when the majority of those expenses could be mitigated by placing the housing burden on the lands of the MT&CC?

Additionally, we call to your attention that a CEQA report covering circulation and safety egress/access must be addressed. Placing all this housing density on small hillside streets places an unsafe burden on the occupants should a fire or other safety issue present itself, without rebuilding and upgrading the roads. Some communities have no choice where to place the

required housing. In Fairfax you have the MT&CC, 25 acres of flat land above the 500-year floodplain.

Further attempting conversations with 76 stakeholders, instead of inviting the MT&CC to the table for a single stakeholder is curious. The additional town and staff time might be overwhelming.

Please recall the MT&CC LLC has a willing stakeholder asking to be included in the Housing Element.

Michael Mackintosh



	Site Address/Intersection	Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy
#1	VACANT LOT - BARKER	002-071-01		UR - 7	UR - 1	UR-7	10	9.20	Vacant
#2	Standard Properties	174-060-21		Planned Dev	PDD			11.42	Single Family
#3	Morales Property	003-191-24		Residential 1	RS-6		0.25	1.74	Vacant
#4	67 TAMALPAIS	001-123-03		Residential 1	RS-6	1	6	0.13	Single Family
#5	Read Property	002-041-21		Residential 1	RS-6	1	6	1.48	Vacant
#6	Cummins Property	001-014-02		Residential 1	RS-6		0.25	2.01	Vacant
#7	125 LIVE OAK AVENUE	001-236-03		Residential 1	RD-5.5-7	1	6	0.11	Single Family
#8	Patel Property	002-181-22		Residential 1	RS-6		6	1.40	Vacant
#9	Gilevskaya Property	003-022-05		Residential 1	RS-6	1	6	1.04	Vacant
#10	Hubbel Property	001-241-38		Residential 1	RS-7.5	1	6	1.22	Vacant
#11	155 FORREST AVENUE	002-192-50		Residential 1	RS-6	1	6	0.82	Single Family
#12	Miranda Heights	001-251-31		UR - 7	UR - 1	UR-10	10	11.43	Vacant
#13	Miranda Heights	001-150-12		UR - 7	UR - 1	UR-10	10	73.82	Vacant
#14	Miranda Heights	001-160-09		UR - 7	UR - 1	UR-10	10	16.88	Vacant
#15	Godwin Property	001-015-07		Residential 1	RS-6		6	1.62	Vacant
#16	Godwin Property	001-021-03		Residential 1	RS-6		6	1.36	Vacant
#17	Taylor Property	002-051-04		Residential 1	RS-6			1.23	Vacant
#18	Taylor Property	003-142-36		Residential 1	RS-6	0.25		1.02	Vacant
#19	34 HILL AVENUE	002-214-01		Residential 1	RD-5.5-7	0.25		0.07	Vacant
#20	100 SUMMIT ROAD	002-181-12		UR - 7	UR - 1	UR-10	10	11.75	Vacant
#21	Island Pickle Property	002-181-05		UR - 7	UR - 1	UR-10	10	5.92	Vacant
#22	350 BOLINAS ROAD	002-032-23		Residential 1	RS-6	1	6	0.15	Multi Family
#23	Island Pickle Property	002-181-04		UR - 7	UR - 1	UR-10	10	4.61	Vacant
#24	2040 SIR FRANCIS DRAKE	001-183-04		Central Com	CC	6.25		1.04	Retail/Gener
#25	Kuhler Property	003-181-07		Residential 1	RS-6	0.25	7.69	1.82	Vacant

#26	Ross Property	003-171-02	Residential .2 RS-6	0.25	7.69	1.90	Vacant
#27	Ross Property	003-171-08	Residential .2 RS-6	0.25	7.69	2.25	Vacant
#28	75 PINE DRIVE	003-101-06	Residential 1 RS-6	1	6	0.15	Single Family
#29	Ross Property	003-171-05	Residential .2 RS-6	0.25		2.67	Vacant
#30	200 TOYON ROAD	003-161-01	Residential .2 RS-6		0.25	1.92	Vacant
#31	Second Prospect Property	002-181-20	UR - 7 UR - 1 UR-10		10	6.99	Vacant
#32	Piombo Property	001-093-37	Residential 1 RS-6	1	6	1.63	Vacant
#33	Tomlinson Property	002-174-04	Residential 1 RS-6	1	6	1.02	Vacant
#34	615 OAK MANOR DR	174-070-71	Residential .2 RS-6	0.25		39.34	Single Family
#35	Elterman Property	003-032-42	Residential 1 RS-6	1	6	1.02	Vacant
#36	RFC Property	174-300-05	Planned Dev UR-7		6.25	11.77	Vacant



Infrastruct ure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity
Yes - Current NO - Privat	Available	Used in Prior	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	6		6
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Used in Prior	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Used in Prior	0	0	2		2
Yes - Current NO - Privat	Available	Used in Prior	0	0	6		6
Yes - Current NO - Privat	Available	Used in Prior	0	0	2		2
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Not Used in f	0	0	3		3
Yes - Current NO - Privat	Available	Used in Prior	0	0	1		1
Yes - Current NO - Privat	Available	Used in Prior	0	0	3		3
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1
Yes - Current NO - Privat	Available	Used in Prior	0	0	3		3
Yes - Current NO - Privat	Available	Used in Two	0	0	8		8
Yes - Current NO - Privat	Available	Not Used in f	0	0	1		1

Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	2	2
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Used in Prior 0	0	4	4
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	10	10
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Used in Two 0	0	6	6



	Site Address/Intersection	Assessor Parcel Number	Parcel Size (Acres)	Slope	Current General Plan Designation	Current Zoning	Proposed Zoning	Maximum Density Allowed	Total Capacity	Year:
#1	10 OLEMA	001-104-12	1.21	17.93	Planned Development District	CL	Workforce Housing Overlay	20 du/ac maximum base	31	2023-2031
#2	2600 SIR FRANCIS DRAKE BLVD	174-070-50	6.22	52.82	Planned Development District	UR-7	Workforce Housing Overlay	20 du/ac maximum base	29	2023-2031
#3	95 BOLINAS RD	002-122-47	0.51	4.91	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	7	2023-2031
#4	1810 SIR FRANCIS DRAKE BLVD	001-226-53	0.33	37.13	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#5	2000 SIR FRANCIS DRAKE BLVD	001-183-17	0.51	7.54	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	14	2023-2031
#6	1577 SIR FRANCIS DRAKE BLVD	002-213-25	0.25	5.42	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#7	1591 SIR FRANCIS DRAKE BLVD	002-213-04	0.09	5.65	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#8	1601 SIR FRANCIS DRAKE BLVD	002-211-20	0.23	2.84	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#9	1625 SIR FRANCIS DRAKE BLVD	002-211-21	0.26	4.26	Central Commercial; Residential 1 - 6 du/acre	CH/RD-5.5-7	Workforce Housing Overlay	20 du/ac maximum base	4	2023-2031
#10	1626 SIR FRANCIS DRAKE BLVD	001-183-10	0.41	25.65	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	12	2023-2031
#11	2090 SIR FRANCIS DRAKE BLVD	001-183-12	0.17	3.58	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031

#12	2086 SIR FRANCIS DRAKE BLVD	001-183-20	0.19	4.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#13	2082 SIR FRANCIS DRAKE BLVD	001-183-20	0.19	4.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#14	1607 SIR FRANCIS DRAKE BLVD	002-211-05	0.11	5.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	3	2023-2031
#15	1589 SIR FRANCIS DRAKE BLVD	002-213-05	0.05	5.04	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#16	1585 SIR FRANCIS DRAKE BLVD	002-213-06	0.1	4.98	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	3	2023-2031
#17	1583 SIR FRANCIS DRAKE BLVD	002-213-07	0.08	6.29	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#18	1573 SIR FRANCIS DRAKE BLVD	002-213-10	0.2	6.88	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#19	89 BROADWAY	002-113-08	0.35	7.07	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	10	2023-2031
#20	FORREST AVE	002-123-17	0.5	57.61	Town Owned Properties; Residential 1 - 6 du/acre	RS-6	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#21	FORREST AVE	002-144-01	both forrest parcels	63.28	Town Owned Properties; Residential 1 - 6 du/acre	RS-6	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#22	6 SCHOOL ST	002-112-13	1.92	13.59	Planned Development District	PDD	Workforce Housing Overlay	20 du/ac maximum base	175	2023-2031



From: **Andrew Hill** <andrew@dyettandbhatia.com>  
To: **Clare Kucera** <clare@dyettandbhatia.com>  
Subject: Fwd: School Street Plaza and Housing Element Support  
Date: 02.05.2023 09:04:48 (+02:00)

FYI

Begin forwarded message:

**From:** Heather Abrams <[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)>  
**Subject:** FW: School Street Plaza and Housing Element Support  
**Date:** May 2, 2023 at 8:58:18 AM PDT  
**To:** "[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)" <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)>

Regards,  
**Heather Abrams**  
Town of Fairfax | Town Manager  
[www.townoffairfax.org](http://www.townoffairfax.org)

**From:** Michele Gardner <[mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org)>  
**Sent:** Monday, May 1, 2023 4:34 PM  
**To:** Heather Abrams <[habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)>; [dhortert@4leafinc.com](mailto:dhortert@4leafinc.com)  
**Subject:** FW: School Street Plaza and Housing Element Support

FYI

**Michele Gardner**  
Town Clerk | Assistant to the Town Manager  
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930  
[www.townoffairfax.org](http://www.townoffairfax.org)

**Hours: Monday-Thursday 8:30-noon and 1:00-5:00.**  
**Closed Friday.**

**From:** meredith parnell <[mereparnell@gmail.com](mailto:mereparnell@gmail.com)>  
**Sent:** Sunday, April 30, 2023 6:26 PM  
**To:** Michele Gardner <[mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org)>  
**Subject:** School Street Plaza and Housing Element Support

I support the School Street Plaza site in the Housing Element. This specific project would create 175 new residences, and is needed for Fairfax to reach its RHNA goals. It is a great way to expand housing in Marin, and increased density is required to provide more environmentally sustainable housing. I strongly urge the members to retain the proposed housing density for this project in the Housing Element.

