
Cannabis Store New Location: OPPOSED!!

From ALEXANDRA CORR <alexcorr@comcast.net>

Date Mon 12/2/2024 8:19 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

To the Fairfax Town Council:

I am strongly opposed to the possible new location for the new Cannabis store next to Don's Market on SFD Blvd.

Reminder: our community just approved Measure B, because we want to invest in our future generations and create healthy modern spaces for education & development for our youth. This new location will make it super convenient for them to now have easy access to a 'quick buzz' at break or lunch time.

What kind of a mixed message tis that!?!

Not only is it mere blocks from Archie Williams, but it borders a tight little neighborhood full of young children and families.

Why would you undermine our youth and community, and why would you go against what is implicitly contrary to what your constituents have voted for?

Once again, I am so disappointed in the Town Councils decisions that seem to only vote in their own best interest as opposed to WHAT THE PEOPLE WANT!!

Haven't we already been through this with this dispensary?

Is somebody is getting paid off here?

Are you listening?

Signed,

A Concerned Citizen

& Mom of a 4th Generation Ross Valley Kid

Alex

Public Comment re. Marin Alliance

From Allison Behr <alliewbehr@gmail.com>

Date Wed 12/4/2024 2:56 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear Fairfax Town Council,

Thank you for your ongoing commitment to the Fairfax community. And thank you for your thoughtful consideration of state and local licensing laws for cannabis businesses — particularly as they pertain to Marin Alliance.

Marin Alliance is known and appreciated as a long established cannabis business in Fairfax. It might seem like a simple decision to let Marin Alliance circumvent local cannabis ordinances by moving their license to a new location without conducting the due diligence required. My primary concern is that offering this preferential treatment to Marin Alliance exclusively sets a precedent of allowing *any* cannabis business to circumvent local ordinances.

In 2022, a cannabis corporation Otter Brands, LLC. sought to change Sausalito's existing cannabis ordinance. Otter Brands authored the Sausalito ballot Measure K, and tailored the vendor qualifications to match Otter Brands exclusively, essentially making Otter the only company eligible to operate the city's sole dispensary.

Ultimately, Sausalito residents voted 74% against Measure K. Many Sausalito residents—and the entire City Council—

opposed Measure K, stating that it could create a cannabis monopoly.

Both Fairfax and Sausalito voted 77% to legalize cannabis through Proposition 64. Therefore neither town can be described as “anti-cannabis.” Instead, the landslide vote against Measure K in many ways indicated that the Sausalito community wanted every cannabis business to follow the egalitarian laws as written, and not receive any form of preferential treatment.

Here are some published quotes opposing Measure K:

Mayor Janelle Kellman: "Measure K is not how Sausalito does business...We don't cut corners and push efforts that try to avoid meaningful public input...Please join me in voting No on K and sending this corporation back through a public planning process like any other business.”

City Council member Susan Cleveland-Knowles: “Whether you think a cannabis retail establishment is right for Sausalito or not, Measure K does not provide a fair process...”

Paul Austin, an African American whose cannabis business was not included in the Measure, stated in the MarinIJ: “This is 2022, not 1964. I should have an equal chance at opportunity, and an indistinguishable chance at success. I ask the voters of Sausalito to reject Measure K, and the City Council to develop a cannabis retail ordinance that is fair and equal.”

Also, I myself was quoted by CBSnews stating that: “A monopoly is a monopoly. All of the reasons a monopoly is illegal in our country are why a monopoly is wrong for Sausalito.”

My hope in sharing this experience in Sausalito is that the Fairfax city council continue to uphold the cannabis business

ordinances to preserve the fairness and equity that they were originally written to ensure. I greatly appreciate this opportunity to share the lessons and insights gained through Sausalito's experience with Measure K.

Thank you,
Allie Behr

MARiN
RESIDENTS
FOR PUBLIC HEALTH
CANNABIS POLICIES

Sent from my iPhone

Re: Concerns for MAMM on SFD

From: Bridget Clark <msbridgetaclar@gmail.com>

Sent: Tuesday, December 3, 2024 11:13 PM

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

Cc: fairfaxtoencouncil@townoffairfax.org <fairfaxtoencouncil@townoffairfax.org>

Subject: Concerns for MAMM on SFD

Dear Fairfax Town Council,

I have concerns about Marin Alliance Medical Marijuana (MAMM) relocating to SFD as a storefront due to the limitations on parking. Based on this being on the meeting agenda, I went to look and took this photo behind the building where there is a dumpster and car. As Lynette mentioned on Next Door there are potentially 2 parking spots where I took this photo. She also claimed they have about 4,500 customer visits per month.



It seems like this is being rushed through without having time to truly study parking, traffic and notifying neighbors, including a daycare/preschool and tutoring center that I believe are within the ordinance's buffer zone. Why would you make a special exception for this business because it is a medical marijuana shop? A delivery only business is one thing. Adding that many in-store customers to a busy road with very limited parking should allow further study. Please verify these plans are valid and in keeping with safety and traffic for our community that has a lot of pedestrians and bikers on that part of the road. I regularly ride my bicycle on this section to get to Butterfield Road and loathe the idea of being "doored" by people getting out of their cars on Sir Francis Drake Blvd.

Please do not rush this decision based on this business calling it an "emergency". Medical marijuana is readily available by delivery.

Thank you for your consideration.

Bridget Clark

Subject: Opposition to Lynette Shaw's License Relocation Request

From Clinton C.G. Walker <clintongrahamw@gmail.com>

Date Mon 12/2/2024 5:22 PM

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

Cc Clinton Walker <cwalker@companionhealthtechnology.com>; Matt Greenberg <greenberg@calisfinestclothing.com>; Clinton C. G. Walker <clintongrahamw@gmail.com>

 1 attachment (255 KB)

Letter to Fairfax Town Council Re Lynette Shaw (1).pdf;

Dear Members of the Fairfax Town Council,

I hope this message finds you well. I am writing to express my opposition to Lynette Shaw's request to relocate her cannabis license for the Marin Alliance for Medical Marijuana. Based on her extensive history of financial mismanagement, legal noncompliance, and breaches of trust, I believe approving this relocation would be detrimental to Fairfax and its commitment to ethical business practices.

Key Points of Concern:

1. Unpaid Taxes and Liens

- Ms. Shaw has failed to pay payroll taxes for the last **fifteen quarters**, resulting in a debt and tax lien of **\$142,509.91** as of **January 25, 2024**.
- A state tax lien for **\$38,949.99** was filed on **January 25, 2024**, and another for **\$48,006.46** was filed in 2022.
- Federal tax liens totaling **\$294,169.33** were filed on **March 1, 2024**, covering liabilities from **2012, 2017, 2018, 2020, 2021, and 2022**.

