

Fairfax Town Council Minutes  
Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
Wednesday, **January 24, 2024**

Mayor Coler called the Special Meeting to order at 5:15 p.m.

Pledge of Allegiance: Mayor Coler led in the Pledge of Allegiance.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Bruce Ackerman  
Lisel Blash, Vice Mayor  
Barbara Coler, Mayor  
Chance Cutrano  
Stephanie Hellman

**STAFF MEMBERS PRESENT:**

Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Jeff Beiswenger, Planning and Building Services  
Director  
Christine Foster, Deputy Town Clerk  
Public Works Director Loren Umbertis

Adjourn To Closed Session On The Following Matter:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code §54954.5

Property: APN Nos. 001-251-31, 001-150-12, 001-160-09, and 001-171-51

Agency negotiators: Council subcommittee of Mayor Coler and Council Member Cutrano, Town Manager, & Town Attorney

Property owner negotiators: Sequoia Mortgage Capital, Inc.

Under negotiation: Both price and terms

Reconvene In Open Session – Regular Meeting – 6:30 p.m.

Approval of Agenda

M/S, Cutrano/Hellman, Motion to approve the agenda.

AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

Mayor Coler read the Land Acknowledgement Statement and delivered a brief statement regarding the Town's position and protocols on hate speech.

Announcement of Closed Session Action, if any

Mayor Coler stated there was no reportable action taken in Closed Session.

Open Time

Rick Hamer explained the Homeowner Index Tracker (HIT) to help the Town's rental housing inventory and costs and agreed to send information to the Council.

Cindy Swift spoke about the Fairfax Draft Local Hazard Mitigation Plan and asked the Town to conduct community outreach.

Philip Salaverry apprised the Council of a petition being circulated regarding repeal of “the death tax”.

Diana Purdue asked the Town Council to listen to citizen input.

Michael Sexton asked the Council to consider serious proposals to help relieve the burden of the rent control ordinance.

Todd Greenberg voiced concerns about whether factual meeting minutes and records are being produced.

Ling Shein Bell asked the Town to adopt a resolution asking for a ceasefire in Gaza.

Mark Bell opposed the 2-minute speaker time limit and the inability of the audience to remove items from the Consent Calendar and asked for a resolution for a ceasefire in Gaza.

A speaker spoke about the division being caused from Council actions and called attention to the Council changing the minutes.

Kristine Almly spoke about power outages due to storms, reminded people to prepare in advance, and to sign up for emergency alerts.

Jody Tims thanked the Climate Action Committee for their work in addressing issues of climate change and announced an event at the library.

Kay asked for clarification on whether the vote will be done on the initial ordinance or the amended ordinance in November.

Town Attorney Janet Coleson confirmed the Initiative measure contains all the necessary information for a voter to make a choice.

Lynn Yetter asked for fire drills to be held at 3:00 a.m. and 3:00 p.m. and asked for stop signs similar to San Anselmo’s requiring bicyclists to stop.

Mallory Geitheim voiced concerns about Town expenditures and asked the Council to represent and respect its citizenry.

Lisa Veri asked for traffic calming on Sir Francis Drake towards the Manor area.

### Public Hearings

1. Introduce and read by title only zoning amendments to the following chapters of Title 17 (Zoning) of the Fairfax Municipal Code to implement Program 2-A (Workforce Housing Overlay) of the Housing Element: 17.012 (Zones Established); 17.126 (WHO Workforce Housing Overlay Zone); 17.092 (CL Limited Commercial Zone); 17.096 (CH Highway Commercial Zone); and 17.100 (CC Central Commercial Zone). Adoption of this ordinance is consistent with the Environmental Impact Report prepared for the recently adopted 2023-31 Housing Element – *Planning & Building Services Director, Jeff Beiswenger*

Planning and Building Services Director Jeff Beiswenger presented the staff report and introduced Andrew Hill of Dyett and Bhatia, who gave a PowerPoint presentation. Also in attendance via Zoom was Kylie Otto of BBK.

Councilmembers provided questions and comments.

Staff responded to questions from the Town Council.

In answer to Councilmembers questions, Mr. Hill explained the 15% landscaping requirement, the minimum density of 20 du/acre, by-right approval and conditionally permitted uses, parking requirements in the WHO-A zone applying to School Street Plaza, and use of income standards to match those of the State.

