

Support for School Street Plaza in Housing Element

Kiki La Porta <kikilaporta@gmail.com>

Mon 12/11/2023 8:54 AM

To:Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear Council people,

Thank you for your earnest and thoughtful consideration of housing and the array of choices available—our not— to our community in Fairfax. This is a challenge which calls for your leadership. I am writing in support of adopting the Housing Element, including the School Street Plaza site. I support retaining the density here—the location is ideal for it.

Best wishes to you all for the holidays & the new year, and great thanks for your dedication to fairfax.

Sincerely,
Kiki La Porta
Glen Dr.

Thumbed

From: [Patti Breitman](#)
To: [Michele Gardner](#)
Subject: Please share with Council members
Date: Monday, December 11, 2023 6:22:25 PM

Hi Michele,

I hope you are well! Congratulations on being recognized by the town. You richly deserve it.

Please share this with the town council members. Many thanks.

Dear council members,

I strongly support adoption of the housing element, and hope that it passes with flying colors.

Thanks for all you do for Fairfax and people in need of housing.

With gratitude,
Patti Breitman
12 Rally Ct.
Fairfax
415-686-3125

Illegal fire's

From: Robert Sears <rsbass@comcast.net>
Sent: Monday, December 11, 2023 11:57 AM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Illegal fire's

It is my utmost, wish that you stay on top of the fact that we are dealing with the homeless population that has no regard for its environment. Campfires has no place in Perry park . Stay on top of this please before something happens that could've been avoided. For my part, I can't believe I have to send an email such as this to prompt Fairfax to deal with the situation. Get with it! Robert Sears.
Sent from my iPhone

From: [Frank Egger](#)
To: [Barbara Coler](#); [Lisel Blasb](#); [Bruce Ackerman](#); [Chance Cufano](#); [Stephanie Hellman](#); [Michela Gardner](#); [Heather Abrams](#); [Housing](#)
Subject: 2. Public hearing and consider certifying an Environmental Impact Report and adopting the 2023-2031 Housing Element – Planning Director Jeff Beiswenger
Date: Tuesday, December 12, 2023 3:15:51 AM

Date: December 11, 2023
To: Fairfax Town Council
Re: Certification of FPEIR and Approval of Housing Element/Insufficiency of the FPEIR
From: Frank Egger & Save Fairfax

Dear Mayor & Town Councilmembers,

Immediately below is a very brief response to the FPEIR that was sent off to Housing@Townoffairfax.org tonight.

On November 10, 2023, I had commented on the DPEIR, seven pages of very specific comments, here's the opening:

**"DATE: November 10, 2023
TO: Housing@Townoffairfax.org, Town Manager Heather Abrams
RE: Comments, Insufficiency of Fairfax's Housing & Safety Elements, a.k.a. The Project, prepared by Dyett & Bhatia. Called both a program EIR and a Draft EIR, Volume 1 is 432 pages
FROM: Frank Egger and Save Fairfax**

Dyett & Bhatia has prepared Fairfax's Housing & Safety Elements, it is clear they have no institutional knowledge of Fairfax, neither the historical background as to why Fairfax remains the last of the old small towns in Marin nor the legal battles fought 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 DEIR is riddled with misinformation and inaccuracies.**

The proposed program Draft Environmental Impact Report does not provide sufficient data for the public and decision makers to make an informed decision. ..."

Dyett & Bhatia's response to my comments makes a false claim that neither I nor Save Fairfax ever challenged the inadequacy of the DPEIR. Not only did we challenge the adequacy of the DPEIR, I pointed out in the seven pages of comments the insufficiencies and then listed what they missed and their errors.

The FPEIR mistakenly lists many of the previously saved public and private Open Space parcels as available for clustered hillside development. It took over 50 years of careful planning, litigation, initiatives and referendums to keep what brought many of us here in the first place. Mayors and councilmembers who fought to Save Fairfax over the years included Pete Arrigoni, George Pagni, Adelaide Wilson, Bob Souza, Ross Parkerson, Al Gately, Pricilla Gray, Randy Garrison, Carol Sherman, Wendy Baker, Lew Tremaine, Niccolo Caldararo, Mike Ghiringhelli, John Reed, Peter Laques and Larry Bragman.