2. Contractual Violations and Business Mismanagement

In 2019, we invested heavily to save Marin Alliance from eviction by paying seven months of back rent, securing Ms. Shaw's delivery license, settling creditor debts, and providing inventory to relaunch operations. Despite our contributions, Ms. Shaw locked us out of the office within 30 days, in violation of our agreement and lease rights.

3. Legal and Regulatory Noncompliance

- Failure to comply with **California Revenue and Taxation Code § 13020** and **26 U.S. Code § 7201**, which mandate timely payment of taxes.

- Breach of **California Business and Professions Code § 26057(b)**, which states that failure to comply with state or federal laws is grounds for license denial, suspension, or revocation.

4. Pattern of Financial Negligence

Ms. Shaw has demonstrated a consistent inability to meet her financial and legal obligations, raising concerns about her capacity to responsibly operate or relocate her license.

Request to the Town Council

Given this track record, approving the relocation of Ms. Shaw's license would undermine the integrity of Fairfax's cannabis industry and set a concerning precedent. I respectfully urge the Council to deny this request until Ms. Shaw demonstrates full compliance with her financial and legal obligations. Attached are copies of the aforementioned documentation

Thank you for your attention to this matter. I am happy to provide further documentation or answer any questions regarding this issue.


Respectfully submitted,

--

Clinton C.G. Walker
Chief Executive Officer
Companion Health Technologies & Kaire.ai

415.342.0577 Cell

415.924.9164 Fax

 logo2_584909_web

Fairfax City Council
142 Bolinas Road
Fairfax, California 94930

Subject: Opposition to the Transfer of Cannabis License by Lynette Shaw (Marin Alliance for Medical Marijuana)

Dear Members of the Fairfax City Council,

I am writing to express my strong opposition to Lynette Shaw's application to transfer her cannabis license for the Marin Alliance for Medical Marijuana.

The Fairfax bylaws grandfathered her into her current location. However changing location requires a new license and other persons have a right to apply for and compete for that license. She cannot get a new license without the town considering all applications for licenses.

Ms. Shaw's continued financial liabilities for unpaid taxes and the legal violation of using the deductions from her employee's payroll to finance the operation of her business demonstrate her unsuitability to hold or transfer a cannabis license in Fairfax. The Town by accepting her application would condone the unlawful use of payroll deductions to operate a business.

In 2019, we agreed to purchase 50% of the Marin Alliance, making substantial investments to rescue the business from imminent closure. At the time of our involvement, Ms. Shaw was seven months behind on her rent, and her landlord, Mr. Fred Ezazi, was pursuing eviction. We intervened, paying all seven months of back rent, securing her delivery license, paying off creditors, and providing the necessary inventory to relaunch operations. We currently are in litigation with her claiming an interest in the current location.

More importantly, others can qualify for a new license because they have the financial backing to operate a dispensary that does not use the employee's payroll deductions to operate the business.

Ms. Shaw has failed to meet her tax obligations for over twelve years. As of January 25, 2024, she had not paid payroll taxes for the past fifteen quarters, with a total liability of \$142,509.91. A state tax lien was also filed on the same date for \$38,949.99.

On March 1, 2024, additional federal tax liens were filed in Marin County totaling \$294,169.33, covering unpaid taxes for the years 2012, 2017, 2018 (two liens), 2020, 2021, and 2022. This demonstrates a longstanding pattern of noncompliance with federal tax obligations. In 2022, another state tax lien was filed, totaling \$48,006.46.

These violations breach both state and federal laws, see attached.

Additionally, under California Business and Professions Code § 26057(b), failure to comply with tax laws is grounds for denial, suspension, or revocation of a cannabis license.

Ms. Shaw's persistent noncompliance undermines the credibility of the cannabis industry in Fairfax and jeopardizes the integrity of our community's regulatory standards.

The City of Fairfax has a responsibility to ensure that cannabis license holders are law-abiding, financially responsible, and committed to ethical business practices. Approving this license transfer would reward years of non-payment of employee payroll withholding as well as state and federal taxes setting a harmful precedent for the industry and our community.

We respectfully urge the Council to deny Ms. Shaw's application to transfer her cannabis license. Her track poses a significant risk to the reputation and governance of Fairfax.

Attached are copies of Federal and State liens filed

Thank you for your time and thoughtful consideration of this matter.

Sincerely,

Clinton Walker

December-2-2024



Employment Tax Enforcement

Civil and criminal employment tax enforcement is among the Tax Division's highest priorities. Employers have a legal responsibility to collect and pay over to the Internal Revenue Service (IRS) taxes withheld from their employees' wages. These employment taxes include withheld federal income tax, as well as the employees' share of social security and Medicare taxes (collectively known as FICA taxes). Employers also have an independent responsibility to pay the employer's share of FICA taxes.

When employers willfully fail to collect, account for and deposit with the IRS employment tax due, they are stealing from their employees and ultimately, the United States Treasury. In addition, employers who willfully fail to comply with their obligations and unlawfully line their own pockets with amounts withheld are gaining an unfair advantage over their honest competitors.

The Tax Division pursues civil litigation to enjoin employers who fail to comply with their employment tax obligations and to collect outstanding amounts assessed against entities and responsible persons. The Tax Division also pursues criminal investigations and prosecutions against those individuals and entities who willfully fail to comply with their employment tax responsibilities, as well as those who aid and assist them in failing to meet those responsibilities. Examples of some of the more prevalent employment tax schemes can be found here.

Unpaid employment taxes are a substantial problem. Amounts withheld from employee wages represent nearly 70% of all revenue collected by the IRS and, as of June 30, 2016, more than \$59.4 billion of tax reported on Employer's Quarterly Federal Tax Returns (Forms 941) remained unpaid. When last measured, employment tax violations represented more than \$91 billion of the gross Tax Gap and, after collection efforts, \$79 billion of the net Tax Gap in this country.

The Tax Division works with its partners in the IRS and the Offices of U.S. Attorneys to seek money judgments, permanent injunctions, and criminal convictions that often carry substantial prison sentences, restitution and financial penalties. Examples of recent IRS employment tax fraud investigations are found here. These cases are sending the clear message that this conduct will not be tolerated, and the Tax Division remains committed to addressing this serious issue.