Kylie Otto, BBK, briefly outlined revisions in Exhibit B at the top of page 9, described the revision on page 14 under section d, and Mayor Coler asked to add “and shall run with the land.”

Mayor Coler opened the Public Hearing.

Rick Hamer opposed the affordability term of “55 years *or whichever is greater*” and asked for inclusion in the ordinance to have a local fair wage.

A speaker urged the Council to consider an emergency second reading so it can adopt the ordinance at its second reading by January 31<sup>st</sup> and questioned the WHO-A zoning regarding School Street Plaza.

Wendy Baker spoke about clustered housing and avoidance of slide areas, voiced opposition to two- to four-story buildings in the downtown and traffic congestion.

A speaker questioned whether large buildings will pencil out with developers and cited problems with rezonings in addition to rent control.

Todd Greenberg voiced concerns with construction impacts, arbitrary lot widths, parking, and rooftop appurtenances, and the cost of parking studies.

Mark Bell opposed “additional height allowances” and thinks development will drastically change the town.

Jim Cosgrove questioned the formula for a variance on a parking demand study, the availability of utility infrastructure and transit, and thinks the EIR is faulty.

Michael Mackintosh questioned how a variance could be approved if a lot is too small, voiced support of taller buildings versus sprawl, and concerns with the Town absorbing impact fees.

Frank Egger spoke about maximum densities, income levels, loss of various businesses, and asked not to over-develop the downtown.

Philip cited the future need for meters, questioned fire response with high-rise buildings and the economic feasibility of developers to build.

Lynn Yetter asked for evacuation drills to be conducted, thinks parking permits and new fire apparatus will be needed, and voiced concerns with construction management.

Lisa voiced concerns about road and environmental impacts, asked developers to pay for mitigations, and to create appropriate housing for the elderly to remain in town.

Pamela asked how the state density bonus works, voiced parking concerns downtown, and questioned if the apartments displayed in the presentation will fit in Fairfax.

P.J. Feffer asked how affordability fits with workforce housing and affordable housing overlays.

Kay voiced concerns with parking and fire evacuation risks.

Mayor Coler closed the Public Hearing and called for Council deliberation.

Staff and Mr. Hill responded to speaker's questions regarding findings required for CUPs, parking demand studies, how staff arrived at the 175 units on the School Street Plaza, the Town's early start on the Housing Element process, number of workshops held, environmental constraints on some sites, levels of affordable housing, how staff arrived at the 20 du/acre and 40 du/acre numbers for WHO-A and WHO-B, and triggers that invoke the State density bonus.

M/S, Blash/Cutrano, Motion to introduce and read by title only zoning amendments to the following chapters of Title 17 (Zoning) of the Fairfax Municipal Code to implement Program 2-A (Workforce Housing Overlay) of the Housing Element: 17.012 (Zones Established); 17.126 (WHO Workforce Housing Overlay Zone); 17.092 (CL Limited Commercial Zone); 17.096 (CH Highway Commercial Zone); and 17.100 (CC Central Commercial Zone), with the Errata Sheet and two changes suggested by the attorney. Adoption of this ordinance is consistent with the Environmental Impact Report prepared for the recently adopted 2023-31 Housing Element  
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

The Council took a break at 8:33 p.m. and, thereafter, reconvened at 8:40 p.m.

### Regular Agenda

1. Receive and Discuss Five-Year Plan for Streets and Roads Improvement Program – *Public Works Director Loren Umbertis*

Public Works Director Loren Umbertis provided the staff report, and Joe Ririe, P.E., Senior Principal Engineer and President from Pavement Engineering, Inc., gave a PowerPoint presentation.

Staff and Mr. Ririe answered Council questions regarding road costs, the Street Saver program, how roads were chosen in Years 1 through 5, the PCI spreadsheet, grant-eligible repairs for Sir Francis Drake Boulevard and Bolinas Road, road impact fees, accessing Flood Zone 9 monies, potholes, work by Ross Valley Sanitary District, and the process undertaken for the City of Larkspur's road repairs.

M/S, Cutrano/Blash, Motion to waive the 10:00 p.m. rule.  
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

Mayor Coler opened the meeting to public comments.

Michael Mackintosh cited earmarked funds already in place and voiced concerns with trenchless digging problems.

