

Save Fairfax comments on the Fairfax Town council meeting of 1/10/24, Item # 2

Frank Egger <fjegger@gmail.com>

Mon 1/8/2024 5:01 PM

To: Barbara Coler <bcoler@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>

Cc: Michele Gardner <mgardner@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>

**DATE: JANUARY 8, 2024, TO: FAIRFAX MAYOR & TOWN COUNCIL, RE: TOWN
COUNCIL MEETING OF 1/10/24, ITEM # 2**

SAVE FAIRFAX'S 2024 REPORT

**AS WE START 2024 ASK YOURSELF A FEW
QUESTIONS: WHAT ORIGINALLY BROUGHT YOU TO
FAIRFAX? WAS IT AFFORDABILITY, A VILLAGE-LIKE
DOWNTOWN, SMALL COTTAGES, THE 30 FOOT
HEIGHT LIMIT?**

CAN THE LAST PLACE LAST? PROBABLY NOT!

**Fairfax voters have twice rejected Redevelopment in
the past. If Fairfax's 2024 Plan for REDEVELOPMENT
& Rezoning goes forward, we lose our Town!**

**The whole Town is either in the Wildland Urban
Interface (WUI) or Flood Zone. Fairfax has one
road in and one road out. Add 598 units (including
the buffer) and evacuation will be impossible if
there is one accident on Drake Blvd. As in the
Paradise, Tubbs and Maui fires, people will die in
their cars trying to get out. Fairfax folks are losing
their homeowners insurance via non-renewals.**

Stepping back in time:

In April of 1958 there was the Preliminary General Plan prepared by Wilsey & Ham Engineers and Planners for the City of Fairfax. The population was 4,628 & Fairfax's medium income was \$3,658. Flooding in downtown Fairfax was an issue and Fairfax Creek went past Town Hall and took a left turn, cut down Bolinas Road and flowed under downtown businesses, making a right turn down Broadway and continued flowing under businesses including the Fairfax Theater (The old concrete bridge railings are still on Pacheco next to the Theater parking lot.), then down to what today is the Post Office, where its confluence with San Anselmo Creek was adjacent the Marin Town & Country Club property.

In 1931, Fairfax had just incorporated and Fairfax and the County diverted Fairfax Creek into a culvert under Bolinas Road and down Sherman to Dominga and then connected to San Anselmo Creek. The 1958 General Plan said that the culvert under Bolinas Road was insufficient to handle Fairfax Creek floodwaters and recommended Fairfax enlarge the culvert to prevent downtown flooding (that was not done). Frank Egger was elected to the Fairfax Council in 1966.

In 1968 Fairfax adopted a new General Plan that was prepared by the County Of Marin's Planning Dept. The purpose of the new General Plan was to restrict the size and location of new development to preserve hillside and ridgetop properties, protect Fairfax & San Anselmo Creeks and the Coho & steelhead in the Creeks, preserve Fairfax's small town character, maintain strict height limits, protect Fairfax's affordable housing and keep SF Drake a 2 lane Road. In the late 1960's the State proposed to extend Route 17 (a.k.a. Highway 580) from San Rafael through Fairfax to West Marin. And, the US Army Corps of Engineers came to Marin in the late 1960's to end the historical flooding. The County approved their plan to channelize and concrete Corte Madera, San Anselmo & Fairfax Creeks.

Former Fairfax mayor Peter Arrigoni was elected 2nd District Supervisor in 1968. Frank Egger and Pete Arrigoni worked side by side. Pete stopped the freeway (Route 17) from going to West Marin and Frank stopped the freeway from coming through Fairfax. Then Pete stopped the concrete channelization of Corte Madera Creek and Frank, with support of the then City Council, pulled Fairfax out of the Ross Valley Flood Zone #9 to forever prevent the concreting of our creeks. Frank's 1st term as mayor was in 1970. He did the research and returned Fairfax's incorporated title to a Town, Fairfax was no longer the City of Fairfax.