Updated February 6, 2024

IRS
IRS

Recording Requested By Internal Revenue Service. When recorded mail to:

INTERNAL REVENUE SERVICE
PO BOX 145595, STOP 8420G
CINCINNATI, OH 45250-5585



2024-0000163

Recorded
Official Records
County of
Marin
SHELLY SCOTT
Assessor-Recorder
County Clerk

REC FEE 14.00

07:48AM 04-Jan-2024

Page 1 of 1

For Optional Use by Recording Office

Form 668 (Y)(c)

2074 Department of the Treasury - Internal Revenue Service

(Rev. February 2004)

Notice of Federal Tax Lien

Area: SMALL BUSINESS/SELF EMPLOYED AREA #6

Serial Number

Lien Unit Phone: (800) 913-6050

484628123

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer LYNNETTE SHAW
MARIN ALLIANCE FOR MEDICAL MARIJUAN

Residence 6 SCHOOL ST STE 210
FAIRFAX, CA 94930-1676

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|--------------------|-----------------------------|---------------------------|------------------------------|---------------------------------|--|
| 940 | 12/31/2020 | XX-XXX3719 | 02/22/2021 | 03/24/2031 | 494.07 |
| 940 | 12/31/2021 | XX-XXX3719 | 02/21/2022 | 03/22/2032 | 69.55 |
| 940 | 12/31/2022 | XX-XXX3719 | 02/27/2023 | 03/29/2033 | 774.53 |
| 941 | 06/30/2020 | XX-XXX3719 | 08/24/2020 | 09/23/2030 | 13365.73 |
| 941 | 09/30/2020 | XX-XXX3719 | 11/23/2020 | 12/23/2030 | 20640.04 |
| 941 | 12/31/2020 | XX-XXX3719 | 02/22/2021 | 03/24/2031 | 12682.51 |
| 941 | 03/31/2021 | XX-XXX3719 | 05/24/2021 | 06/23/2031 | 24468.07 |
| 941 | 06/30/2021 | XX-XXX3719 | 08/23/2021 | 09/22/2031 | 27961.68 |
| 941 | 09/30/2021 | XX-XXX3719 | 11/22/2021 | 12/22/2031 | 19646.40 |
| 941 | 12/31/2021 | XX-XXX3719 | 02/28/2022 | 03/30/2032 | 10054.92 |
| 941 | 03/31/2022 | XX-XXX3719 | 05/23/2022 | 06/22/2032 | 2365.85 |
| 941 | 06/30/2022 | XX-XXX3719 | 12/05/2022 | 01/04/2033 | 876.49 |
| 941 | 12/31/2022 | XX-XXX3719 | 02/20/2023 | 03/22/2033 | 3548.68 |
| 941 | 03/31/2023 | XX-XXX3719 | 05/22/2023 | 06/21/2033 | 3039.84 |
| 941 | 06/30/2023 | XX-XXX3719 | 09/25/2023 | 10/25/2033 | 2521.55 |

Place of Filing

COUNTY RECORDER
Marin COUNTY
SAN RAFAEL, CA 94903

Total \$ 142509.91

This notice was prepared and signed at OAKLAND, CA, on this, the 19th day of December, 2023.

Signature

for PAUL K YOSHIMOTO

Title

ACTING MANAGER
(408) 283-1811

26-12-2507

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

Recording Requested by

STATE OF CALIFORNIA
FRANCHISE TAX BOARD
Sacramento CA 95812-2952

And When Recorded Mail to

Special Procedures Section
PO BOX 2952
Sacramento CA 95812-2952



2024-0002316

Recorded
Official Records
County of
Marin
SHELLY SCOTT
Assessor-Recorder
County Clerk

REC FEE

0.00

09:11AM 23-Jan-2024

Page 1 of 1



Notice of State Tax Lien

Filed With: MARIN

Certificate Number: 24017334115

The Franchise Tax Board of the State of California hereby certifies that the following named taxpayer(s) is liable under parts 10 or 11 of Division 2 of the Revenue and Taxation Code to the State of California for amount due and required to be paid by said taxpayer(s) as follows:

Name of Taxpayer(s) : LYNNETTE SHAW

FTB Account Number : 1108101367

Social Security Number(s) : XXX-XX-3321

Last Known Address : 132 SCENIC RD
: FAIRFAX, CA 94930-1548

For Taxable Years : 2022,2021

Total Lien Amount * : \$38,949.99

Further interest and fees will accrue at the rate prescribed by law until paid; that the Franchise Tax Board of the State of California complied with all of the provisions of parts 10 or 11 of Division 2 of the Revenue and Taxation Code of the State of California in computing, levying, determining and assessing the tax; the said amounts are due and payable and have not been paid. Said lien attaches to all property and rights to such property now owned or later acquired by the taxpayer.

IN WITNESS WHEREOF, the Franchise Tax Board of the State of California has duly authorized the undersigned to execute this Notice in its name.

Dated: 01/17/24

FRANCHISE TAX BOARD
of the State of California

Collection Bureau
Telephone Number: (916) 845-4350

By:

Authorized facsimile signature.

*Additional interest is accruing at the rate prescribed by law.

4203
IRS
Recording Requested By Internal Revenue Service. When recorded mail to:

INTERNAL REVENUE SERVICE
PO BOX 145595, STOP 8420G
CINCINNATI, OH 45250-5585



2024-0006271

Recorded
Official Records
County of
Marin
SHELLY SCOTT
Assessor-Recorder
County Clerk

REC FEE 14.00

08:59AM 14-Mar-2024

JN
Page 1 of 1

For Optional Use by Recording Office

Form 668 (Y)(c)

2074 Department of the Treasury - Internal Revenue Service

(Rev. February 2004)

Notice of Federal Tax Lien

Area: SMALL BUSINESS/SELF EMPLOYED AREA #6

Serial Number

Lien Unit Phone: (800) 913-6050

488626224

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer LYNNETTE SHAW

Residence 132 SCENIC RD
FAIRFAX, CA 94930

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

| Kind of Tax (a) | Tax Period Ending (b) | Identifying Number (c) | Date of Assessment (d) | Last Day for Refiling (e) | Unpaid Balance of Assessment (f) |
|--------------------|-----------------------------|---------------------------|------------------------------|---------------------------------|--|
| 1040 | 12/31/2012 | XXX-XX-3321 | 11/14/2016 | 12/14/2026 | 19493.17 |
| 1040 | 12/31/2017 | XXX-XX-3321 | 01/07/2019 | 02/06/2029 | 36278.49 |
| 1040 | 12/31/2018 | XXX-XX-3321 | 03/08/2021 | 04/07/2031 | |
| 1040 | 12/31/2018 | XXX-XX-3321 | 06/06/2022 | 07/06/2032 | 58558.56 |
| 1040 | 12/31/2020 | XXX-XX-3321 | 11/27/2023 | 12/27/2033 | 25796.78 |
| 1040 | 12/31/2021 | XXX-XX-3321 | 11/27/2023 | 12/27/2033 | 49645.06 |
| 1040 | 12/31/2022 | XXX-XX-3321 | 01/08/2024 | 02/07/2034 | 104397.27 |

Place of Filing

COUNTY RECORDER
Marin COUNTY
SAN RAFAEL, CA 94903

Total \$ 294169.33

This notice was prepared and signed at OAKLAND, CA, on this, the 01st day of March, 2024.