The die was cast a few years ago when a previous Town Council removed these three words from the General Plan, zoning laws and Town policies, "Small Town Character".

This process started out as Housing and Safety Elements but the Safety Element never materialized. Dyett & Bhatia used a Programmatic EIR to hide the real adverse impacts of the Housing Element they prepared for Fairfax. Only now is the truth coming out starting with Thursday night's (12-14-23) Planning Commission meeting.

TOWN OF FAIRFAX STAFF REPORT Department of Planning and Building Services TO: Fairfax Planning Commission DATE: December 14, 2023 FROM: Jeffrey Beiswenger, AICP, Planning & Building Director

Dyett & Bhatia never included in their DPEIR that the SF Drake, Broadway and Bolinas Road corridors would now be riddled with developments of 20 to 60 units per acre for WHO-B and WHO-A parcels. And, they would allow clustered multi-million dollar mansions in our Upland Residential Zoned and Hill Area parcels to save open space, Open Space we saved 50 years ago.

The County of Marin was Fairfax's 1964 consultant to prepare a new General Plan and Zoning Ordinance. Paul Zucker was Marin's Planning Director. When we wrote Fairfax's large lot Upland Residential Zones, UR-7 and UR-10, we used Marin County's West Marin A-60 Zoning as the model.

Marin does not allow cluster zoning in their A zones. As a California Coastal Commissioner in the 1970's, I was able to assist Marin County after a cluster subdivision for a West Marin ranch slipped by the County but needed a coastal permit. I caught it at the coastal meeting, a ranch subdivision with a large number of units in the center and 60 acre lots looking like spokes on a wheel and the Commission voted it down. Marin County then amended their A Zones to prevent cluster development. If they did not amend their zoning code, we could have lost West Marin. Here's their amendment:

22.82.070 – Lot Configuration and Minimum Area

Proposed subdivisions shall be designed so that all lots are in compliance with all applicable minimum lot area requirements of this Development Code, except when the project entails subdivision allowed by Government Code Section 51230.2. Lots should be designed with configurations that ensure each property owner can easily understand parcel boundaries, and to respect environmental and topographic conditions of the site. Irregular lot configurations that are designed solely to meet minimum lot area standards based on the lot-slope requirements contained in Section 22.82.050 (Hillside Subdivision Design) shall not be permitted. Lots shall not be approved unless they are developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement, due to steepness of terrain, location of water courses, inability to handle waste disposal, or other natural or manmade physical conditions.

[March 26, 2022](#)

[Can the Last Place Last? Why A-60 Zoning Matters](#)

The County of Marin is currently [identifying locations for developers to construct 3,569 new housing units](#) in unincorporated Marin County. As the County moves forward in this process by identifying thousands of "potential" parcels to fast track development in the next 8-years, we discovered another major issue, the eradication of A-60 zoning.

THIS BLOG POST IS DEDICATED TO THE IMPORTANCE OF A-60 ZONING

You may have heard about A-60 zoning for the first time if you watched the documentary, [Rebels with a Cause](#) or read about it in Marty Griffin's book, [Saving the Marin-Sonoma Coast](#). A-60 zoning was an essential part of stopping the plans to subdivide the western portion of Marin County and construct a freeway from central Marin County all the way to Point Reyes Station.

Specifically, A-60 zoning is a type of conservation zoning that safeguards agricultural lands from subdivision and development by allowing only 1 house per 60 acres of land. In other counties, like Napa, agricultural zoning may be up to 120 acres.

During the suburban boom of the 1960s, the countryside of Marin County was identified as areas ripe for development. A-60 zoning was the first step to stop irresponsible development plans that would have destroyed forever the landscapes we love in West Marin. A-60 zoning was passed on March 25, 1972, and was followed by the 1973 Countywide Plan that is hailed today as the basis for Marin's environmentally sustainable and forward-thinking development that seeks to balance development with safeguarding our essential environmental ecosystems.