Fairfax, with Frank's lead, adopted a new zoning ordinance in 1973 to implement its 1968 General Plan, Ord. # 352. With Franks' lead, Fairfax's Upland Residential Zoning, UR-7 & UR-10, was adopted later and was modeled after Marin County's Agriculture Zoning, A-60. Neither Marin's A-60 zoning nor Fairfax's UR-7/10 zones allow cluster development and it has saved both West Marin from and Fairfax from over-development.

Fast forward to 2024:

How about Conflicts of Interest too? The Fairfax Town Council hired Dyett & Bhatia last year to prepare 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 out in local & appellate courts to preserve, protect & restore Fairfax, preserve historical buildings and actually add & keep real affordable housing. 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. Dyett & Bhatia's PEIR does not provide sufficient data for the public and decision makers to make informed decisions.

Save Fairfax commented throughout the EIR process on the inadequacies of their PEIR. Dyett & Bhatia's response to Save Fairfax's comments was a false claim that neither Frank Egger nor Save Fairfax ever challenged the adequacy of the DPEIR. Not only did they challenge the adequacy of the DPEIR, they pointed out in seven pages of comments the insufficiencies and then listed what Dyett & Bhatia missed and their errors. Dyett & Bhatia prepared their own Programmatic Environmental Impact Report for their Housing Element, not an unbiased 3rd party as the original CEQA (California Environmental Quality Act) law required. Is that a conflict of interest, the land use contractor preparing their own EIR?

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 council members who fought to Save Fairfax over the years included Peter 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, Ryan O'Neil, John Reed, Peter Lacques and Larry Bragman.

Dyett & Bhatia never included in their FPEIR that the SF Drake, Broadway and Bolinas Road corridors would now be riddled with density-bonus developments, up to 65 feet tall high-rise buildings on the WHO-A (Workforce Housing Opportunity) designated parcels. And, they would allow clustered multi-million dollar mansions in our Upland Residential Zoned and Hill Area parcels to save open space. Save the Open Space that we saved with zoning 50 years ago.

Closing commercial businesses on WHO-A business zoned properties and converting their use to housing opportunities with heights up to 65 feet and little or no off-street parking because they are close to the bus depot include: School Street Plaza & Bank of America on Broadway, Fairfax Square & the former French Laundry on Bolinas Road, Fairfax Garage & Body Shop, the former gas station, now a recreational vehicle sales site next to the Bicycle Museum and the small strip of commercial businesses between Harry's Hill and Fitzpatrick's Plumbing & Heating.

According to the Staff Report, "The Fairfax Planning Commission recommended that the Town Council adopt an ordinance amending 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.

According to former mayor Frank Egger this is a false statement: the development of multi-million dollar mansions on both private and public open space lands like 615 Oak Manor Drive, a very unstable hillside parcel currently considered open space, the 10 acres of ridgetop open space between the Canon Tennis & Swim Club and Meadowland with no public access, the parcel between Meadow Way and Bolinas Road with no logical access, the Ben Ross parcel off of Toyon, Upland Residential Zoned parcels and the two parcels on Forrest Ave as well were never analyzed for slope stability, fire evacuation, visual impacts including heights and vehicle access in the PEIR.

Fairfax is proposing to allow cluster development in UR-7 and UR-10 Zones, ridgeline scenic corridors and steep hillside areas. What the Town Attorney does not want to understand is, once those residential zones are amended to allow cluster development, in violation of the purpose and intent of UR Zones (we know that because the former mayor that introduced UR Zoning is Frank Egger), the value and price of all UR and hillside zoned parcels will go up. Mr. Marshall originally paid \$1.75 million for the Wall property and it was recently sold during a bankruptcy auction for \$1 million. What's the newest value?

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 late 1972 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. Fairfax hired the nationally pre-eminent land-use firm of 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 Fairfax 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 on the left 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 Wood Lane, 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, Fairfax was 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 slid down the hill from the access road at 615 Oak Manor Drive. That was one of the reasons Wendy Baker and Frank Egger voted against the Court Ordered Settlement on Fairfax Hills, the instability of the soils up there.

