

Re: Response to Master response 2.2 Master Response for the final EIR for the Fairfax Housing Element

Tony Gambardella <tonygambardella@gmail.com>

Mon 1/22/2024 5:44 AM

To: Housing <Housing@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>; Judy Lococo <jlococo754@sbcglobal.net>; Janet Coleson <Janet.Coleson@bbklaw.com>; Will Silverthorne <silverlaw38@gmail.com>; Jeff Beiswenger <jbeiswenger@townoffairfax.org>; Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>  
Cc: Coduto Dave <dcoduto@terrarrg.com>

I am writing to you today because I never received a response to my written and verbal Housing Element comments that I presented prior to and during the January 10, 2024 Town Council meeting. I provided specific written details to Heather Abrams for the final maps recorded at the Marin County Recorder's office for Fairfax Hills. I deserve a written response since I am trying to participate in this very transparent Housing Element process. Did someone from the town actually go to the county recorder's office and verify the facts that I presented?

Tony Gambardella

On Tue, Dec 19, 2023 at 1:40 PM Tony Gambardella <[tonygambardella@gmail.com](mailto:tonygambardella@gmail.com)> wrote:

Regarding the Town of Fairfax's statements in the Master Response that "since May 1991 there are no final tentative maps pursuant to the Settlement Agreement or otherwise in effect as to this site." We disagree with this statement as the final maps recorded for this development reference the Settlement Agreement for Fairfax Hills V. Town of Fairfax recorded May 29, 1991.

I visited the county recorders office and reviewed the recorded document for the Fairfax Hills development. Phase A has a recorded final map Doc 92-046254. This is the map that shows Snowden Lane lots and the remaining parcel which is part of the total development plan for Fairfax Hills. This map references the Settlement Agreement which limited the development of 20 lots which included 615 Oak Manor.

Phase B has a recorded final map document 92 found in book 2001Page 176. The remaining parcel, where 615 is located, is shown on this map and this map also references the Settlement Agreement.

Phase C has a recorded Map and can be found in the RS Book 2006 page 242. This property is currently owned by the Marin County Open Space District.

Phase D, Access Road (where the 615 Oak Manor lot is located) was created by the Settlement Agreement. See the Town of Fairfax Staff Report (in the file at the town of Fairfax for the development of 615 Oak Manor,) as Linda Neal states in her staff report that 615 Oak Manor was created by the Settlement Agreement. Therefore, 615 Oak Manor should be held to the restrictions of the Settlement Agreement, that runs with the Land, See page 30 of the Settlement Agreement.

If the Town continues to include 615 Oak Manor in the Housing Element and allow any further development of that site, which would be a violation of the Settlement Agreement, this could lead to Legal action.

We wait to hear your response,

Tony Gambardella and Judy Lococo

## For the town council

Cathy Canine-Black <cathycanineblack@gmail.com>

Mon 1/22/2024 12:36 PM

To:Christine Foster <cfoster@townoffairfax.org>

Can you please forward this to the town council members and let me know that was done. Thank you.

I am writing to let you know that our rents have been dropped to the appropriate amount.

I find it extremely distressful that you are unable to communicate with your housing providers. If you had a problem with me, you could have contacted me to speak to me about it – you have my contact info; and if you were in doubt, you could find it on my property tax bill (as I pay taxes) and my business license. But instead you took this to the Marin Democratic Socialist party. You chose instead to make me a political pawn.

For your information, I have been paying over \$85,000 per year in property and building insurance so the 2.55% hardly cuts it when P.G.E. gas heat has gone up 11%, garbage 5% and water 51%. I have been paying the \$80,000 for over 3 years.

You have bullied me and my manager, and you have caused a medical emergency with me where I will no longer be able to run my building. It breaks my heart that you are so heartless.

It would be good for you to include your housing providers in the conversations about rent control – and please don't say you did. You had 2 months to contact me prior to protesting on my property, but you chose not to.

If you continue to bully me, my attorney will be in touch.

You should all be ashamed of yourselves.

Cathy Canine-Black

Owner, Lanai Apartments

To Mayor Coler Council members Ackerman, Hellman, Blash and Cutrano:

This letter is in reference to Agenda items #1 and #7, which will be addressed at the Fairfax Town Council meeting on January 24, 2024. These items relate to the adoption of new ordinances which facilitate cluster development on hillside residential properties, ridgeline scenic corridors and upland residential zones, UR-7 and UR-10, which include many public and private open space parcels.

I previously expressed my opposition to the adoption these new ordinances and zoning changes in a detailed letter addressed to the Council prior to the January 10, 2024 meeting. I also previously submitted my objections to the DEIR prepared by Dyett & Bhatia in a letter to you on 11/28/23.

Fairfax Planning Commission did **not** recommend adopting code changes relating to Agenda Item #1 in their meeting on 1/11/24. Please refer to their report and reasons for this decision, which would negatively affect the Town of Fairfax.

In addition to my previously submitted concerns, the Fairfax Town Council has permitted Dyett & Bhatia to develop their own EIR for the Fairfax Housing Element and Zoning Ordinance, which they prepared as part of their contract. **This is a conflict of interest on their behalf. An independent party must be employed to complete the EIR. Due to this error, I again urge the Fairfax Town Council to reject this portion of Dyett & Bhatia's Housing Element and to not upzone UR-7 & UR-10 parcels.**

Furthermore, residents in Fairfax are losing their home owner's insurance due to the risk of wildfire. State Farm Insurance, who claims 22% of the industry, has reported they have written no new policies since May of 2023. The California Fair Plan for home insurance is receiving thousands of applications every week from Californians who have had their home owner insurance canceled and cannot find commercial insurance companies who will insure them. The California Fair Plan cannot keep up with the demand.

There are serious legal liabilities mounting for the Town of Fairfax. Are you paying attention??

With hope,

Teliha Draheim, 1/24/24  
Fairfax resident 28 years