We field hundreds of calls every week from folks all over Marin, including Fairfax, desperate for housing. Our most vulnerable seniors are especially struggling. Any increase in housing supply in Marin is a benefit to all of us.

Thank you.

Meredith Parnell  
Director of Homelessness Prevention





From: **Michele Gardner** <mgardner@townoffairfax.org>  
To: **Heather Abrams** <habrams@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: FW: School Street Plaza and Housing Element Support  
Date: 02.05.2023 16:43:53 (+02:00)

FYI

**Michele Gardner**

Town Clerk | Assistant to the Town Manager  
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930  
[www.townoffairfax.org](http://www.townoffairfax.org)

***Hours: Monday-Thursday 8:30-noon and 1:00-5:00.  
Closed Friday.***

**From:** Robert Pendoley <rpendoley@comcast.net>  
**Sent:** Tuesday, May 2, 2023 9:01 AM  
**To:** Michele Gardner <mgardner@townoffairfax.org>  
**Subject:** School Street Plaza and Housing Element Support

I support the School Street Plaza site in the Housing Element. This specific project would create 175 new residences, and is needed for Fairfax to reach its RHNA goals. It is a great way to expand housing in Marin, and increased density is required to provide more environmentally sustainable housing. I strongly urge the members to retain the proposed housing density for this project in the Housing Element.

**Bob Pendoley**



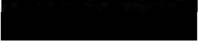
**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Fairfax' Housing Element  
**Date:** 01.05.2023 23:08:57 (+02:00)

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**From:** Barbara Petty <barbarapetty@barbarapetty.com>  
**Sent:** Monday, May 1, 2023 1:54 PM  
**To:** Housing <Housing@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>  
**Cc:** James M. Allen <jallen@lpslaw.com>  
**Subject:** Fairfax' Housing Element

Forrest Ave is a narrow winding road with fire evacuation issues. Adding more housing will increase the fire danger for everyone on this street, and surrounding areas. The lots are extremely steep. Having any construction done on this street requires road closures and special equipment. This is NOT the street to add more housing – it is a public safety concern.

Please remove Forrest Ave from the potential list of additional housing.

Barbara Petty and Jim Allen  




From: **Barbara Coler** <bcoler@townoffairfax.org>  
**andrew@dyettandbhatia.com** <andrew@dyettandbhatia.com>; **Heather Abrams** <habrams@townoffairfax.org>; **Housing** <Housing@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>  
To: **andrew@dyettandbhatia.com** <andrew@dyettandbhatia.com>; **Heather Abrams** <habrams@townoffairfax.org>; **Housing** <Housing@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Fairfax' Housing Element  
Date: 02.05.2023 01:15:12 (+02:00)  
see below

Barbara Coler, Vice Mayor  
Town of Fairfax

*\*\*The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated \*\**

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**From:** barbara coler <barbaracoler@gmail.com>  
**Sent:** Monday, May 1, 2023 6:13 PM  
**To:** Barbara Petty <barbarapetty@barbarapetty.com>; Barbara Coler <bcoler@townoffairfax.org>  
**Subject:** Re: Fairfax' Housing Element

Hi Barbara - the comment period on the Housing Element ended yesterday (I am glad you sent on to the email and Heather regardless).  
The two town owned lots are farther down on the hill - we very much want to provide these for affordable housing. I worked with Linda Neal to identify these two as possibilities for this type of housing. We did our best in working with our consultants to keep most on the site inventory lower down from the hills.  
Thank you for writing. I know that this is of concern and appreciate you sending this to me. I am forwarding it to my town email.  
Barbara Coler, Vice Mayor  
Town of Fairfax

*\*\*The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated \*\**

On Mon, May 1, 2023 at 1:55 M Barbara Petty <[barbarapetty@barbarapetty.com](mailto:barbarapetty@barbarapetty.com)> wrote:  
Forrest Ave is a narrow winding road with fire evacuation issues. Adding more housing will increase the fire danger for everyone on this street, and surrounding areas. The lots are extremely steep. Having any construction done on this street requires road closures and special equipment. This is NOT the street to add more housing – it is a public safety concern.

Please remove Forrest Ave from the potential list of additional housing.

Barbara Petty and Jim Allen  
 Forrest Ave.

**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing Element, questions and comments  
**Date:** 26.04.2023 18:17:53 (+02:00)

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**From:** Barbara Coler <bcoler@townoffairfax.org>  
**Sent:** Tuesday, April 25, 2023 7:32 PM  
**To:** imjschatz@msn.com <imjschatz@msn.com>; Housing <Housing@townoffairfax.org>  
**Cc:** Heather Abrams <habrams@townoffairfax.org>  
**Subject:** Fw: Housing Element, questions and comments

Dear Ms. Schatz - I am forwarding your comments on the housing element (HE) to the email address for HE comments. Our consultant is compiling the comments and questions and will be working on a response to comments. This is not a time for Q&A on the HE or on the NOP. Your comments will help inform any potential changes (if needed) to the HE and response to comments. As far as your comments on the NOP, again they will help inform as we proceed with the EIR for the HE. Thank you for writing and for taking the time to review the draft HE and the NOP.

Thanks again, Barbara

Barbara Coler, Vice Mayor  
Town of Fairfax

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**From:** Jean Schatz <imjschatz@msn.com>  
**Sent:** Tuesday, April 25, 2023 6:59 PM  
**To:** Heather Abrams <habrams@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>  
**Subject:** Housing Element, questions and comments

Hello Administrator Abrams and Councilmember Coler,

I have spent hours reading the Public Review Draft Sixth Cycle Housing Element and the Revised NOP of a Draft Environmental Impact Report. They seem deliberately obscure, especially the Inventory of Sites being an Excel Spreadsheet, certainly making it arduous to be an engaged citizen. I did watch the April 19 presentation, but not many of my questions were answered.

Here are my questions: In Revised NOP, Figure 3: Sites Available for Housing, this map shows a site next to or at Victory Village color coded as low/very low income. This is the largest area on the map coded for this type of housing. Are you counting Victory Village's already built units in the sites available to build? Or does this refer to the "RFC Property" (Assessor Parcel Number 174-300-05) listed in the Fairfax Sites Inventory Spreadsheet? Why is this remaining property owned by Resources for Community Development a "Planned Development District", as the spreadsheet says? Is further multifamily housing development planned on the property next to and behind Victory Village? On a hillside? (I live nearby in Village West.)


My comments...I am very disappointed that Town and Country property was not included in the sites inventory. So it has to be rezoned—put it on the ballot. You may be surprised at the outcome. Rezone that property into a "Planned Development District." Get Resources for Community Development to build mixed income housing on this T & C site. It is not clear where the mixed-income multifamily units will be built otherwise.



I do hope to get a reply from both of you.

Sincerely,

Jean Schatz

 Banchero Way

From: **Heather Abrams** <habrams@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: FW: some questions regarding new Housing Element Draft  
Date: 19.04.2023 21:56:41 (+02:00)

Regards,

**Heather Abrams**

Town of Fairfax | Town Manager

[www.townoffairfax.org](http://www.townoffairfax.org)

**From:** robert schwartz <robmschwartz@yahoo.com>

**Sent:** Wednesday, April 5, 2023 10:40 AM

**To:** Andrew Hill <andrew@dyettandbhatia.com>; Heather Abrams <habrams@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>

**Subject:** some questions regarding new Housing Element Draft

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.

First, let me say that the apparent new strategy of more infill development in the downtown area makes overall sense to me. Nonetheless, you might imagine my surprise to see that my property was no longer listed as an "opportunity site" (which we recently met about with David Woltering) for 40 units as indicated in the last draft information - to now just 10 units as listed in **Table 3-3: Vacant Single-Family** on the entire "39.34" acre site and **Map 3-5 labeled "Sites Available for Housing"**

Therefore, my preliminary comments and/or questions are as follows:

- Please note that my property is listed as 39 acres in Table 3-3, though 50.2 is shown on the county's parcel map and that number was listed in the Title Report: However, I had a survey done recently that roughly indicates that it may in fact be closer to 45 acres.
- Regardless of size, how did you arrive at just 10 units? Is that arrived at through subdividing, through the possible housing clusters that were discussed in the new draft element, or through some other means? How are you reducing the number of presumably legally entitled units under its current RS-6 zoning? Are you including ADU's or JADU's? One way or another, with RS-6 zoning, the math doesn't seem to make sense with even just 39 acres (as incorrectly stated). Please explain.
- The recently revealed Environmental Hazard Risk Map shows many relevant parts of my land as being of "mostly or many landslides" character: Please note some of those areas have been deemed not only stable enough to build by the



same geologist that the town uses, but they would not characterize much of those areas the same way - and building technologies can be employed that mitigate many conditions.