Facilitating estate houses by clustering: Speaking of 615 Oak Manor Drive, Wendy Baker and Frank Egger are the last two former Fairfax officials still in town and with us. They were directly involved in the development process, the public hearings and closed sessions during the litigation and the final Town Council votes. Today we have the Fairfax Town Attorney writing legal opinions as to what happened back in the day, but she was not here. The 54 page Court-Ordered Settlement Agreement does have some conflicting language, a requirement that if the Town did not act within a few years, the Agreement would lapse and another condition that the Agreement ran with the Land in Perpetuity. Why does the Town Attorney always have to side with developers? Judge William Stephens, who ordered the out of court settlement, passed away in May of 2023, so we can't ask him.

In 1966, Fairfax 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. Fairfax zoned all 52 acres, including the 10 on the ridge Planned District Development (PDD). Now Dyett & Bhatia wants to cluster mansions on that 10 acre ridgetop with no legal access to the ridge. How does Save Fairfax know that? Frank Egger was on the Council when Fairfax approved the rezoning to PDD and the Meadowland Subdivision.

Why cluster mansions on the Ross property off of Toyon above the Hickory/Cypress neighborhood that is known as Northern Spotted Owl habitat? And, how about the clustering of multi-million mansions on the parcels between Crest Road and Francis Lane with no vehicle access above Sky Ranch. Then, why build 10 units on the two steep parcels on Forrest Ave. adjacent to the Marin town & Country Club that Fairfax originally bought for open space and recreational access to the MT&CC? Should a recreational facility ever be re-opened there and Fairfax had given the 2 parcels to a developer for housing, it will forever foreclose public access to the MT&CC from Forrest Ave.

GO TO THE FAIRFAX TOWN COUNCIL MEETING THIS WEDNESDAY (Jan 10, 2024) AT 6:30 p.m. THE PLANNING

COMMISSION MEETING IS THURSDAY (Jan 11, 2024). YOU CAN WATCH ON CHANNEL 27 AND MAKE COMMENTS ON ZOOM: Zoom Webinar ID 880 3100 1183

CONTACT US AT SAVEFAIRFAX@AOL.COM FOR ADDITIONAL INFORMATION.

Support for Clustered Development

Jillian Robinson <jillianr@aol.com>

Sun 1/7/2024 6:24 PM

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

Dear Town Councilmembers,

I am writing to encourage you to adopt the ordinances to enable clustered development.

It is my understanding that a clustered development is more affordable and cost effective to build. It is more cost-effective to service a development that is clustered. For example, the fire department can more readily protect residents in clustered developments. Clustered development is also more environmentally sound and leaves greater portions of land undeveloped. Clustered development does not undo any of our protections for landslides or ridgelines. It just makes for more efficient, environmentally sensitive, and sustainable housing development. I support this development choice for the Town of Fairfax.

Sincerely,
Jillian Robinson
17 Alhambra Circle
Fairfax, CA

Support for Clustered Development

jody timms <jodytimms@comcast.net>

Sun 1/7/2024 6:50 PM

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

Dear Town Council Members,

I am writing to encourage you to adopt the ordinances to enable clustered development.

It is more cost-effective to build infrastructure and service it when development is clustered. The fire department can more readily protect residents in clustered developments.

Clustered development is also more environmentally sound and leaves greater areas of land undeveloped.

Clustered development does not undo any of our protections for landslides or ridgelines. It just makes for more efficient, environmentally sensitive, and sustainable housing development.

Sincerely,

Jody D. Timms, Ph.D., (she/her)

Climate Action Now! For all of us. For the Earth. 🌍

Implementation of rent stabilization

Kay Neal <kneal0218@gmail.com>

Wed 1/10/2024 1:20 PM

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

Hi Council members,

Again I implore you to create a temporary inexpensive means for landlords to be able to appeal for a fair rate of return. It is a constitutional right of due process that has been denied over a year now. I believe Lanai apartments and every other landlord can sue the town for all monies lost during that time period. With the increasing cost of insurance, utilities, material and labor I do not think it would be difficult to prove and the town will be responsible for monies lost by denying the right to appeal. I personally have nothing to lose or gain in this situation except the potential money being taken away from our town in general.

Thank you,
Kay Neal

No re-zoning for housing on our fragile hills

Margaret O'Meara <omeara.margaretn@gmail.com>

Mon 1/8/2024 11:44 AM

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

To: Fairfax Town Council

I don't see any upside in zoning to build more housing on our fragile hillsides. Towns need to push back on the unreasonable demands of the Housing Element.