Signature
for PAUL K YOSHIMOTO

Title
ACTING MANAGER
(408) 283-1811

26-12-2507

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

RECORDING REQUESTED BY

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF TAX AND
FEE ADMINISTRATION**

AND WHEN RECORDED MAIL TO

**CALIFORNIA DEPARTMENT OF TAX AND
FEE ADMINISTRATION
PO BOX 942879
SACRAMENTO, CALIFORNIA 94279-0055**



2022-0007076

| | | |
|-------------------|---------|------|
| Recorded | REC FEE | 0.00 |
| Official Records | | |
| County of | | |
| Marin | | |
| SHELLY SCOTT | | |
| Assessor-Recorder | | |
| County Clerk | | |

07:32AM 24-Feb-2022 | AO
Page 1 of 1

NOTICE OF STATE TAX LIEN

Chapter 14 (Commencing with Section 7150
of Division 7 of Title 1 of the Government Code)

Filed with: MARIN COUNTY

Certificate No. 34615

The California Department of Tax and Fee Administration, hereby certifies that the following named taxpayer(s)
LYNNETTE MARIE SHAW (XXX-XX-3321)AKA: LYNNETTE SHAW, LYNETTE SHAN, LENNETTE SHAW, LYNETTE
SHAW, LYNETTE M SHAW.

DOING BUSINESS AS MARIN ALLIANCE FOR MEDICAL MARIJUANA
THIS EXTENDS LIEN CERT NO. BE-1290334

whose last known address was 6 SCHOOL ST STE 200 FAIRFAX CA 94930-1650

is (are) liable to the State of California for amounts due from and required to be paid by said taxpayer(s) and duly levied and
determined under the provisions of the California Sales and Use Tax Law, Part 1, 1.5 and where applicable, Part 1.6; and Article 9.5
Chapter 8 of Part 2 of Division 4 of Public Resource Code.

| Account Number | Tax Period | Assessment | Balance |
|----------------|-------------------------------------|-------------------|-------------|
| 101-112239 | October 1, 2011 - December 31, 2011 | December 20, 2011 | \$20,495.23 |
| 101-112239 | October 1, 2011 - December 31, 2011 | January 18, 2012 | \$15,107.39 |
| 101-112239 | October 1, 2011 - December 31, 2011 | March 14, 2012 | \$11,853.84 |
| 101-112239 | October 1, 2011 - December 31, 2011 | March 20, 2012 | \$550.00 |
| TOTAL | | | \$48,006.46 |

Additional interest may accrue at the modified adjusted rate established pursuant to Section 6591.5 or 19521 of the Revenue and
Taxation Code. Further, additional penalties and collection cost recovery fees may accrue by operation of law. The California
Department of Tax and Fee Administration further certifies that it has complied with all of the provisions of the above-cited law, act, or
ordinance in its determination of the amounts required to be paid. The liability above set forth is a lien upon all real property and rights
to such property, including all after-acquired property and rights to property belonging to the above-named taxpayer(s).

The California Department of Tax and Fee Administration has duly authorized the undersigned to execute this Notice in its name.



Lien ID: 1290334-21

Dated February 23, 2022
At Sacramento, California

The agency has adopted the use of a facsimile signature as shown
below:

By
Gina Fong, Authorized Representative

Proposed Ordinance Amendment - Marin Alliance for Medical Marijuana

From Eric Maas <ericmaas@gmail.com>

Date Mon 12/2/2024 9:37 PM

To Barbara Coler <bcoler@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Chance Cutrano <ccutrano@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>; Jeff Beiswenger <jbeiswenger@townoffairfax.org>

Dear Fairfax Town Council,

Last week, I was surprised to receive a Courtesy Notice about the proposed relocation of the Marin Alliance for Medical Marijuana to a new location just four doors away from a preschool. This proposed move reflects poor judgment, and it is up to the town council to demonstrate that this responsibility lies with the business owner by not permitting an amendment to the ordinance.

The location is also only three blocks from a high school and directly along the commute path for multiple local schools. Studies from the CDC show that teens exposed to marijuana advertising are more likely to use the substance. Placing a pot shop along a school route and so close to a preschool is an avoidable mistake.

Consider this: teens in California are already 24.46% more likely to have used drugs in the last month compared to the national average. Why add unnecessary temptation right in their daily school commute path?

The proposed neighborhood has 130 homes within a 600-foot radius compared to just 12 at the current location. Many of these homes include school-aged children who walk, bike, or drive by daily. Across the street, some of the highest-density housing in Ross Valley is home to children who regularly play in parking lots after business hours. Moving a pot shop here puts these families in an uncomfortable position.

This isn't just about Fairfax; it's also about respecting San Anselmo, where residents voted against pot shops. Relocating this dispensary to a neighborhood that is largely in San Anselmo sends the wrong message.

The Fairfax Town Council also rejected a downtown dispensary location in March 2022. Clearly, the town council is capable of sound decision-making. So why this shift? Especially when the National Poison Data System reports a 1,375% increase in pediatric hospitalizations due to marijuana consumption from 2017 to 2021.

We all understand marijuana is legal, and Fairfax has a history with this business. Their current location works well for them. If that location is no longer an option, the business should consider relocating to another part of downtown or a neighborhood that's not so family-centered.

This is a chance for the council to demonstrate good judgment and prioritize the well-being of our community.

Sincerely,

Eric and Erin Maas

135 Suffield Ave
San Anselmo

(Practically across the street from the proposed location)

Opposition to relocation of cannabis business.

From Gabe Robinson <grobinson0@gmail.com>

Date Mon 12/2/2024 2:49 PM

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

Hello,

My name is Gabe Robinson and I live at 18 Kent Avenue with my wife and four children.

I vehemently oppose changes to town code 5.56 that would allow the existing medical cannabis business to relocate to 1591/1593 Sir Francis Drake. This is a terrible idea that will have multiple negative impacts on our community.

The proposed change would run afoul of state law which requires 600 feet distance from a cannabis business and K-12 schools, daycares and youth centers.

- Caterpillar academy preschool is 300 feet from the proposed site of the relocation.
- White Hill students are dropped off by buses less than 20 feet from the proposed location.
- Many children and families pass by the proposed location on the way to and from Brookside, Hidden Valley and San Domenico School.