- Areas deemed "high or very high fire risk" are characterized by the state map as not being of high or very high fire risk, leaving me to wonder what source is being relied on for this information. Please confirm what sources are being used.
- It seems that the southern narrow strip of land-area fronting Sir Francis Drake Blvd may have been left out of the maps: Please note that most maps, due to the irregular boundaries of my property, are substantially inaccurate, and that section is left out of most town maps. Likewise, please note, that the same geologist the town uses did say that it was geologically feasible to build there. And importantly, that area has a bus stop, and there is ample interest expressed in the housing element to build along that transit corridor. Surprised that it has been dropped as a possible site for workforce or affordable housing. Or perhaps it is an oversight.

Finally, in order to help me think about how to move forward with assisting the Town with meeting it's RHNA requirements during this next planning period by developing these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks  
Rob Schwartz

From: **Heather Abrams** <habrams@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: FW: some questions regarding new Housing Element Draft  
Date: 19.04.2023 21:56:30 (+02:00)

Regards,

**Heather Abrams**

Town of Fairfax | Town Manager

[www.townoffairfax.org](http://www.townoffairfax.org)

**From:** robert schwartz <robmschwartz@yahoo.com>  
**Sent:** Friday, April 14, 2023 4:12 PM  
**To:** Andrew Hill <andrew@dyyettandbhatia.com>  
**Cc:** Heather Abrams <habrams@townoffairfax.org> ; Barbara Coler <bcoler@townoffairfax.org>  
**Subject:** Re: some questions regarding new Housing Element Draft

Hello Andrew, et. al.,

Thanks for your reply to my questions. Not being an expert in these matters I have been trying to wrap my head around this rapidly shifting picture. I also spoke with Barbara Coler over lunch to get some additional clarifications and would now like to again bring up a few issues and related questions before the next public meeting on April 19.

Regarding the size of the lot, this is not a big deal, as we can settle it between the assessor and my or another surveyor. It is what is. My surveyor, who reviewed his maps earlier this week, thinks it is 45.4 or 45.5 acres, based on his surveys and software. He says the maps that the assessor uses are often wrong, especially with a large property with convoluted boundaries such as mine, just as the parcel map that indicates 50.2 acres might be inaccurate. Please note that the actual boundaries of my property are different than the boundaries indicated by the maps that you are using for your exhibits.

Regarding landslide and fire hazard, like you I am also referring to the 2022 Office of the State Fire Marshall map which deems all the areas surrounding my property to be "moderate " and does my insurance carrier. Might be moot, since we both agree (e.g., you and the town's consultants) that any hazards of this nature "mitigatable ".

More importantly, however, I am concerned by the "down-sizing " or "down-zoning " and the overall sudden changes regarding the previous allotment for my parcel from 40 units to now just 10 units- well below my legal entitlements under RS-6 zoning- and the reasons given for that. Below are my thoughts regarding these matters.

In the most recent discussions I had with you in February and in all the plans released by the town prior to the recent release on March 31 of the revised draft Housing



Element, three areas of my property were being discussed, with between 30 and 40 units being allotted.

The first area we discussed was the lower area fronting Sir Francis Drake Blvd. I had assumed that up to half (or up to 20 units) of the 40 units previously targeted for my entire site would be located there in multi-family housing on a one-acre parcel created after adoption of the updated Housing Element. However, this area is suddenly no longer in the Housing Element Draft as of March 31, without prior warning (?). You stated to me in your reply on Friday that is because it would need to be subdivided and rezoned, and that no application is on file. However, it was my understanding that that was what was going to happen all along, no one indicated that you were not going to include items that needed subdividing and rezoning, or applications already submitted. If that was the case, why wasn't that mentioned to me in our zoom call in February with you, Heather Abrams and interim Town Planning Director David Woltering.

This is very odd, since it was standard procedure to plan for subdividing and rezoning as part Fairfax's last 2015 Housing Element update (?). Several of the opportunity sites in the last Housing Element were included and accepted as still needing to be subdivided and rezoned, and they subsequently were. Particularly the the church site near my property in that area (see page H-70, Goal H-2, Program H-2.1.1.1) where 54 units of very low-income units for seniors has been successfully developed and are now occupied, even though they were not re-zoned or subdivided in the 2015 Housing Element.

Barbara also suggested some other reasons for the sudden lack of inclusion: that I hadn't provided plans and it might not be feasible, politically (in her opinion). First thought- that's a slightly different reason than yours, (though perhaps by "plans " she means application) and second, I was never told that I needed to submit plans or application, again, as I mentioned before, all I was asked at the aforementioned zoom meeting was whether I was willing to write a letter to the state saying that I was on board, to which I responded- "absolutely ". And please note: I can happily provide preliminary plans and applications.

Regarding Barbara's suggestion that there are political factions in Fairfax that consider my land part of the town's open space - and they don't want to see my land subdivided and developed even though there is no legal basis for that and even though the development being proposed would fit in with the character of other nearby developments and having low-income apartments there next to an existing bus stop and using part or even the majority of that area as a park would create a beautiful improvement on Sir Francis Drake Boulevard, whereas now it is an unkempt empty frontage. Regarding that suggestion- it is my opinion that town leadership and town public opinion have not only changed dramatically recently, but that town leadership must now recognize the need to craft and provide more nuanced legislation and guidance regarding housing development and other issues (e.g. rent control) and to find a middle ground between, for example, the development of sprawl and a zero-development policy. These, as we know, need not be black and white issues, as they

are so often characterized by political extremes. What's clear is that the people of Fairfax do want more housing now as part of an overall plan to reduce the cost of housing.

A second area discussed was a midsection area that is behind 183 and 203 Oak Manor Drive, that has access by virtue of a 30 foot easement between the two houses there. This area could easily hold at least two or three single family residences, each with an ADU and a JADU, for a possibility of at least six units.

The final area is the upper part of the property, at the top of Oak Manor Drive, which includes relatively flatter areas that could be safely developed with respect to wildfire and landslide risks and also while protecting visually prominent ridgelines and scenic views. My original plan would have been to cluster 10 small lots of approximately 4,000 square feet within one acre fronting Oak Manor Drive, across from the residential properties developed on the County side of the street. That approach would have created up to 10 homes with a possibility of an additional 10 ADU's and another 10 JADU's for a total buildout of up to 30 units. However now, I am thinking of just putting three or four single family homes there for a total of approximately 10 units, including ADUs and JADU's, inline with your suggestion.

With regards to the upper area of my property; you state that this area is included as an opportunity site under program 2-D, which would create new standards for permitting clustered hillside development. However, there is nothing in program 2-D or the action plan that requires these new standards to be passed, only that they be reviewed and considered. Therefore, given that soft and non-committal language and the fact that despite the public clamor for more housing (which some town council members say is a new and welcome shift for the town) there are very extremely vocal political activists in town who will oppose these proposed revisions. Therefore, more of a commitment is needed that what is currently proposed in program 2-D and the action plan.

Finally, there is the issue of the cost to develop and implement housing production. Not only do construction costs make development an extremely risky endeavor these days, but permit application costs particularly stemming from the cost of an EIR put development almost out of reach - unless buildout of my site is included in the program level EIR that the town is preparing. In your plan, the town is supposed to take steps to help reduce the financial burden, particularly with regarding to the subdivision and permitting process, that makes most projects these days financially untenable.

Therefore, I would like to at least be included in the program level EIR for at least my legally entitled number of units under the existing RS-6 zoning on my entire acreage - with the inclusion of ADU's and JADU's on each parcel as allowed by State Law. Which, assuming my land is 45 acres would be 7 six-acre parcels accommodating primary residences, with ADU's and JADU's for a total of 21 units (e.g.,  $7 \times 3 = 21$ ): Again, all under the current RS-6 zoning.



Likewise, if at least my legally entitled buildout potential of 21 units are not included in the program EIR now being prepared by the town, I would like to know why not: And, why are you inadvertently down-zoning my property from the currently legally allowed 21 units to just 10 units?

-  
As stated earlier, I am more than happy to submit plans relative to the discussion above in a timely manner. Fairfax needs housing, and the town would be well served to have additional units modeled in the EIR on my property as a buffer if you want the state to accept this draft housing element. That is, if the town truly wants to accommodate it's RHNA during this next planning period.

Please stay tuned for further updates regarding my plans. I look forward to discussing this more in the near future and I very much appreciate your work on this endeavor.

Best Regards,

Rob Schwartz

On Friday, April 7, 2023 at 02:21:03 PM PDT, Andrew Hill <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)> wrote:

Hi Robert

Following up, this is clarify the assumptions regarding housing projections for 615 Oak Manor Dr (APN 174-070-71) in the Public Review Draft Housing Element and provide answers to your questions.

The property is included on the draft inventory - it is shown as an opportunity site for Above Moderate housing on Map 3-5 and listed in the detailed inventory in Appendix A. The projected capacity for housing on the site is 10 new units over the planning period with implementation of proposed Program 2-D, which would create new standards permitting clustered hillside residential development on six large sites, including APN 174-070-71. Through this program, the Town would modify the existing hillside development ordinance to allow for clustered housing development on relatively flatter portions of the sites, subject to standards that ensure safe construction in view of geological and wildfire constraints while also protecting ridgelines and scenic views.