We are in a fire prone, earthquake prone, flood prone, slide prone, congested, already-overbuilt rural urban interface. What about the impacts on safe evacuation routes, traffic, water demands, wildlife protection—not to mention the quality of life that will be impacted?

If we build more, there's no turning back.

Please represent us. Thank you.

Margaret O'Meara

6:30 PM – Main meeting begins

PUBLIC HEARINGS

(See the picture link below for the agenda and a link to the staff report explaining this item.)

2. Introduce and read by title only zoning amendments to implement Program 2-D (Standards for Low Impact Clustered Residential Development on Large Sites) of the Housing Element by amending 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 – Jeff Beiswenger, Planning and Building Services Director.

REGULAR AGENDA

Speakers are limited to two (2) minutes per

 facebook.com

Oppose Development in Oak Manor Neighborhood

mary alber <marychristinealber@gmail.com>

Mon 1/8/2024 4:40 AM

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

Dear Town Council,

I am long time resident of Oak Manor and I am opposed of more housing on the 615 Oak Manor Land. It simply..

Oak Manor is know for the mud slides and the hills are filled with natural spring that flow when we have torrential rains. I have three pumps under my house , french drains surround the house and natural river beds to keep the water from building up.

Oak Manor is urban wild life interface land that is high fire danger. We are lucky we even have fire insurance.

The residence of Oak Manor are county and 615 property is Fairfax. All work , if the property was developed would come through our neighborhood and we will be paying for any infer structured for the development. (road way, water. sewer). Is this fair

The traffic is already congested because of the school and Sir Francis Drake.

If 615 is development it would affect the wildlife and beauty of our little neighborhood.

Did I give enough reasons.?Please protect our land and keep our neighborhood from being developed.

I appreciate your time.

MAry Alber

510 Oak Manor Dr.

Thinking of the future impacts of the current models of affordable housing

Marin Town and Country Club <mtcc@classactionlocator.com>

Mon 1/8/2024 4:19 PM

To: Barbara Coler <bcoler@townoffairfax.org>

Cc: Chance Cutrano <ccutrano@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Heather Abrams

<habrams@townoffairfax.org>; Christine Foster <cfoster@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>

Dear Council:

Many people and groups purport to help the most vulnerable. Putting people in "deed" restricted properties only keeps those recipients in stagnate financial risk.

If someone buys into a deed restricted house/property so they can "afford" to live in a particular area, they have the same maintenances expenses as the person who buys a home on the open market. Most of the taxes are the same. Repairing the roof is the same. The difference is when you want to move or sell your home, the deed restricted property limits your gain, purportedly for the next person.

So if you bought your deed restricted house for \$350,000.00 in 1989; and you replaced a roof, paid taxes, paint, flooring, etc., your house is worth the same as the house with similar improvements next door. Inflation over the last 30 years might have brought you a substantial windfall. But if you are in a deed restricted property, your investment might have no profit.

<https://www.msn.com/en-us/money/realestate/these-island-homes-were-an-affordable-dream-until-residents-started-to-age/ar-AA1honH4?ocid=msedgdhp&pc=U531&cvid=6b28b2c74856424ea486e9de52ebaa5f&ei=81>

If you are buying up private properties and taking that rental stock off the open market, subsidizing the large corporations the like of Mid Pen, you are driving up everyone's cost of living by reducing the tax base that your city needs to offset the impacts from those citizens.

I really hope your zealousness to show some accomplishment for your tenure, can see the Longterm results of your actions. Where can your children afford to live? Where can you afford to retire? Your actions have added to the profiteering of some and the unaffordability of all.

Something to think about.

Remember: *Your job is to represent the voice of the majority, while protecting the voice of the minority.*

Michael Mackintosh

Say yes to clustered residential development

Patti Breitman <eatplants@gmail.com>

Sun 1/7/2024 10:17 PM

To:Christine Foster <cfoster@townoffairfax.org>

Dear Christine Foster,

Please share this with the town council members.

Thank you and happy new year.