Todd Greenberg asked for notice to all entities for cost-sharing opportunities and for further analysis.

Mark Bell echoed previous speaker comments and questioned money spent on Town projects.

Warren Wells, Marin County Bicycle Coalition, urged staff to consider opportunities for traffic calming when doing larger rehabilitation projects.

Lynn Yetter questioned Town funds saved from not having a Public Works Director.

Philip voiced concerns with the Town's budget, ADA improvements, potholes, and construction impacts.

Mayor Coler asked, and Mr. Umbertis explained ADA projects underway and the requirement by law to improve accessibility within the community.

Councilmembers voiced support of the plan, cited projects in the pipeline ready for competitive grants, and recognized the collaboration with the County and TAM for additional funding.

Mayor Coler confirmed staff direction to move forward and return during the budget workshop.

2. This item is continued to March 6, 2024. 80 Crest Road: Appeal of a Planning Commission denial of a Height Variance for an unpermitted Ground Floor Level that would result in the height of the residential structure being approximately 50 feet; Assessor's Parcel No. 002-152-32; Residential Single-family RS-6 Zone; Verle and Marene Sorgen, appellants/owners; CEQA categorically exempt, § 15301(e)(2)(1). – *Principal Planner Linda Neal, Town Attorney Janet Coleson*

Mayor Coler stated this item is continued to March 6, 2024.

#### Consent Calendar

1. Receive Financial Statement and Disbursement Reports for November 2023 – *Finance Director Michael Vivrette*
2. Approve minutes for the December 6, 2023, Town Council meeting – *Deputy Town Clerk, Christine Foster*
3. Receive written report on Councilmembers' assignments, committees, and activities in December 2023 – *Deputy Town Clerk, Christine Foster*
4. Waive second reading and 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. Adoption of this ordinance has been analyzed as part of the Environmental Impact Report prepared for the recently adopted 2023-31 Housing Element – *Jeff Beiswenger, Planning and Building Services Director*
5. Receive Notice of amendments to the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) to Approve Revised Side Letter to 2018-2022 Fairfax Police Officers' Association Agreement for CalPERS Compliance – *Town Manager, Heather Abrams and Town Attorney, Janet Coleson*

6. Adopt Resolutions Authorizing a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2023/2024 and 2024/2025 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding to 1) Update the Town's Bike and Pedestrian Master Plan and 2) Complete Design and Implement Pedestrian Curb Ramp and Sidewalk Improvements at identified locations – *Loren Umbertis, Public Works Director*
7. Receive Climate & Environment Department Quarterly Update – *Climate Action Coordinator, Sean Youra*

Mayor Coler opened the meeting to public comments.

Todd Greenberg voiced opposition to the Consent Calendar rules and asked if meeting minutes were altered.

Frank Egger questioned changes resulting from cluster development on hillsides and open spaces and asked to revise the Housing Element.

Michelle Para cited specific impacts from Item 7 which would affect her properties on Toyon and cited the existence of spotted owls.

Michael Mackintosh opposed the Consent Calendar rules and change the minutes and encouraged the Council to remove rent control.

Mark Bell opposed Consent Calendar rules and asked if 615 Oak Manor has been removed from the Housing Element.

Philip Salaverry echoed comments of speakers and thinks people are not being heard.

Lynn Yetter opposed Consent Calendar rules, voiced concerns regarding upzoning and cluster development.

Mayor Coler closed the meeting to public comments.

Staff responded to Council questions regarding Item 7, the Town's reserve policy, and clarification of the purpose of meeting minutes and removal of Consent Calendar items.

M/S, Cutrano/Hellman, motion to approve the Consent Calendar.

AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

### Council Reports and Comments

Mayor Coler announced that Council Reports are included in writing on the Consent Calendar.

### Town Manager Report

Town Manager Abrams expressed appreciation of staff working over the weekend on storm-related incidents and encouraged everyone to prepare for significant rain expected early Wednesday next week.

Councilmember Hellman asked for "Future Agenda Topics" to be listed on the agenda, and asked and confirmed that the survey for the bond will return for discussion in the future.

## Adjournment

The meeting was adjourned at 10:54 p.m. in memory of Brian Joseph Fischer, Olivia Beltran Pacheco, and Joan Jones.