Marin Alliance where it is now obviously contributes to the current problem of open and public consumption of cannabis that I have repeatedly seen in the downtown core, including on the bench on broadway right in front the current location, at Contratti baseball field, and Peri park. There is no discernible effort to curb this use and it would surely get worse when the business is moved away from the downtown core and farther from the police station.

Our neighborhood is already burdened with people using it to bypass traffic controls on SFD and Center blvd. with people driving recklessly, speeding and blowing past stops signs which puts people and especially vulnerable children at risk. Our cars and the cars of our neighbors have been damaged by these reckless and on occasion intoxicated drivers. Our repeated pleas to Fairfax police for help are inconsistently responded to and certainly ineffective in reducing these risks. Adding the traffic that the only storefront dispensary in Marin will bring only serves to make our neighborhood less safe.

Our neighborhood is also burdened by the parking impacts of people using the surface streets for parking while using or working at nearby businesses despite town posted signage discouraging it, with people often parking illegally in red curb zones, encroaching on driveways, despite previous agreements from the council to mitigate the impact of the Good Earth prior to opening. The proposed relocation has no onsite parking and will no doubt negatively impact our neighborhood. The current situation is unacceptable and shows how little the previous statements and of the town council on mitigating impacts of businesses on residences are worth in practice.

The impacts to our community in general and our neighborhood in particular from additional traffic, parking without enforcement, the loitering, open use of substances, all of which will surely accompany this proposed relocation are unacceptable and must be opposed.

Regards,

Gabe Robinson
18 Kent Ave. Fairfax, Ca
(650)766-3746

December 2, 2024

Subject: Major Concerns Regarding Proposed Ordinance Amendment to Relocate Marin Alliance for Medical Marijuana

Christine Foster, Deputy Town Clerk, Town of Fairfax

Dear Ms. Foster,

Very recently we were informed about the proposed ordinance amendment that would allow the relocation of the Marin Alliance for Medical Marijuana to a new site in Fairfax, right in our immediate neighborhood.

While we support access to medical cannabis, we don't think the location is right. We have significant concerns about the impact of this relocation on our residential neighborhood. The Town of Fairfax Staff Report on the issue does not reference any conversations with immediate neighbors to identify and explore our concerns or evaluate the potential impact on the character of our currently safe and family-friendly neighborhood, which has quite a few children.

Our concerns include:

- * Enforcement of the CUP conditions preventing smoking marijuana in the parking lot or around the building; will there be adequate and reliable security personnel to do this?
- * Access to marijuana and it's smoke by youth walking to and from school or waiting for the bus or rides immediately outside the dispensary on the sidewalk.
- * Minimal on-site parking (a few spaces at most), resulting in parking and congestion on adjacent streets where we live, including Hill Avenue, Kent Avenue, and Belle. Hill and Belle are very narrow and quite a few residents rely on street parking. They and our visitors would be competing with dispensary patrons, from 9am-9pm, Monday thru Saturday. We have learned that the dispensary currently has on average 150 customers per day. If even half of those folks drive, that's 75 cars looking for spots every day in our neighborhood. Even if they stay for just 10-15 minutes, that's disruptive. We already deal with overflow from The Daily Method exercise studio. More study is required.
- * Traffic concerns, as the five-point intersection of Kent, Hill, and Belle is already dangerous, and both Hill Avenue and Belle do not allow for two-way traffic. The very small parking area to be provided by the dispensary and shared with The Daily Method and local residents could also get congested and noisy.
- * Potential expansion of the business and Conditional Use Permit after one year to include sale of recreational marijuana, substantially increasing the volume of customers at this site and making it even more of a temptation and risk to our youth, as well as further increasing parking problems. This is a substantial risk that we would prefer not to face.

* Change in the family-friendly character of our safe, peaceful neighborhood, which welcomes many walkers from the adjacent Oak Manor neighborhood, on their way to Good Earth or other nearby frequently visited places in Fairfax. Cars regularly attempting to park and leave this narrow street will make it much less inviting to walkers.

* Enforcement of the Conditional Use Permit; how can we be sure that violation will lead to revocation and that neighborhood concerns will be promptly and thoroughly addressed whenever they arise?

We believe that the Planning Commission as well as the Town Council should invite more neighborhood input and carefully evaluate neighborhood impacts before any go-ahead is given to this request. A study to find out how many local residents park on the street and how many dispensary patrons currently drive to the location on School Street (which has a generous parking lot) would be useful.

In the meantime, MAMM patrons should have access to the products they need via van delivery to their homes and through the mail. We trust MAMM can find a safe storage and packaging facility for the medical marijuana, so their patrons can continue to receive the drugs they need. However, if the organization is to have a storefront for the public, they would be wise to look for a location that has adequate parking and is further away from places where children and youth congregate.

To summarize, we believe that people should have access to medical marijuana (and recreational marijuana) in ways that do not negatively impact our residential neighborhoods. We urge the Town Council to reconsider this location, and we request that parking and traffic studies be conducted and further neighborhood input be invited and carefully considered before any approval is granted.

Thank you.

Sincerely,

Joanna + Rob Short

JoAnna and Rob Short, 17 Hill Ave, Fairfax, CA 94930

Judy Berger
Judy Berger, 1 Hill Avenue, Fairfax

Zev and Bernadette Rattet, 7 Hill Avenue, Fairfax

Jacqueline Stone, 2 Hill Avenue, Fairfax

} see attached signature pages

CC:

Barbara Coler, Mayor

Bruce Ackerman, Council Member

Chance Cutrano, Council Member

Lisel Blash, Vice Mayor

Stephanie Hellman, Council Member

Signatures of additional neighbors in support of this letter to the Town of Fairfax dated December 2, 2024 regarding Major Concerns Regarding Proposed Ordinance Amendment to Relocate Marin Alliance for Medical Marijuana:

Marilyn Taulber
18 Hill Avenue
Fairfax, CA

Lucy Carr
18 Hill Ave
Fairfax, CA

Aaron O'Brien
32 Hill Ave.
Fairfax, CA

B - D
37 Hill Ave
Fairfax, CA 94930

Brian Ayers
33 Hill Avenue
Fairfax, CA 94930

Mary Applequist
17A Hill Avenue
Fairfax, CA 94930

Jacqueline Stone
16 Hill Ave
Fairfax, CA

13 Hill Ave
Fairfax CA 94930

Emily Wren
16 Hill Ave.
Fairfax, CA 94930

Janet Denfio
16 Hill Avenue
Fairfax CA

Bernadette Rattet
13 Hill Avenue
Fairfax, CA 94930

Jesse Morris
1599 Sir Francis Drake Blvd.
Fairfax CA 94930

Jill Dailey
1599 Sir Francis Drake
Blvd
Fairfax, CA 94930

Signatures of additional neighbors in support of this letter to the Town of Fairfax dated December 2, 2024 regarding Major Concerns Regarding Proposed Ordinance Amendment to Relocate Marin Alliance for Medical Marijuana:

Ethan Geary Primary Issue: Parking is already inadequate,
17 Belle Ave. enforced by Good Earth and SFD.
Parking needed.