Dear council members,

I'm writing to ask you to support low impact clustered residential development on large sites. Please approve zoning changes so that Program 2-D can be implemented.

As MEHC explains, clustered development is more affordable to build, and it is also better for the Town of Fairfax. It is more cost-effective for the city to build infrastructure and service it, when development is clustered. The fire department can more readily protect residents in clustered developments. Clustered development is also more environmentally sound and leaves greater areas of land undeveloped. Clustered development does not undo any of our protections for landslides or ridgelines. It just makes for more efficient, environmentally sensitive, and sustainable housing development.

Thank you.

Patti Breitman

Member of Gan haLev, a member of MOC

12 Rally Ct

Fairfax

public comment item 5 AHAC, TC sp. meeting 01/10/2024

R Hamer <hamer2010@live.com>

Mon 1/8/2024 10:41 AM

To: Barbara Coler <bcoler@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>

Cc: Christine Foster <cfoster@townoffairfax.org>

My public comment presented as a script:

Madam Mayor,

Rick Hamer, downtown Fairfax, and former member of the Affordable Housing Committee.

I ask the Council to either continue item 5 or remove it from consent to vote it down.

Fairfax made a covenant with the sovereign when we submitted our yet-to-be-accepted Housing Element. The AHAC is mentioned several times in the document and several more times in our general plan. Why would we ignore a promise while the promise is still pending?

Does Fairfax retain its pioneer spirit? In theater, the creatives create, and the critics critique. When the Affordable Housing ADVISORY Committee was formed over 15 years ago, it was to be the first step in a creative process which by design continues on through the Planning Commission. Fairfax residents began a process that would be critiqued by a specialist consultant - of what WE created. These days, the consultant creates and our community critiques in the role of a critic. Just look at the overlay zoning before the council this month. What a switcheroo.

Before any action to dissolve what we have, established in 2008, having near zero fiscal or administrative impact, do we have a succession plan for how advisory by our own residents would come to pass? We have a big challenge ahead with the lower income RHNA targets. Rather than dissolve the AHAC, why don't we fix it. Bring home-grown creativity back.

What is the underlying problem with the AHAC as it stood since 2021? There was no Chair. The prior Director of Planning served as Chair, yet he was not on the Committee itself (read the adopting resolution). For two years now, no Chair has been selected to replace the outgoing Director. Without a Chair, meetings could not be called, and no meetings resulted.

Why would anyone want to be subject to the Brown Act when there are no meetings? That is why I resigned and why recruiting has been fruitless.

[Time with stumbling 2:08; no stumbling 1:59]

I have a good friend who was a true pioneer of 3-D computer-generated graphics at Xerox Palo Alto Research Center. His degree was in psychology, not mathematics. His was the fresh mind of innovation. An advisor does not need a degree in architecture to feel the pulse of housing affordability in our town. We have three architects on our Planning Commission to professionally refine fresh perspectives from a lay volunteer committee of engaged residents.

It may seem easier to designate a consultant as our creative. They create with their formula. Keep the AHAC, it's worth the additional effort for a community to be its own creative force.

To Mayor Coler, Council Members Hellman, Ackerman, Blash and Cutrano and the Fairfax Planning Commission:

I am concerned about and object to the “clustered housing” developments proposed for ridge lines, scenic corridors and upland residential zones which would require overturning existing zoning requirements which have been in place since 1973. Cluster developments have been previously challenged and denied on Marin's A-60 zoned properties.

In 1968 Fairfax adopted a new General Plan prepared by the County of Marin's Planning Dept. The purpose of the new General Plan was to restrict the size and location of new development, to preserve hillside and ridgetop properties, protect Fairfax & San Anselmo Creeks and salmon habitats, preserve Fairfax's small-town character, maintain strict height limits, protect Fairfax's affordable housing and keep Sir Francis Drake Blvd. a two-lane road.

Fairfax adopted a new zoning ordinance in 1973 to implement its 1968 General Plan, Ord. # 352. Fairfax's Upland Residential Zoning, UR-7 & UR-10, was adopted later and was modeled after Marin County's Agriculture Zoning, A-60. Neither Marin's A-60 zoning nor Fairfax's UR-7 & UR-10 zones allow cluster development and it has prevented over-development in both West Marin and Fairfax.