Additionally, here are answers to your other questions:

- We relied on Marin County Assessor data, which indicates that APN 174-070-71 is 39.34 in size.
- The landslide data shown on Maps 3-2 and 3-3 is from the US Geological Survey and consistent with the data available through Marin Maps. The information did not limit the capacity projections for the site. As you point out, geological constraints can be mitigated.
- Maps 3-2 and 3-3 also show Fire Hazard Severity Zones within Local Responsibility Areas, based on data from the Office of the State Fire Marshall. The maps are consistent with the Marin County Multi-Jurisdictional Hazard Mitigation Plan. I'm not sure what maps you are viewing, but you may be looking at the State Responsibility Area maps, which exclude incorporated towns and cities. In any case, as with landslide hazard risk, location within a High Fire Hazard Severity Zone did not affect capacity projections because wildfire hazards can be mitigated.
- APN 174-070-71 is shown with frontage along Sir Francis Drake on Map 3-5 in the Draft Housing Element. County Assessor data was used to project the shape of the site on the maps in ArcGIS. That portion of the site was not assumed for multi-family development because it would need first to be subdivided from the larger parcel to receive a different zoning district and as of yet there is no application on file for that.

Hope that helps. Let us know if you'd like to discuss.

Best regards,

Andrew

On Apr 6, 2023, at 12:36 PM, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Thanks for that Andrew, much appreciated.

Rob

[Sent from Yahoo Mail on Android](#)

On Thu, Apr 6, 2023 at 11:54 AM, Andrew Hill

<[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)> wrote:

Hi Robert

I'm extremely busy today but have received your email and am working with Heather on responses. Once we send that out, if you still want to talk we can set up a time for that.

Andrew



On Apr 6, 2023, at 11:18 AM, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Hi Andrew,

Are you available sometime for a short call (less than 15 mins) regarding some of the topics below? I appreciate you for your candor and straightforward perspective...

much appreciated,

Rob Schwartz

 Oak Manor Drive, Fairfax  


On Wednesday, April 5, 2023 at 10:39:46 AM PDT, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.



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Therefore, my preliminary comments and/or questions are as follows:

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these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks

Rob Schwartz



From: **Heather Abrams** <habrams@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: FW: some questions regarding new Housing Element Draft  
Date: 19.04.2023 21:55:57 (+02:00)

Regards,

**Heather Abrams**

Town of Fairfax | Town Manager

[www.townoffairfax.org](http://www.townoffairfax.org)

**From:** robert schwartz <robmschwartz@yahoo.com>  
**Sent:** Wednesday, April 19, 2023 12:17 PM  
**To:** Andrew Hill <andrew@dyettandbhatia.com>  
**Cc:** Heather Abrams <habrams@townoffairfax.org> ; Barbara Coler <bcoler@townoffairfax.org>  
**Subject:** Re: some questions regarding new Housing Element Draft

Hi Andrew,

Thank you for your prompt response - very much appreciated! I have tried my best to respond in kind, and to address each of the points in your April 17 email below. Please take the time to read the details.

#### 10 units vs 40 units Question

In your email to me on April 7, when I first asked about how you arrived at 10 units for my lot, instead of the prior 40 units and why the land area fronting Sir Francis Drake Blvd, which had been included on all prior iterations and discussions prior to March 31 (including a discussion between us in February) got dropped from consideration for housing, you replied then that that area had disappeared from the site inventory, not because of capacity projections, as you suggest now, but because of the need to subdivide and rezone. Barbara Coler opined separately that it was because plans had not been submitted.

Now in your last email you are suggesting that it is "realistic capacity projections", and not subdividing and rezoning, that got you to a 10 unit projection. Can you please provide me with the details of the site constraints analysis?

#### Potential Development Opportunities on 45 acres

As I see it there are three areas of potential development on my 45 acre site as follows. It is apparent that HCD has asked municipalities to communicate directly with land owners to access their "realistic" interest in being included as an opportunity site analysis and in the Housing Element update process, which I obviously intend to do.

So, let me articulate my thinking once again about the three areas that are available for in-fill development on my property I know my property having already developed is somewhat and I think the following provides for a "realistic capacity projections ":

- There is potential for at least 4-8 single family market rate residences, as part of a “clustered” hillside development fronting Oak Manor Drive, near the top of Oak Manor Drive. These would be developed in line with the character of the neighborhood, out of any view corridor and at the same time protecting the visual character of all visually prominent ridgelines. Those 4-8 single family residences would probably lead to at least 8 to 16 units in total when you include ADU’s and 24 units max when you add JADU’s (which would presumably be more affordable by size).
- There is a very realistic probability of adding at least 2-4 single family residences behind 183 and 203 Oak Manor Drive. That would lead to 6 to 12 more units max if you included both ADU’s and JADU’s. I suspect this site has been overlooked: Please let me know if you have taken this site into consideration or not. And if not, why not?
- In the lower flat area fronting Sir Francis Drake Boulevard there is capacity for 20 units of low income multi-family attached housing on a flat one-acre site. This site is directly behind the existing bus transit stop on Sir Francis Drake Boulevard, a major thoroughfare. The site fits entirely within the established character of surrounding multiple attached housing and rental housing developments, including the recently completed Victory Village Senior Housing. This site was targeted in the last Housing Element as well and there are many other multiple apartment developments across the street. Please note: My own drawings and plans for the lower area fronting Sir Francis Drake call for the 20 units to be in three apartment buildings, clustered on the east part of the site leaving 50-65% of the remainder of the flat site for landscaped open space.

### Summary and Conclusion

In summary, the above three site areas would provide a potential of a total of 40 units of infill housing in a variety of housing types; single family and multiple family. This potential retains the low density of less than one dwelling per acre and is consistent with what has been previously modeled in the housing element updates. In conclusion, I am asking for a full consideration of the potential opportunities for market rate and affordable housing development on my property. Accordingly, I have the following points and/or questions to put forth:

- No one had questioned building 40 units somewhere on my land until now. I responded to your first suggestion that it was because it needed to be subdivided and rezoned, and you didn’t reply to my response about that;
- Please provide the details of your analysis that concluded that 10 units is now appropriate based on a “realistic capacity projections” under current or future re- zoning. It is only fair and reasonable for you to explain why all of a sudden using my land as an “opportunity site” is no longer being considered.
- I am presently working on conceptual plans, as suggested by a Council member, to demonstrate the “realistic capacity” projections; we have a site map already, if that would help.
- If it was internal and/or external political pressure in Fairfax that eliminated my property as an opportunity site in this Housing Element update, rather than a carrying capacity of the land I would like to know.



- Past performance would suggest that the area along Sir Francis Drake Boulevard is a VERY realistic spot to develop low-income attached multi-family housing its not clear why this site has been eliminated. That area is realistic as are the other two uphill areas as described above;
- I am further mystified at the "down-sizing " of the potential for infill development on my property from 40 to just 10 units, especially given the need for a large "buffer " required in your analysis by the state - particularly given the amount of infill that is being proposed for downtown (?).

On this last point above, importantly, I don't believe that the infill in the downtown that has been modeled in the draft Housing Element has been fully vetted yet by the citizens of Fairfax. Does anyone in town really understand what 175 units on the upper portion of the 1.96 acre School Street Plaza site would look like in terms of the number of stories? Let alone if you add 50% more units under California's "density bonus law" which would bring the total to 262 units at School Street Plaza: What does that even look like? School Street Plaza's unit count could be reduced due to a public outcry in the future (which is very predictable in Fairfax) wouldn't it be good to have an additional 40 units on my site to relieve the density and congestion of one large housing project ?

Finally, I would like the Town to include an alternative to the 10 unit limit on my property in the Housing Element EIR. I will provide a conceptual site plan showing how realistic it is to consider up to 40 units (1 dwelling per acre) on my property with a mix of housing types. The program level EIR that the town is producing must include alternatives analysis to show opportunity sites such as mine. To not do so seems like an inadequate EIR analysis for the Housing Element update. This concern has also not yet been addressed, please do so.

Thank you in advance for you continued assistance and your time with this matter Andrew, I look forward to more specific responses. and see below for my direct reponses to your last email.

Best Regards,

Rob

On Monday, April 17, 2023 at 02:01:52 PM PDT, Andrew Hill < [andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com) > wrote:

Hi Rob

Housing Elements are full of complex legal requirements and jargon, which can make things hard to decipher. From your most recent email it looks like you may be confusing what is permitted under zoning with the realistic capacity projections for the site. Those are two separate things though.

First off, just to clarify - the Housing Element does not itself implement rezoning. It is a planning document that provides guidance for future Town actions. Where it calls for rezoning, that is simply a policy direction that the Town Council will undertake as part of implementing the Housing Element over the next 8 years.

That said though, the Draft Housing Element does not propose to downzone your property or make any change at all to the base zoning. As such, with implementation of the Housing Element, you will continue to have right to develop up to the maximum permitted under current zoning.

