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Via Email Submission

Town of Fairfax Planning Department
142 Bolinas Road
Fairfax CA 94940
Attn: Linda Neal (lneal@townoffairfax.org)
James Moore (jmoore@townoffairfax.org)

Re: Town of Fairfax's CEQA Review for Victory Village Senior Housing Project

To Whom it May Concern:

I am writing on behalf of Community Venture Partners, Charles Cornwell and other Fairfax residents in regards to the Victory Village Senior Housing Project. The Project proposes a lot split into three parcels, with a 53 unit housing project on the smallest parcel. The Project proposes General Plan and zoning amendments necessary for project approval and amendments to the zoning code proposing streamlined review process for all 'opportunity areas' identified in the General Plan.

We have concerns about the manner in which the Town is currently reviewing this Project under the California Environmental Quality Act ("CEQA") Pub. Res. Code §§ 21000 *et seq.* Currently, the Town is proposing to adopt the project along with a mitigated negative declaration ("MND") under CEQA. On November 30, 2016, the MND was circulated for a twenty day comment period, the minimum required under CEQA, *see* Pub. Res. Code § 21091(b), along with *456 pages of project materials*. That comment period for this massive amount of information is set to expire on December 20, 2016, in the middle of the holiday season. As far as we are aware, prior to this, there had been *no hearing* held by the Town, alerting the public about the Project.

Given these facts, we would request that the Town extend the CEQA comment period on the Project until into the second week January 2017, in order to allow citizens to get up to speed on what the Town is proposing, and not have to do so in the middle of the holidays when people are busy and distracted with a multitude of activities. Here, an extension is warranted, given that this project has apparently been in the works for years and that the Town's choice of a CEQA review period right in the middle of the holiday season at this time raises some troubling questions about its commitment to citizen input.

A further concern is the timing of tonight's Planning Commission hearing, at which staff is proposing the Commission adopt resolutions recommending to the Town Council approval of the Project and MND, as well as necessary amendments to the Town General Plan and zoning code. Here, the Commission is proposing to recommend adoption of the MND before the public comment process has been completed. How can the Commission make such a recommendation when it has not considered public comment pursuant to CEQA?

In *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130–131, the Supreme Court noted that to “be consistent with CEQA's purposes, the line [for conducting CEQA review] must [not] be drawn so...late that such review loses its power to influence key public decisions about those projects.” In our view, the Planning Commission's proposed Resolutions are entirely premature given that the CEQA process is still underway and no one in the Town has even considered public input on the project or MND. *See* Pub. Res. Code § 21091(d)(1) (lead agency shall consider comments it receives on proposed mitigated negative declaration.”

Here, the Town's process violates a central purpose of CEQA that environmental review take place during and not after the agency planning process. *See Save Tara, supra*, 45 Cal.4th at 130 (“[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage.”)

Finally, we have concerns about the substance of the Town's actions and project including traffic impacts, aesthetics etc. In particular we are concerned about the Town's proposal to amend the Town's Planned Development District Ordinance (Fairfax Town Code Chapter) to allow for a future streamlined review process for sites such as this one that are identified as Opportunity Sites in the Town's Housing Element. To our knowledge, the MND does not address the cumulative effects of developing these sites, nor does it direct the reader to any prior Environmental Impact Report that has done such an evaluation.

The need for affordable senior housing is clear, but in order to provide for such housing, the Town must retain the trust of its citizenry. The Town's procedure so far on this Project does not engender such trust. At this juncture we reiterate our request for a comment period extension until the second week in January. We also request that the Planning Commission hold off on any decision on this project until CEQA review is completed.

Yours Truly,


Michael Graf

cc: Town Council via email