Some of the parcels shown on Dyett & Bhatia's map for new clustered market rate housing are multi-million-dollar estate houses, in violation of Fairfax's current zoning. Why is the proposed Fairfax Housing Element Plan supporting development of 34 more units on mandated Open Space parcels?

In 1966, Fairfax annexed the County-approved Meadowland subdivision, with 10 acres of Open Space on the ridge between Canon Tennis Club and Glen Drive, which was a condition of subdivision approval for Glen Drive and Sherman Court. Fairfax zoned all 52 acres, including the 10 acres on the ridge, Planned District Development (PDD). Dyett & Bhatia has proposed to cluster mansions on that 10-acre ridgetop with no legal access to the ridge.

Implementation of the Proposed Project will cause a significant environmental impact due to a conflict with existing land-use plans, policy and regulations adopted for the purpose of avoiding or mitigating an environmental impact.

There is one road in and out of town. Implementation of the high density, Proposed Project plan will result in inadequate emergency access and impair an adopted Emergency Response Plan and Emergency Evacuation Plan.

- I oppose the development of clustered housing on the 10 acres of mandated Open Space on the ridge between Canon Tennis Club and Glen Drive, with no legal access to the ridge.
- I oppose clustered mansions on the Ross property off of Toyon above the Hickory/Cypress neighborhood, known as Northern Spotted Owl habitat.
- I oppose the clustering of multi-million mansions on the parcels between Crest Road and Francis Lane with no vehicle access above Sky Ranch.
- I oppose building 10 units on the two steep parcels on Forrest Ave. adjacent to the Marin Town & Country Club (MT&CC) that Fairfax originally bought for open space and recreational access to the MT&CC. Should a recreational facility ever be re-opened there and Fairfax offers the 2 parcels to a developer for housing, it will forever foreclose public access to the MT&CC from Forrest Ave.

In the PEIR, I do not believe the following properties were adequately analyzed for slope stability, fire evacuation, vehicle access or visual impacts, including height:

- 1) 615 Oak Manor Drive, a very unstable hillside parcel, currently considered open space
- 2) The 10 acres of ridgetop open space between the Canon Tennis & Swim Club and Meadowland with no public access
- 3) The parcel between Meadow Way and Bolinas Road with no logical access
- 4) The Ben Ross property off Toyon
- 5) Upland Residential Zoned parcels
- 6) Two parcels on Forrest Ave.

According to town historians, here's a list of some of the landslides occurring in Fairfax between 1966 and 2005:

- 1) Archie and Vesta Williams' Fairfax home on Meadow Way had the hillside blow through it.
- 2) An elderly couple living in the first house on the left after the Canyon Road Bridge had a landslide blow through their house and push them out to the street in their bed.
- 3) A massive slide came off of Bolinas Road down to Meadow Way.
- 4) Pine Drive had numerous slides.
- 5) Upper Cypress blew out, blocking emergency vehicle access. The only way in and out for 15 homes was down the dirt fire road to lower Cypress.
- 6) Deer Park had slides on Wood Lane, Spring Lane, Hillside and Crest.
- 7) Two homes on the down side of Forrest Avenue were lost, one went all the way to the creek.
- 8) Willow, Chester and Live Oak had slides, as did Rocca.
- 9) A slide came off the Wall property onto San Gabriel Drive & San Gabriel Court where it blew through a home. Fairfax was sued.
- 10) 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.
- 11) Two homes slid down the hill from the access road at 615 Oak Manor Drive.

Why isn't the Fairfax Planning Commission and Fairfax Town Council protecting the established interests of our town? For the public record, I am stating that by voting to change the zoning laws in Fairfax and allowing clustered housing, you are jeopardizing the lives, safety and property of the citizens of Fairfax. Residents do not support and will never forgive the irreversible environmental damage caused by the execution of the currently proposed Fairfax Housing Element plan. Please be respectful of the many years of responsible planning that have preserved Fairfax.

With hope,

Teliha Draheim, 1/9/24
Fairfax resident, 28 years