I think what's causing confusion for you is the realistic capacity projections. Throughout California (and the US), projects are very rarely if ever built out to the maximum permitted under the zoning. Therefore, per State law and guidance from the Department of Housing and Community Development, the Housing Element must project the number of units that are likely to be developed on each site included on the inventory, based on past performance on similar sites in the jurisdiction and in consideration of various environmental and market constraints. In consideration of those factors, the realistic capacity for your site is projected at 10 units. This does not restrict your ability to develop more (provided that that could be done in compliance with Town regulations), nor does it change what is permitted under zoning. If you look at the inventory, you will see that, with the exception of single-family properties where 1 unit is projected, no site is projected to see construction of the maximum allowed under current zoning.

Hope that helps,

Andrew

On Apr 14, 2023, at 4:11 PM, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Hello Andrew, et. al.,

Thanks for your reply to my questions. Not being an expert in these matters I have been trying to wrap my head around this rapidly shifting picture. I also spoke with Barbara Coler over lunch to get some additional clarifications and would now like to again bring up a few issues and related questions before the next public meeting on April 19.

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wasn't that mentioned to me in our zoom call in February with you, Heather Abrams and interim Town Planning Director David Woltering.

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Barbara also suggested some other reasons for the sudden lack of inclusion: that I hadn't provided plans and it might not be feasible, politically (in her opinion). First thought - that's a slightly different reason than yours, (though perhaps by "plans" she means application) and second, I was never told that I needed to submit plans or application, again, as I mentioned before, all I was asked at the aforementioned zoom meeting was whether I was willing to write a letter to the state saying that I was on board, to which I responded - "absolutely". And please note: I can happily provide preliminary plans and applications.

Regarding Barbara's suggestion that there are political factions in Fairfax that consider my land part of the town's open space - and they don't want to see my land subdivided and developed even though there is no legal basis for that and even though the development being proposed would fit in with the character of other nearby developments and having low-income apartments there next to an existing bus stop and using part or even the majority of that area as a park would create a beautiful improvement on Sir Francis Drake Boulevard, whereas now it is an unkempt empty frontage. Regarding that suggestion - it is my opinion that town leadership and town public opinion have not only changed dramatically recently, but that town leadership must now recognize the need to craft and provide more nuanced legislation and guidance regarding housing development and other issues (e.g. rent control) and to find a middle ground between, for example, the development of sprawl and a zero-development policy. These, as we know, need not be black and white issues, as they are so often characterized by political extremes. What's clear is that the people of Fairfax do want more housing now as part of an overall plan to reduce the cost of housing.

A second area discussed was a midsection area that is behind 183 and 203 Oak Manor Drive, that has access by virtue of a 30 foot easement between the two houses there. This area could easily hold at least two or three single family residences, each with an ADU and a JADU, for a possibility of at least six units.

The final area is the upper part of the property, at the top of Oak Manor Drive, which includes relatively flatter areas that could be safely developed with respect to wildfire and landslide risks and also while protecting visually prominent ridgelines and scenic views. My original plan would have been to cluster 10 small lots of approximately 4,000 square feet within one acre fronting Oak Manor Drive, across from the residential properties developed on the County side of the street. That approach would have created up to 10 homes with a possibility of an additional 10 ADU's and another 10 JADU's for a total buildout of up to 30 units. However now, I am thinking of just putting three or four single family homes there for a total of approximately 10 units, including ADUs and JADU's, inline with your suggestion.

With regards to the upper area of my property; you state that this area is included as an opportunity site under program 2-D, which would create new standards for permitting clustered hillside development. However, there is nothing in program 2-D or the action plan that requires these new standards to be passed, only that they be reviewed and considered. Therefore, given that soft and non-committal language and the fact that despite the public clamor for more housing (which some town council members say is a new and welcome shift for the town) there are very extremely vocal political activists in town who will oppose these proposed revisions. Therefore, more of a commitment is needed than what is currently proposed in program 2-D and the action plan.

Finally, there is the issue of the cost to develop and implement housing production. Not only do construction costs make development an extremely risky endeavor these days, but permit application costs particularly stemming from the cost of an EIR put development almost out of reach - unless buildout of my site is included in the program level EIR that the town is preparing. In your plan, the town is supposed to take steps to help reduce the financial burden, particularly with regard to the subdivision and permitting process, that makes most projects these days financially untenable.

Therefore, I would like to at least be included in the program level EIR for at least my legally entitled number of units under the existing RS-6 zoning on my entire acreage - with the inclusion of ADU's and JADU's on each parcel as allowed by State Law. Which, assuming my land is 45 acres would be 7 six-acre parcels accommodating primary residences, with ADU's and JADU's for a total of 21 units (e.g., 7x3=21): Again, all under the current RS-6 zoning.

Likewise, if at least my legally entitled buildout potential of 21 units are not included in the program EIR now being prepared by the town, I would like to know why not: And, why are you inadvertently down-zoning my property from the currently legally allowed 21 units to just 10 units?

-  
As stated earlier, I am more than happy to submit plans relative to the discussion above in a timely manner. Fairfax needs housing, and the town would be well served to have additional units modeled in the EIR on my property as a buffer if you want the state to accept this draft housing element. That is, if the town truly wants to accommodate it's RHNA during this next planning period.

Please stay tuned for further updates regarding my plans. I look forward to discussing this more in the near future and I very much appreciate your work on this endeavor.

Best Regards,

Rob Schwartz

On Friday, April 7, 2023 at 02:21:03 PM PDT, Andrew Hill <[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)> wrote:

Hi Robert

Following up, this is clarify the assumptions regarding housing projections for 615 Oak Manor Dr (APN 174-070-71) in the Public Review Draft Housing Element and provide answers to your questions.

The property is included on the draft inventory - it is shown as an opportunity site for Above Moderate housing on Map 3-5 and listed in the detailed inventory in Appendix A. The projected capacity for housing on the site is 10 new units over the planning period with implementation of proposed Program 2-D, which would create new standards permitting clustered hillside residential development on six large sites, including APN 174-070-71. Through this program, the Town would modify the existing hillside development ordinance to allow for clustered housing development on relatively flatter portions of the sites, subject to standards that ensure safe construction in view of geological and wildfire constraints while also protecting ridgelines and scenic views.

Additionally, here are answers to your other questions:

- We relied on Marin County Assessor data, which indicates that APN 174-070-71 is 39.34 in size.
- The landslide data shown on Maps 3-2 and 3-3 is from the US Geological Survey and consistent with the data available through Marin Maps. The information did not limit the capacity projections for the site. As you point out, geological constraints can be mitigated.
- Maps 3-2 and 3-3 also show Fire Hazard Severity Zones within Local Responsibility Areas, based on data from the Office of the State Fire Marshall. The maps are consistent with the Marin County Multi-Jurisdictional Hazard Mitigation Plan. I'm not sure what maps you are viewing, but you may be looking at the State Responsibility Area maps, which exclude incorporated towns and cities. In any case, as with



landslide hazard risk, location within a High Fire Hazard Severity Zone did not affect capacity projections because wildfire hazards can be mitigated.

- APN 174-070-71 is shown with frontage along Sir Francis Drake on Map 3-5 in the Draft Housing Element. County Assessor data was used to project the shape of the site on the maps in ArcGIS. That portion of the site was not assumed for multi-family development because it would need first to be subdivided from the larger parcel to receive a different zoning district and as of yet there is no application on file for that.

Hope that helps. Let us know if you'd like to discuss.

Best regards,

Andrew

On Apr 6, 2023, at 12:36 PM, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Thanks for that Andrew, much appreciated.

Rob

[Sent from Yahoo Mail on Android](#)

On Thu, Apr 6, 2023 at 11:54 AM, Andrew Hill  
<[andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)> wrote:

Hi Robert

I'm extremely busy today but have received your email and am working with Heather on responses. Once we send that out, if you still want to talk we can set up a time for that.

Andrew

On Apr 6, 2023, at 11:18 AM, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Hi Andrew,

Are you available sometime for a short call (less than 15 mins) regarding some of the topics below? I appreciate you for your candor and straightforward perspective...

much appreciated,  
Rob Schwartz  
[REDACTED] Oak Manor Drive, Fairfax  
[REDACTED]

On Wednesday, April 5, 2023 at 10:39:46 AM PDT, robert schwartz <[robmschwartz@yahoo.com](mailto:robmschwartz@yahoo.com)> wrote:

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.

First, let me say that the apparent new strategy of more infill development in the downtown area makes overall sense to me. Nonetheless, you might imagine my surprise to see that my property was no longer listed as an "opportunity site" (which we recently met about with David Woltering) for 40 units as indicated in the last draft information - to now just 10 units as listed in **Table 3-3: Vacant Single-Family** on the entire "39.34" acre site and **Map 3-5 labeled "Sites Available for Housing"**

Therefore, my preliminary comments and/or questions are as follows:

- Please note that my property is listed as 39 acres in Table 3-3, though 50.2 is shown on the county's parcel map and that number was listed in the Title Report: However, I had a survey done recently that roughly indicates that it may in fact be closer to 45 acres.
- Regardless of size, how did you arrive at just 10 units? Is that arrived at through subdividing, through the possible housing clusters that were discussed in the new draft element, or through some other means? How are you reducing the number of presumably legally entitled units under its current RS-6 zoning? Are you including ADU's or JADU's? One way or another, with RS-6 zoning, the math doesn't seem to make sense with even just 39 acres (as incorrectly stated). Please explain.
- The recently revealed Environmental Hazard Risk Map shows many relevant parts of my land as being of "mostly or many landslides " character: Please note some of those areas have been deemed not only stable enough to build by the same geologist that the town uses, but they would not characterize much of those areas the same way - and building technologies can be employed that mitigate many conditions.
- Areas deemed "high or very high fire risk " are characterized by the state map as not being of high or very high fire risk, leaving me



to wonder what source is being relied on for this information. Please confirm what sources are being used.