Mark S. Hamilton
11 BELLE AVE.

main concern is over parking, traffic, Good Earth congestion etc. Do not agree with location proposed - Traffic/parking already oversubscribed

Marie Gino - Let us vote on this
take before planning commission

Dean Smith
9 Belle A

Kate Beltz - 36 Belle Ave Fairfax CA 94930
Lucile L Smith 43 Belle Ave. Fairfax 94930

Claire Frchette 47 Belle Ave FX 94930

Adam Barnum 47 Belle Ave Fairfax 94930

Nancy Meadows 50 Belle Ave Fairfax 94930

PETER BRANDELUS - 51 BELLE FAIRFAX 94930

Claire Darling 1 Hill Ave Fairfax 94930

Lori Casanovova 25 Hill Ave Fairfax 94930
Lori Casanovova

Fwd: Proposed ordinance amendment re: cannabis business relocation

From Jeff Beiswenger <jbeiswenger@townoffairfax.org>

Date Mon 12/2/2024 3:45 PM

To Christine Foster <cfoster@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>; Janet Coleson <Janet.Coleson@bbklaw.com>

Sent from my iPhone

Begin forwarded message:

From: Janet Byrum <jan@byrumfleming.com>

Date: December 2, 2024 at 3:05:36 PM PST

To: Jeff Beiswenger <jbeiswenger@townoffairfax.org>

Subject: Proposed ordinance amendment re: cannabis business relocation

Dear Jeff:

We are unable to attend the December 4 hearing regarding this matter, but would like to advise the town of our position.

We feel it is not appropriate to locate a cannabis business in this location for the following reasons:

- The nature of the business tends to attracts crime.
- Parking is inadequate at this location.
- This business is not legal under Federal law.

Please add our comments to the record on this matter.

Thank you,

Janet Byrum
Robert Fleming
44 Hawthorne Ave
San Anselmo

Christine Foster
Deputy Town Clerk
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Subject: Opposition to Proposed Ordinance Amendment to Relocate Marin Alliance for Medical Marijuana

Dear Ms. Foster,

We are writing to oppose the proposed ordinance amendment that would allow the relocation of the Marin Alliance for Medical Marijuana to a new site in Fairfax.

While we support access to medical cannabis, we have significant concerns about the impact of this relocation on our neighborhood.

The proposed parking area is a dead-end shared with both residential and commercial tenants. Previously, these parking spaces were used exclusively by tenants themselves, not by patrons of nearby businesses. The change to allow in-and-out traffic immediately behind our home would drastically alter the peaceful environment we've known, introducing a level of congestion and noise that was not present before.

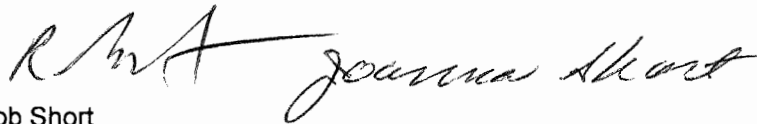
Our street, Hill Ave, which is behind the dispensary, already faces parking challenges from patrons of the Barre studio on the corner of Sir Frances Drake and Kent. With parking restricted to one side, our narrow streets do not allow for two-way traffic, forcing drivers to wait if another car is passing. The increase in activity caused by the dispensary's relocation would only exacerbate these issues.

We also have concerns about the adequacy of the proposed site for the business. Given the shared parking situation and the limited number of spaces, we fear that the dispensary may not have enough capacity to accommodate its customers and staff without causing further disruption.

We urge the Town Council to reconsider this location and request that parking and traffic studies be conducted before any decision is made.

Thank you for considering our concerns.

Sincerely,



Joanna and Rob Short
17 Hill Ave
Fairfax, CA 94930

CC:
Barbara Coler, Mayor
Bruce Ackerman, Council Member
Chance Cutrano, Council Member
Lisel Blash, Vice Mayor
Stephanie Hellman, Council Member

Permit for Marin Alliance

From Kay Mahoney-Neal <kneal0218@gmail.com>

Date Sat 11/30/2024 10:38 AM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Hi all,

I am looking forward to see what good things we can accomplish in the next year.

I would like to advocate for our town council to work with Marin Alliance to allow Lynette Shaw to move her business.

I was confused as to why Mayor Coler suggested not allowing the delivery business for Marin Alliance at the new location?

The delivery business is income for both Lynette Shaw, those she employees and much needed tax revenue for our town.

Lynette should not be penalized. She is a victim of a no fault eviction, in which our town help facilitate by changing the zoning at School St.

That is not fair and not in the best interest of our town.

Although I am not a customer of Marin Alliance, as a nurse I am personally aware of many people who enjoy and get relief from medial conditions such as depression, anxiety, nausea and pain thru the use of cannabis.

Please assure that her business continues here in Fairfax.

I would also like to see (down the road) reopening the discussion to allow a recreational store front. Public opinion on cannabis has changed and many adorable small towns have a cannabis store front- (usually with a local bakery next store).

This will bring more money and shoppers to Fairfax, who in turn will eat at our restaurants, go to our movie theatre and/or do retail therapy at our many cool shops.

This is a win for for everyone. We need that tax money!!!!

Thank you for your consideration,
Kay Neal

12/4/24 - Item 7 - Cannabis business relocation

From Kelsey Fernandez <kelseyfernandez@yahoo.com>

Date Tue 12/3/2024 8:16 AM

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

Cc chief@fairfaxpd.org <chief@fairfaxpd.org>

Dear Mayor Coler, Vice Mayor Blash and Fairfax Town Council Members,

Thank you in advance for your service to the community and consideration of this issue. While I respect Marin Alliance's legacy and service to medical marijuana patients, there are a number of concerns with this request to make special accommodations for a single business.