[Fairfax Planning Commission meeting of Dec 14, 2023. Item #4. Consideration for recommendation to the Town Council zoning amendments to implement Program 2-D \(Standards for Low Impact Clustered Residential Development on Large Sites\) of the Housing Element.](#)

A resolution of the Fairfax Planning Commission recommending the Town Council adopt an ordinance to amend the following chapters of Title 17 (Zoning) of the Fairfax Municipal Code: 17.060 (Ridgeline Development); 17.072 (Hill Area Residential Development Overlay Zone); 17.124 (UR Upland Residential Zone). Adoption of this ordinance has been analyzed as part of the Environmental Impact Report prepared for the 2023-31 Housing Element project.

Fairfax is proposing to allow cluster development in UR-7 and UR-10 Zones. What the Town Attorney does not understand is, once Upland Residential zones are amended to allow cluster development, in violation of the purpose and intent of UR Zones (I know that because I'm the councilmember that introduced UR Zoning), it will raise the price of **all** UR zoned parcels including the Wall property. Why would Fairfax raise the price of the Wall property by amending the UR Zone? And, if the purchase of the Wall property for Open Space does not happen, developers will scoop it up because it will be easier to develop. Mr Marshall originally paid \$1.75 million. It recently sold during a bankruptcy auction for \$1 million.

Notwithstanding any other provision to the contrary within this title, in case of any discrepancy between the designation of land on the official Town Zoning Map as lying within the WHO-A and WHO-B zones and the designation of land as set forth in this section, the Zoning Map shall control.

WHO-A parcels with allowable densities between 40 and 60 units per acre include: The commercial areas between Harry's Hill and Fitzpatrick's heating and plumbing shop, the former gas station to the west of the Bicycle Museum, Fairfax Garage, Fairfax Square and the Fairfax French Laundry on Bolinas Road, the now closed Bank of America property and School Street Plaza.

WHO-B parcels with allowable densities between 20 and 40 units per acre include: The UR-7 Zoned Jehovah's Witnesses 5 acre property on SF Drake, a portion of Fairfax Hills' 50 acre Open Space parcel that fronts the old shale quarry west of 7-11 (there's not sufficient flat out of the public right-of-way land under the old landslide to build the 20 to 40 units), 10 Olema Road that backs on to Fairfax Creek with a historical Victorian house, Pancho Villa restaurant, the commercial properties along that side of SF Drake, the car wash, Old Timer Bar (historical) and one of the oldest homes in Fairfax next to the "Lodge" with the historical livery stable in the back.

One reason we protected hillsides and scenic ridgeline corridors was the horrendous landslide problems we had. Fairfax's known landslide issues brought in the CA Department of Mines & Geology in 1973 to map our entire Town for landslides. The State rented a house for geologist Ted Smith for a year so he could inventory every parcel in Fairfax for the severity of potential landslides. He had prepared a large street map with little squiggles rating the sites from a 1 to a 4, 4 being the most susceptible to a landslide. We hired Wallace McHarg Roberts & Todd to prepare Fairfax's Open Space Element and Ted Smith gave him a copy of his field notes to assist them with preparing our Open Space Element.

So, how dangerous are Fairfax hills for building? Here's a few of the landslides I had to deal with between 1966 and 2005: Archie and Vesta Williams' first Fairfax home on Meadow Way had the hillside blow through it, an elderly couple living in the first house after the Canyon Road Bridge had a landslide blow through their house and push them out to the street in their bed, a massive slide came off of Bolinas Road down to Meadow Way, Pine Drive had numerous slides, Upper Cypress blew out and it not only blocked emergency vehicle access, the only way in and out for 15 homes was down the dirt fire road to lower Cypress. In Deer Park we had slides on Woodlane, Spring Lane, Hillside and Crest. We lost two homes on the down side of Forrest Avenue, one went all the way to the creek. Willow, Chester and Live Oak had slides as did Rocca. San Gabriel Drive & San Gabriel Court where a slide came off of the Wall property and blew through a home, we were sued over that one. Homeowners on Oak Springs in San Anselmo sued Dr Wall when the foot of the hill gave out and undercut backyards of homes on Oak Springs. Two homes slide down the hill from the access road at 615 Oak Manor Drive. That was one of the reasons Wendy Baker and I voted against the Court Ordered Settlement on Fairfax Hills, the instability of the soils up there.