· It seems that the southern narrow strip of land-area fronting Sir Francis Drake Blvd may have been left out of the maps: Please note that most maps, due to the irregular boundaries of my property, are substantially inaccurate, and that section is left out of most town maps. Likewise, please note, that the same geologist the town uses did say that it was geologically feasible to build there. And importantly, that area has a bus stop, and there is ample interest expressed in the housing element to build along that transit corridor. Surprised that it has been dropped as a possible site for workforce or affordable housing. Or perhaps it is an oversight.

Finally, in order to help me think about how to move forward with assisting the Town with meeting it's RHNA requirements during this next planning period by developing these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks  
Rob Schwartz

**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing element - ADU estimating factors  
**Date:** 24.04.2023 20:18:42 (+02:00)

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**From:** MICHEAL SEXTON <sextonarts@comcast.net>  
**Sent:** Wednesday, April 19, 2023 7:15 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Housing element - ADU estimating factors

In my view, one of the easiest ways to increase affordable housing is incentivizing ADU and alternative rental housing, but the current rent control ordinances disincentivize ADU construction. It seems to me that the current rent control ordinances are in direct opposition to the goals of creating affordable housing.

Question for the consultants, In regards to ADU projections, there is a methodology to estimate the number of ADUs to be added, but is there a corresponding methodology for counting the removal of current ADUs from the rental market due to rent control ordinances or the suppression of future ADU construction due to the reticence of homeowners to build because of these ordinances?

How do the rent control ordinances factor into the estimates that were developed for ADUs?

I would suggest that this is a serious concern and a major factor that needs to be considered when estimating future rental units.

Thank you.

Michael Sexton  
Director - Marin Residents  
MarinResidents.org and FairfaxResidents.org  
michael@marinresidents.org



From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: School Street plaza  
Date: 13.04.2023 21:39:22 (+02:00)

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From: Lynnette Shaw <cbcmarinalliance@gmail.com>  
Sent: Thursday, April 13, 2023 2:38 PM  
To: Housing <Housing@townoffairfax.org>  
Subject: School Street plaza

Dear Town,

I think it is an example of extremely poor planning to propose a multi story apartment complex in the middle of town where there is already little parking and horrible commute congestion.

The Marin Town and Country Club site is appropriate and has a willing landlord. There are creative solutions to resolve whatever problem there is about MTCC.

Also, where do I move my dispensary business which brings thousands of dollars in sale tax to the Town? You have not given a thought to relocating the displacing businesses and residents from School Street.

Signed,  
Lynnette Shaw  
Owner  
Marin Alliance  
6 School Street suite 210  
Fairfax

Inventor of the licensed dispensary x?\u-497 ?

**From:** **Housing** <Housing@townoffairfax.org>  
**To:** **Daniel Hortert** <dhortert@4leafinc.com>  
**Subject:** Fw: Special election to rezone MTCC for housing  
**Date:** 19.04.2023 17:47:22 (+02:00)

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**From:** Lynnette Shaw <cbcmarinalliance@gmail.com>  
**Sent:** Tuesday, April 18, 2023 8:19 AM  
**To:** Housing <Housing@townoffairfax.org>  
**Subject:** Special election to rezone MTCC for housing

The Town Council has the ability to set a special election to have the voters of Fairfax allow a rezoning of the MTCC for solve the housing problem and not ruin the Town with a 7 story apartment building in the wrong place at School Street Plaza.

Lynnette Shaw



**From:** Housing <Housing@townoffairfax.org>  
**To:** Daniel Hortert <dhortert@4leafinc.com>  
**Subject:** Fw: Housing Element Feedback  
**Date:** 27.04.2023 16:52:20 (+02:00)

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**From:** Artem Shnayder <artem.shnayder@gmail.com>  
**Sent:** Wednesday, April 26, 2023 8:50 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Cc:** Elise Hartinger <Elisehartinger@gmail.com>  
**Subject:** Housing Element Feedback

Hello,

My name is Artem Shnayder of 66 San Gabriel Dr. My fiancée, Elise Hartinger, and I bought a house here last summer. We are writing to express our concern over the prospect of development at the Wall Property / Marinda Heights.

The day before we made an offer on this house, Elise and I hiked along the Wall Property ridgeline. We took in the beautiful vistas and fell in love with the storybook town of Fairfax. Since then, we've gotten to know the Wall Property ridgeline well. It sits right above our house. There's a little known, steep trail you can climb all the way up there, right from our backyard. The eucalyptus trees that line the ridge whistle on those windy nights and they remind us of why we moved to this beautiful town on the wildlife-urban interface.

As you prepare your plans for the Housing Element, please consider the essence of what's made Fairfax such a great place to live for all the people that have settled here. The open space, the ridgelines, and that feeling of simultaneous peace and excitement from a walk up the hill and through the woods.

We urge you to keep that space open, free, and undeveloped for the current generation and for all future generations to enjoy.

Best,  
Elise & Artem

From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Comments on draft Housing Element  
Date: 01.05.2023 16:51:58 (+02:00)

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From: Jenny Silva <jrskis@gmail.com>  
Sent: Sunday, April 30, 2023 8:18 PM  
To: Housing <Housing@townoffairfax.org>; HousingElements@yimbylaw.org  
<HousingElements@yimbylaw.org>; housingelements@hcd.ca.gov <housingelements@hcd.ca.gov>  
Subject: Comments on draft Housing Element

Dear Town of Fairfax,

I am writing to submit my comments on the draft Fairfax Housing Element. Although the Housing Element is late, I commend the Town for a well-written, well organized document that is a good attempt at addressing the serious housing needs in Fairfax. Even so, we do believe that the draft Housing Element needs to be strengthened to achieve its goals. Because these comments are long, you may want to access them via this [Google doc](#) instead of through this email.

I will start with some overall comments on the draft, and then provide specific comments tied to individual programs.

1.

**Density at School Street Plaza is necessary and important to the project.**

School Street Plaza is an important site in this housing element, given the large number of housing units it can generate. We encourage the town of Fairfax to maintain at least the 175 units it is planned for and to work with the developers to ensure that the project can proceed.

2.

**Over optimistic projections of development of vacant residential lots.** Table 3-3 shows the expected development of 21 vacant residential lots into 60 units. While we support Fairfax's efforts to ease development, it is unrealistic that all vacant residential will develop at full capacity. Fairfax should apply a likelihood of development to these properties.

3.

**Over optimistic projections of ADU development.** Fairfax expects its programs to double ADU development. These programs will be implemented over the next two years, so it will be likely ¼ the way through the Cycle before they are fully implemented. This makes the doubling of current production rate over the entire period a challenge, especially since there is not a commitment to zoning changes proposed in Program 1-M. is the most powerful program proposed - it provides the biggest economic incentive to build more ADUs. However, Fairfax is only "considering" changes in this program. Fairfax should lower its ADU expectations.

4.

**Over-optimistic development of under-utilized commercial sites** - the Housing Element assumes that all 19 sites are developed for a total of 159 units, 129 of



which are suggested to be very low income units. Many of these sites have very small unit capacities - just 2-4 units. About ⅔ show owner interest, but that is not enough. To add housing will require businesses to shut down revenue streams, which increases the cost of development. Fairfax should be providing a probability of development for these sites, especially the sites without owner interest. Further as mentioned below, the proposed density is unlikely to drive the redevelopment of these properties and needs to be increased.

5.

**Potential projects are incorrectly classified as pipeline projects.** HCD's Building Blocks says that jurisdictions may take RHNA credit for new units approved, permitted, and/or built since the start date of the RHNA projection period. For projects approved, but not yet built, the jurisdiction must demonstrate the units can be built within the remaining planning period and demonstrate affordability to very low- or low-income households. Table 3-2 lists 194 units as Pipeline projects, but only 4 of those units have been approved. The 190 pre-approval projects should be moved to the site inventory. **Comments on Programs**

a.

**Program 1-B - School Street Plaza.** We support this program and this project. We would encourage Fairfax to develop ODDS that are consistent with affordable, environmentally friendly multi-family housing. The draft ODDS we reviewed would require that this 175 unit project consist of many small, highly articulated buildings (10-15 units) with very defined architectural standards. Complying with these ODDS would dramatically raise cost of building as well as reduce the energy efficiency of the end units. While the developer can seek waivers of requirements that make a project financially infeasible, this both wastes staff time and could potentially disappoint the community if standards are not used.

b.

**Program 1-C - Housing on Town Owned Sites.** We support this program, if it were amended to offer higher density housing. Mill Valley is working on an affordable housing project on city owned land, and they need a density of 40 units/acre to make it financially feasible. This project should be increased to at least 20 units. This increase could compensate for the reducing the ADU estimate, which we believe is too optimistic.

c.

**Program 1-D - Shopkeeper Units.** We support this program strongly in concept. However, it will not be financially feasible to add a single unit above a business. The program should allow multi-story residential above the stores. Multi-story residential above ground floor retail is a feature of villages around the world, and typically strengthens the retail market in an area.

d.