I respectfully ask you to consider the following when making your decision on this item:

- **Location** - 1593 SFD is directly on the border of San Anselmo and Fairfax. A county map shows the [sidewalk \(and perhaps the building entrance\) of the proposed site is within the town of San Anselmo](#). San Anselmo does not allow any other type of cannabis business - including medical storefronts or recreational delivery. This location is literally toe-ing the line and is a completely different style of store than what was allowed in the discreet School Street location.
- **Adherence to local and state regulations** - It's common knowledge that the business does not adhere to local and state regulations regarding a non-storefront retailer license in that recreational products are sold and delivered on premises. A typical example of this practice occurs when a customer without a medical license makes a product choice within the medical store and then steps outside the door where a sales person meets them and "delivers" the product. (state regulations below)
- **Public health and risk to youth** - To state the obvious, this request involves the promotion and sale of high potency THC products. Science has proven these products have much greater and more severe risk and harms than marijuana products with less than 10% THC - particularly for youth. This location is likely to increase youth access. When Element 7 applied for a location prominent on SFD, the council cited Town Code Section 5.56.070, stating that it was not in the interests of the health, safety, and general welfare of the community.
- **Traffic** - With previous applicants for SFD locations, a traffic study was required. This is a high traffic area that will impact both San Anselmo and Fairfax. Another reason a decision should not be rushed.

I sincerely regret that Marin Alliance is in a situation where they have to move their business, but considering the number of issues, it doesn't seem in the best interest of our communities to rush to a decision.

Thank you,

The most current [CA regulations on non-storefront delivery \(as of July 2024\)](#):

- A non-storefront retailer licensee shall be authorized to conduct retail sales exclusively by delivery.
- The licensed premises of a non-storefront retailer licensee shall be closed to the Public.
- A delivery employee may only deliver cannabis goods to a physical address in California.
- Licensed retailers who are only authorized to engage in retail sales through delivery shall not conduct sales through curbside delivery.
- Licensees authorized to engage in retail sales shall only sell cannabis goods designated as “For Medical Use Only” to medicinal customers.


The premises for a “delivery only “ license can only be used for storage, dispatch, and business operations. No onsite sales or public access is permitted - all transactions must be conducted via delivery.

Request to Public Comment on Items 7&8 December 4th TC agenda

From KEVIN CURTIS <k.curtis@comcast.net>

Date Wed 12/4/2024 1:26 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

 1 attachment (3 MB)

MAMM Agenda item Curtis Submission.zip;

Good afternoon TC,

Please find the attached follow up letter and supporting documents, as a public comment for this evenings agenda on the Marin Alliance relocation request. I trust you will make the right decision and will support that outcome, whatever it may be. You're the bosses!

If you would read the letter first and then review each of the supporting documents, included.

Thank you,

Kevin Curtis
San Anselmo

Kevin Curtis
San Anselmo, CA 94960
K.Curtis@comcast.net
December 4, 2024

Town Council
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Follow Up Letter to the Fairfax Town Council regarding items 7&8 on the December 4th meeting agenda.

Subject: Comprehensive Concerns and Recommendations Regarding Marin Alliance's Licensing and Compliance Status

Dear Mayor and Members of the Fairfax Town Council,

I write to provide a comprehensive analysis of the Marin Alliance for Medical Marijuana's (MAMM) licensing and compliance history to aid in the Council's decision-making regarding its proposed relocation to 1591-1593 Sir Francis Drake Blvd. This letter consolidates key issues surrounding MAMM's provisional licensing status, its operational framework, and broader implications for Fairfax's oversight and regulatory responsibilities.

Provisional Licensing: A Persistent Gap in Compliance

MAMM holds two provisional licenses issued by the California Department of Cannabis Control:

- **Lic. No. C10-0000609-LIC (Provisional):** Commercial - Retailer - Medicinal, effective September 10, 2019, expiring September 9, 2025.
- **Lic. No. C9-0000302-LIC (Provisional):** Commercial - Retailer - Non-Storefront - Adult-Use, effective October 11, 2019, expiring October 10, 2025.

Provisional licenses were introduced as temporary measures to allow businesses to operate while working toward full compliance required for an annual license. MAMM's repeated renewals—for over four years—highlight concerns about whether it has made adequate progress to meet state regulatory standards.

CEQA Requirements: Limited Progress Evident

Under 4 CCR § 15001.2, cannabis businesses renewing provisional licenses must demonstrate progress toward compliance with the California Environmental Quality Act (CEQA). Specific requirements include:

- **For Renewals Post-July 1, 2023:** Evidence of substantial progress, such as circulating environmental documents for public review or certifying comprehensive site-specific studies (e.g., Negative Declarations or Environmental Impact Reports).
- **Minimal Progress Risks Denial:** Businesses failing to provide substantive evidence risk denial of renewal applications.

Given the absence of public documentation on CEQA milestones achieved by MAMM, there is a valid concern about whether sufficient efforts have been made to transition toward full compliance.

Ethical Implications of Prolonged Provisional Status

MAMM's reliance on provisional licenses raises questions about its commitment to regulatory integrity:

- **Avoidance of Full Accountability:** By remaining in provisional status, MAMM avoids meeting the rigorous standards required of annual licensees, including complete environmental review and adherence to updated labor and operational regulations.
- **Community Trust at Stake:** Prolonged provisional licensing undermines public trust in both the business and the regulatory framework intended to ensure safety, transparency, and accountability.

Differentiating License Types and Operational Capabilities

MAMM's two licenses—storefront and non-storefront—allow distinct operational activities:

1. **Non-Storefront Delivery License (C9-0000302-LIC):** This license enables delivery of cannabis to both adult-use and medicinal customers without requiring a public-facing storefront. All MAMM clients, including patients and caregivers, could be served under this license simply if a secure storage facility is maintained. Delivery operations could fulfill all client needs while minimizing disruption to the community.
2. **Storefront Retail License (C10-0000609-LIC):** Serving exclusively medicinal clients, this license requires maintaining a physical location accessible to patients and caregivers, imposing additional regulatory and zoning challenges.
3. Of the twelve Marin County jurisdictions, only Fairfax allows a medicinal storefront. This distinction underscores the critical role of delivery services in meeting the needs of patients and clients while avoiding the complexities of establishing a public-facing retail location. Delivery is uniquely positioned to provide essential services without necessitating additional zoning approvals, Conditional Use Permits (CUPs), or other temporary allowances that could delay compliance with CEQA, public hearings, or planning committee reviews.

A Thoughtful Approach to Conditional Use Permits (CUPs)

To address community concerns while supporting compliant business operations, the Council may consider the following CUP strategy:

- **Prioritize Delivery Operations:** Approve or renew a CUP exclusively for delivery operations under the non-storefront license. This approach ensures uninterrupted access for MAMM's clients without necessitating a physical retail location.
- **Evaluate Storefront Operations Separately:** If a storefront license is sought, require evidence of full CEQA compliance and enforce community-driven zoning restrictions through conditional approvals.