Speaking of 615 Oak Manor Drive, Weny Baker and I are the last two former Fairfax officials still in town and alive. We were directly involved in the development process, the public hearings and closed sessions during the litigation. Today we have the Fairfax Town Attorney writing legal opinions as to what happened back in the day, but she was not here.

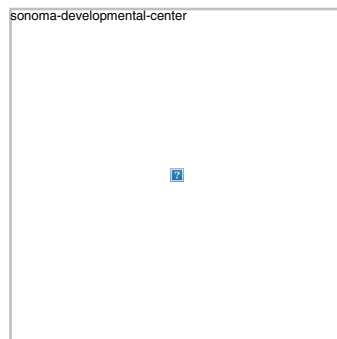
In 1966, we annexed the County approved 52 unit Meadowland subdivision with 10 acres of Open Space on the ridge between Canon Tennis Club and Glen Drive that was a condition of subdivision approval for Glen Drive and Shemran Court. We zoned it Planned District Development. Now Dyett & Bhatia wants to put mansions on that 10 acre ridgetop with no legal access to the ridge.

Why has Dyett & Bhatia refused to show how many stories the 175 units at School Street Plaza will have, probably seven stories. Since the Plaza is close to the bus depot, parking requirements will be minimized. San Rafael recently approved a 162 unit apartment complex on the West End. San Rafael has shot down an appeal seeking more traffic planning for an eight-story, 162-apartment project planned for the city's downtown.

Who is Dyett & Bhatia? What other projects are they doing in the Northbay? Answer, the planning firm doing the Master Plan and EIR for the Sonoma Developmental Center, And Sonoma County has been sued over Dyett & Bhatia's pans and EIR.

Plans For Sonoma Development Center Being Challenged In Court

JANUARY 23, 2023 [APP LOCAL NEWS](#) [APP TOP STORIES](#) [LOCAL NEWS](#) [MORNING NEWS](#) [TOP STORIES](#)



The redevelopment plan of the Sonoma Developmental Center is being challenged in court. Two citizen groups have filed a lawsuit challenging the environmental impact report of the plan to redevelop the Sonoma Developmental Center in Glen Ellen. The suit claims the 2,500 page report is "a shortsighted plan with serious environmental consequences" that fails to take into account the center's rural setting, limited roadways, and wildfire vulnerability. It also calls the report "unrealistic and unresponsive to well documented concerns about water supply, open space, biological resources, historic resources, and a broad range of other environmental issues." The approved plan from the Sonoma County Board of Supervisors calls for at least 620 housing units to be built at the center. Final approval, though, is up to the California Department of General Services.

Sonoma Development Center proposal draws lawsuit and other updates

January 29, 2023

By Dan Mayhew
Sonoma Group Sierra Club

As covered previously in multiple issues of this newsletter, the highly contentious and environmentally disastrous Sonoma Development Center project approval process has been progressing but remains far short of a resolution we could consider supporting, although there are recent noteworthy developments to report, including a lawsuit filed by community groups.

In review, the Sonoma Developmental Center is a 945-acre state property that was closed and designated as surplus land in 2018 after serving people with developmental disabilities for more than a century. The site consists of a 180-acre historic campus and 765 acres of open space containing a major wildlife corridor for mountain lions, bears, and home to endangered salmon species that swim and spawn in Sonoma Creek, which runs through the campus. The SDC lands are a strong match for designation under the state's 30 X 30 Initiative. Sierra Club Redwood Chapter and Sonoma Group have recommended these lands as priorities to the Sierra Club California 30x30 Task Force.

Yet, despite nearly four years of county planning and hundreds of written and in person public comments critical of the EIR and Specific Plan, many submitted by Redwood Chapter and Sonoma Group activists, the Sonoma County Board of Supervisors voted to approve the Site Specific plan and EIR during its Dec. 16, 2022 meeting.

At issue is the FEIR that provides zero mitigations and the "self-mitigated" Specific Plan that contains few enforceable Conditions of Approval to protect the significant biological resources and community from the impacts of a new urban development. Located in the middle of a historic rural greenbelt adjacent to state and regional parks, the plan proposes up to 1,000 new residential units with as many as 2,400 residents along with 410,000 square feet of nonresidential space including a new hotel, retail and offices.

Fairfax is going, going, ...

Thank you, Frank Egger from the Cascades.