**Program 1-E.** We support this program, and believe it should be extended throughout the town, and not limited to commercially zoned areas. Allowing the formation of home-based businesses allows the creation and nurturing of entrepreneurship throughout the community, as well as enabling the creation of more walkable neighborhoods.

e.

**Program 1-G - Encourage Innovative and 'Non-Traditional' Forms of Housing.** While the intent of this program is good, many non-traditional forms of housing cannot be developed under existing zoning code. This program should commit to revise zoning requirements to enable these non-traditional forms of housing.

f.

**Program 1-M** is the most powerful program proposed to incentivize ADU production. However, Fairfax is only "considering" changes in this program. Fairfax should commit to reducing zoning restrictions that limit the attractiveness of building ADUs.

g.

**Program 2A - Housing Overlay District** - This is a good program, but the proposed density needs to be increased. The projected housing requires all sites to be developed to 29 units/acre. The housing overlay proposes zoning at 20 and 40 units per acre. Every site would need to be developed at maximum capacity to reach the 29 units/acre. This is not realistic. Further, the Housing Overlay is expected to provide mostly affordable housing. The proposed densities do not support affordable housing development. By comparison the Hamilton project in Mill Valley will only work at 40 units per acre, and the city is providing the land. Bee Street, the last affordable project in Sausalito, was at 70 units/acre, and had donated time and professional services. In the 5th cycle, Sausalito introduced a program similar to 2A, and no housing was created. This cycle, Sausalito is increasing the density to 49/acre and 79 units/acre. This is an important program for Fairfax, and to see it to fruition, it will need increased density.

h.

**Program 2C - Establish Objective Design and Development Standards (ODDS).** We are supportive of ODDS. But as mentioned above, we are concerned that draft ODDS failed to address affordability and energy efficiency. The small building sizes proposed are appropriate for small infill lots, and are useful for rezoning R1 zones into multi-family. They are not appropriate for larger development opportunities. The high articulation requirements are not energy efficient. The combination of small building sizes and high articulation will reduce the energy efficiency of these new units. Fairfax cares about environmental sustainability, and we'd encourage Fairfax to reconsider its approach. We also find the architectural standards highly



problematic and not consistent with the eclectic charm of Fairfax.

i.

**Program 2-G** - We are encouraged to see the inclusion of byright approval for developments up to 4 units. We'd like to see this extended to larger buildings.

j.

**Program 5-C** - ADU monitoring. This is an important program given Fairfax's plan to rely on ADUs. Even so, we think the ADU projection is too high and the Town should proactively plan for a more realistic number of ADUs.

k.

**Program 5-D - Housing Specialist** We support this program as Fairfax will need additional resources to implement this housing program. Fairfax has a very small staff, and we do not believe it will be able to complete this program without additional staff.

l.

Not addressed: Fairfax has enacted some strong rent stabilization and tenant protection programs. These programs are necessary given the current housing crisis. There is a strong effort underway to repeal these protections. Fairfax should commit to ongoing protections within the Housing Element.

6.

**Planning for Older Residents.** Like much of Marin, Fairfax is aging rapidly, but is not adequately planning for this demographic transition. Currently, Fairfax has 276 older residents with ambulatory difficulties. 206 have an independent living difficulty. Yet there are only 123 independent living senior residences and no assisted living residences. Much of Fairfax's single family homes are on steep hillsides with many stairs. Further, 90% of Fairfax's housing stock is over 40 years old, requiring increased maintenance, which can be challenging for older residents, especially those with ambulatory and cognitive difficulties. Many seniors will need new housing options this housing cycle. ADUs and Home Match are not sufficient to meet the needs. We urge Fairfax to seriously plan for additional housing options for seniors.

7.

#### **Appendix C - Constraints**

a.

##### **Governmental constraints**

- i. **Fees and Extractions.** Fairfax does not include the fee that it charged for a developer submitting an application under the Builder's Remedy. This fee has been set at \$50,000. This is not a reasonable fee, and is a clear attempt at circumventing California state law.
- ii. **Unnecessarily High Parking Requirements** - the current draft housing element only reduces parking where required by law. Any units larger than a studio, other than ADUs, require 2 parking spots, even though Marin has a high percentage of single person households. Fairfax points to parking standards throughout Marin as justification for its high standards. Overly high parking requirements are a problem throughout Marin. Fairfax has committed to reducing greenhouse emissions. 40% of Marin's emissions are from cars, so reducing car dependency is a key step in climate action. Reducing unneeded parking is a step towards both reducing housing prices and improving climate resiliency.
- iii. **Lack of Zoning for Multifamily Housing.** Fairfax has no baseline zoning for multi-family residences other than for seniors. Fairfax is proposing programs for workforce housing, including working with non-profits to explore options for sites for projects. A much stronger commitment would be to legalize multi-family housing throughout Fairfax. The ODDS that Fairfax developed could be readily adapted throughout single family neighborhoods. This would be a much stronger step to providing more affordable housing options and integrating Fairfax.
- iv. **Subdivisions - fees, requirements** - Throughout this section Fairfax suggests that requirements are not a constraint because they are consistent with other Marin jurisdictions. However, Marin has had the lowest rate of housing production per capita in the Bay Area for the last 20 years. All of the jurisdictions in Marin have requirements that have greatly reduced housing production. Being consistent with Marin is not an argument that requirements are not a constraint. Fairfax has only developed 43 new housing units in the last decade. It does not appear that any have gone through the subdivision process, and the vast majority are single family homes or ADUs. We believe Fairfax needs to change its approach to multi-family housing, so it can be built.

- b. **Non-governmental constraints - Community resistance to housing development.** Fairfax does not identify community resistance as a restraint to housing development. Page C-3 states that a plan to rezone Commercial Highway to Commercial Corridor with byright on the 2nd floor was not implemented due to the submission of a voter referendum. Fairfax should be engaging in programs to increase the political will to build housing.



**Permitting times.** Fairfax describes the permitting times, but does not provide data supporting its process description. Fairfax should provide a summary of permitting times for project applications over the last cycle that includes the actual time to get through the process, as well as the number that dropped out. If Fairfax does not have this data, it should commit to gathering the data and making adjustments if it does not meet state permitting guidelines. For example, table C-6 states that the “typical” time for multi-family housing, <10 units and >10 units is 6-12 months. I believe the only multi-family housing developed was the 53 unit Victory Village. Fairfax should state what the processing time for this project was.

Thank you for the work on your Housing Element, and we look forward to an even stronger second draft.

Sincerely,

Jennifer Silva  
Volunteer, Campaign for Fair Housing Elements  
[jrskis@gmail.com](mailto:jrskis@gmail.com)

From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Comments  
Date: 24.04.2023 20:18:30 (+02:00)

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From: julie sullivan <juliesullivan@earthlink.net>  
Sent: Wednesday, April 19, 2023 7:34 PM  
To: Housing <Housing@townoffairfax.org>  
Subject: Comments

Hello,

I was in attendance for the Housing element portion of the meeting this evening (via Zoom) but lost my voice (due to illness) and couldn't comment publicly. Coincidentally, I feel that I have struggled to find a voice within this process.

I genuinely appreciate the work that has been done on this project to this point, and I also value the efforts to create affordable housing, especially for those who work in this community. Marin is expensive and we can do more (as a state) to address the needs and concerns of the many of us who live and work in the Bay Area.

As a teacher, I am intimately aware of these cost of living challenges. In fact, I currently benefit from a previous housing effort--built on a steep slope along Glen Dr--which enabled my family to move into this community.

However, one aspect of the current report that was not addressed in the meeting were the changes made in the site inventory from the initial announcement about site considerations. While some questions were raised about sites that were offered and not included, I was surprised (and concerned) to see the hilltop site above Glen Dr added.

This site was not on the original list sent out to the community. It is also on a ridge in a high-liquefaction zone with no road access to the property. In addition, the current landowner has engaged in some questionable practices in attempt to create a road and begin construction.

The six units being proposed at this site would not even alleviate the need for affordable housing.

This development makes me hope that the council will take a deeper look at all of the sites (and the number of units being proposed per site) before approving this plan. While some landowners were not informed that their sites were included in this list, neighboring property owners were also not informed.

I recognize that there are additional studies to be conducted and issues (such as water supply and fire egress) to be considered, but it seems like the current site inventory could use serious reconsideration.

Thank you for your time,  
Julie Sullivan  
■ Glen Dr, Fairfax



From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Housing Element: In regards to APN 174-060-21  
Date: 01.05.2023 16:51:27 (+02:00)

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From: Christopher Tonry <ctonry@gmail.com>  
Sent: Sunday, April 30, 2023 4:45 PM  
To: Housing <Housing@townoffairfax.org>  
Subject: Housing Element: In regards to APN 174-060-21

Sunday, April 30, 2023

Dear Fairfax Town Council Members,

We are writing to express our strong objection to the proposed inclusion of the 10-acre parcel of land on the ridge above Glen Dr and Canon Village (APN 174-060-21) in the latest draft of the Housing Element. There are several reasons why we believe this development should not move forward and should not be included in the Housing Element.

Firstly, the property lacks any street frontage, which is a current ordinance requirement. Secondly, there is no current street access to the property, making it difficult for emergency services to reach in case of an emergency. For the parcel to be developed, the developer/owner will need to construct a driveway for one house, or, as proposed in the Element, for 6 houses they will need to construct a road. There is no easy location for this road, which we believe the developer envisions will be built along an easement through Marin County Open Space at the Glen Drive trailhead, creating a significant development in what now is open hillside.

Moreover, we believe the status of the property may be in question as it was supposed to remain a remainder or open space parcel as a condition of the development of the Meadowlands of Marin. If the property is developed, it will violate this agreement and set a dangerous precedent for future developments in the area.

The proposed development will also negatively impact neighbors who live downslope on both sides, as it will increase traffic and potentially damage the local ecosystem.

Additionally, the development of six luxury homes, as currently proposed, will not have a meaningful impact on affordable housing in Fairfax, which is a more pressing issue that needs to be addressed. 6 homes is not significant in terms of the Housing Element, but it has an incredibly significant impact on what now is an open hillside above White Hill Middle School, the Canon swim and tennis club, and much of West Fairfax.

Finally, the property is contiguous with Marin Open Space property and offers a prime opportunity to expand the Loma Alta preserve and protect its viewshed. This area is a valuable resource for the community and should be preserved for future generations to enjoy.

In conclusion, we urge the Town Council to reconsider the inclusion of this 10-acre parcel of land in the Housing Element. The negative impacts of this potential luxury development far outweigh any potential benefits, and preserving this land without houses is crucial for the well-being of the community and the environment.

Sincerely,

Christopher Tonry (█ Glen Dr)  
Anne Altman (Glen Dr)  
Mike Altman (Glen Dr)  
Sonya Sakaske (█ Glen Dr)  
Dine DeMarlie (█ Glen Dr)  
John S. Lando (█ Glen Dr)

From: **Housing** <Housing@townoffairfax.org>  
To: **Daniel Hortert** <dhortert@4leafinc.com>  
Subject: Fw: Public Comment- Housing Element- FHANC  
Date: 01.05.2023 16:48:53 (+02:00)  
Attachments: Fairfax\_Housing Element Public Comment\_FHANC.pdf (4 pages)

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**From:** Savannah Wheeler <savannah@fairhousingnorcal.org>  
**Sent:** Sunday, April 30, 2023 12:12 PM  
**To:** Housing <Housing@townoffairfax.org>  
**Cc:** Caroline Peattie <peattie@fairhousingnorcal.org>  
**Subject:** Public Comment- Housing Element- FHANC

Greetings,

Please find attached Fair Housing Advocates of Northern California's public comment on Fairfax's 2023-2031 Housing Element. Thank you for your consideration.

Best regards,  
Savannah Wheeler

--

**Savannah Wheeler**  
Staff Attorney/Housing Counselor  
Fair Housing Advocates of Northern California  
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San Rafael, CA 94901  
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pronouns: she/her

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# Fair Housing Advocates of Northern California

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[www.fairhousingnorcal.org](http://www.fairhousingnorcal.org) ▼ [fhanc@fairhousingnorcal.org](mailto:fhanc@fairhousingnorcal.org)

*SENT VIA EMAIL ONLY: [Housing@townoffairfax.org](mailto:Housing@townoffairfax.org).*

April 30, 2023

Town of Fairfax  
142 Bolinas Rd.  
Fairfax, California 94930

## **RE: Fairfax's Sixth Cycle 2023-2031 Housing Element**

Dear General Plan Updating Team:

We provide this letter as public comment on the revised Draft of Fairfax's 2023-2031 Housing Element ("Element").

Fair Housing Advocates of Northern California (FHANC) is a private nonprofit organization dedicated to assisting individuals experiencing housing discrimination and educating the community, including tenants, housing providers, and government employees, as to their rights and responsibilities under federal and state fair housing laws. The mission of FHANC is to ensure equal housing opportunity and to educate the community on the value of diversity in housing.

FHANC provides free comprehensive fair housing counseling services to individuals alleging housing discrimination in Marin County, Sonoma County (except the incorporated city of Petaluma), and Solano County (except the incorporated city of Vacaville). FHANC also provides other services, such as prepurchase and foreclosure prevention services and trainings to housing providers in other neighboring counties.

In addition to counseling and education services, FHANC recruits, trains, and employs fair housing testers in order to investigate claims of housing discrimination and to assist in conducting systemic investigations.

At the outset, we commend the Town for enacting ordinances to create just cause eviction and rent stabilization programs. The need for policies and programs that offer strong tenant protections is urgent and is a crucial component of affirmatively furthering fair housing (AFFH), and Fairfax is a leader in the region in this area.

We offer the following suggestions for incorporation into the Town's revised housing element in order to most strongly AFFH in the Town.

## **Fair Housing Education and Enforcement**

State law requires all Housing Element programs to have beneficial impact within the planning period, including identification of specific actions, which agency or official is responsible for those actions, and a timeline.<sup>1</sup> Specifically, programs to affirmatively further fair housing must identify clear “metrics and milestones for determining what fair housing results will be achieved.”<sup>2</sup> Furthermore, a recent survey of HCD reviews of draft housing actions from Southern California jurisdictions emphasizes that time bound actions with “specific commitments [from local actors], metrics, and milestones” are required.<sup>3</sup>

We appreciate the Town’s inclusion of various programs involving fair housing education and enforcement, as well as the Town’s leadership in enacting source of income protections before the state enacted such protections. The Town references FHANC’s audit that revealed high levels of discrimination against Housing Choice Voucher (HCV) holders in Marin County, and we support the Town’s commitment to promoting the Marin Housing Authority's Landlord Partnership Program to Town landlords. We encourage the Town to increase specificity around the number or percentage of landlords the Town aims to have participate in this program.

We also support the Town’s programs to partner with FHANC to conduct workshops on landlord and tenant responsibilities and rights, and to partner with organizations to provide anti-discrimination training to realtors and lenders. In line with the guidance mentioned above, we would encourage the Town to include stronger and more specific goals around these programs including providing education/training to all landlords and Town staff on fair housing and anti-discrimination.

The Draft should also analyze how its proposed programs and development plans, such as the site inventory, will serve to overcome existing patterns of segregation.<sup>4</sup>

## **Prioritize Specific Policies and Programs to Protect Tenants**

As noted, we commend the Town’s leadership in adopting rent stabilization and just cause for eviction ordinances ahead of most other jurisdictions in the region. The need for policies and programs that offer strong tenant protections is urgent and is a crucial component of affirmatively furthering fair housing, and just cause and rent stabilization programs are key steps toward AFFH. In addition to implementing these programs, we encourage the Town to further strengthen its commitment to AFFH by including commitments to enact the following proven policies/ordinances during the 6<sup>th</sup> cycle to maximize housing opportunity and protect the rights of all tenants, including those of protected classes:

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<sup>1</sup> Gov. Code § 65583(c).

<sup>2</sup> Gov. Code § 65583(c)(10)(A)(iv).

<sup>3</sup> ABAG, Affirmatively Furthering Fair Housing (AFFH) Policy Tips Memo Learning from Southern California & Sacramento: Early Experiences in Complying with AB686.

<sup>4</sup> See Gov. Code § 65583(c)(10)(A)(ii).



Fair Chance Ordinance: The use of criminal history in obtaining housing should be eliminated, given the disparate impact on people of color, using Berkeley, Oakland, and Alameda County as templates for such an ordinance.

Community or Tenant Right to Purchase (“COPA/TOPA”): As a key intervention against speculation, TOPA/COPA preserves currently affordable housing and generates new permanently affordable housing for future generations. TOPA/COPA expands stability and wealth-building opportunities for tenants by creating pathways to homeownership.

Tenant Bill of Rights: The purpose of a Tenant Bill of Rights (TBR) is to state unequivocally that all residents have the right to clean, safe, and secure housing, which includes but is not limited to:

- Anti-retaliation - Rebuttable presumption of retaliation if tenant asserts their rights, including but not limited to, requesting a reasonable accommodation, reporting sexual harassment, and otherwise filing complaints against housing provider staff within 6 months.
- Clean, safe housing - stronger protections for tenants from eviction if they deduct repairs from rent
- A rental registry.
- Tenant Commission- Seats reserved that represent low-income seniors, persons with disabilities, tenants in federally subsidized housing including LIHTC, and communities of color on a commission that provides information, referrals, and advice to tenants and advises Town leadership on programs and policies affecting tenants.
- Nonpayment notices - Require landlords to provide a 7-day warning letter before a 3-day notice to pay or quit.
- Protections for subletting - Subletting not a just cause for eviction IF the landlord unreasonably withheld consent following a written request by tenant, so long as the maximum number of occupants does not exceed allowable limits.
- Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits. Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits.

The Draft should include the above policies and programs proven to improve and conserve existing, non-subsidized, affordable housing stock and address the unmet needs of low-income, protected class tenants in order to meet the Town’s obligations under Housing Element Law.

## **Conclusion**

Our agency is committed to housing justice and assisting the Town to meet the current and future housing needs of Fairfax citizens. The Housing Element process offers a tremendous opportunity for Fairfax to continue its leadership in advancing specific policies and practices

to realize the goal of fair housing opportunity and create actionable plans that will have widespread impact for years and decades to come.

Thank you for your work and time on this urgent and important opportunity.

Sincerely,



Caroline Peattie  
Executive Director  
Fair Housing Advocates of Northern California



Savannah Wheeler  
Staff Attorney/Housing Counselor  
Fair Housing Advocates of Northern California