By prioritizing delivery services and ensuring rigorous oversight of storefront applications, the Council can meet the dual objectives of maintaining patient access and upholding community standards.

Expanding Oversight Capabilities

In light of concerns about MAMM's regulatory compliance and community impact, Fairfax can strengthen its oversight capabilities by:

1. **Requiring Quarterly Compliance Reports:** Mandate regular reporting from MAMM detailing progress toward CEQA compliance, labor standard adherence, and operational transparency.
2. **Instituting Independent Audits:** Contract third-party audits to assess MAMM's adherence to CUP conditions and broader regulatory requirements.
3. **Engaging Community Feedback:** Hold biannual town hall meetings to gauge public opinion and address any grievances related to cannabis business operations.

Conclusion

The Council has a unique opportunity to demonstrate leadership in balancing business interests with community values. By holding MAMM accountable for regulatory compliance, prioritizing delivery services, and expanding oversight mechanisms, Fairfax can set a precedent for responsible cannabis governance.

Please review the supporting .pdf documents as items 1-7 to this letter and for your review. And please realize that Frank Egger has just posted that an SB330 application was received by the Town, from the owners of The School Street Plaza. This submission places immediate protections and rights into both the residential and commercial tenants. They immediately are granted a right to stay for a period, right to noticing, right-of-first refusals and even relocation assistance in a monetary form. This alone should provide MAMM with up to 6 months in which to make a decision on a suitable location with storefront that is also off the main commercial corridors between our two towns and not on a Fairfax RHNA sites list property, where adjacent RHNA sites may face residential restrictions as a result of any placement of the dispensary. It also provides you in the alternative to allowing MAMM to operate like all the other Marin County jurisdictions and still serve its client base.

Thank you for considering these recommendations.

Sincerely,

Kevin Curtis
San Anselmo, CA 94960

| Cities and Counties | Retail (storefront) | Retail (delivery) | Distribution | Testing | Manufacturing |
|---------------------|---------------------|-------------------|--------------|---------|---------------|
| Marin County | ✗ | — Medical only | ✗ | ✗ | ✗ |
| Belvedere | ✗ | ✗ | ✗ | ✗ | ✗ |
| Corte Madera | ✗ | ✗ | ✗ | ✗ | ✗ |
| Fairfax | — Medical only | ✓ | ✗ | ✗ | ✗ |
| Larkspur | ✗ | ✗ | ✗ | ✗ | ✗ |
| Mill Valley | ✗ | ✗ | ✗ | ✗ | ✗ |
| Novato | ✗ | ✓ | ✓ | ✓ | ✓ |
| Ross | ✗ | ✗ | ✗ | ✗ | ✗ |
| San Anselmo | ✗ | ✗ | ✗ | ✗ | ✗ |
| San Rafael | ✗ | ✓ | ✓ | ✓ | ✓ |

What you see clearly is that Fairfax is the only walk in storefront. The license says medicinal, but anyone can walk in off the street and be granted a 30-day active trial, without a doctor's referral. Sausalito and Tiburon also disallow all types.

Other jurisdictions have instead allowed delivery service for all adult clients, medicinal and also for enjoyment. MAMM's delivery license is just this and is separate from it's medicinal storefront retail license.

A delivery license only requires a storage site that has a live alarm sytem, camera system, safe and locks. The two delivers (maximum allowable), can enter and exit and the deliveries are direct to client and back.

License Search

Total Results Found: 2

| License Number ↑↓ | License Type ↑↓ | License Status ↑↓ | DBA Name ↑↓ | Legal Business Name ↑↓ | County ↑↓ | Effective Date ↑↓ | Expiration Date ↑↓ | License Stage ↑↓ | License Designation ↑↓ |
|-------------------|--|-------------------|--|---------------------------------|-----------|-------------------|--------------------|------------------|------------------------|
| ▼ C10-0000609-LIC | Commercial - Retailer | Active | Marin Alliance for Medical Marijuana [Equity Retailer] | Lynnette Shaw [Equity Retailer] | Marin | 2019-09-10 | 2025-09-09 | Provisional | Medicinal |
| ▼ C9-0000302-LIC | Commercial - Retailer - Non-Storefront | Active | Marin Alliance Delivery | Lynnette Shaw | Marin | 2019-10-11 | 2025-10-10 | Provisional | Adult-Use |

Last update of license data: 12/02/2024

As you can see, there are two separate licenses for MAMM.

The Commercial-Retailer which is designated as medicinal only and allows a storefront by law.

The Commercial-Retailer Non-Storefront (Delivery only), which calls its mandatory storage site the same building as the current storefront (but it can use any storage location that meets the security requirements and local jurisdictional permitting).

So, MAMM does not “require” a storefront on Sir Francis Drake Blvd, in order to service its customer base. And if MAMM were to only have its Delivery Non-Storefront license and associated CUP tied to a specific location address, it would continue operating and serving Fairfax as needed.

And there is no emergency (that is caused by the Town Council and the application of the RHNA overlay at School Street Plaza), that necessitates circumventing required actions by the lead agency, the town.

In fact, the words “PROVISIONAL” under licensing stage, and the effective dates for the two license of way back in 2019, show us that each year the State sends a notice of violations to be corrected prior to transition to a full real State regulated license... called an “Annual license”. And for MAMM to have remained in a provisional states following a renew submission process each year before expiration, MAMM would have certified that it was making progress on the requirements for a full annual license and associated requirements. Requirements like a full CEQA, approval from the town, approval from the landlord, security, meeting labor laws, track and trace and live entry tracking of all points of acquiring, movement and distribution of each unit of sale sent to the State and other setbacks from residential and child facilities. Are they complying with any of that over the last six years?

Or is MAMM utilizing a strategy of falsely submitting statements and facts within each years provisional renewal system, such that it never has to align and be compliant with the full set of State regulations?

Retail licenses

Type 9: non-storefront retailer (delivery only)

A non-storefront retailer sells cannabis goods to customers only through delivery.

Type 10: storefront retailer

A storefront retailer has a physical location where cannabis goods are sold. Storefront retailers can also deliver cannabis goods.

Here's the special news. It just so happens that the State Cannabis Control has been noticing all provisional license holders that they have a hard deadline of January 1st, 2025 in which to renew. After that date, there will never be another renewal opportunity for a provisional status license.

January 1st is an interesting date. And it seems that MAMM was able to renew its “Provisional” licenses to have final expiration dates of September 2025 for the storefront and October 2025 for the delivery licenses.

Here's the problem. MAMM has not complied with the outstanding compliance issues and violation annual letters, meaning they would have been in front of the Fairfax town council with requests for emergency assistance towards meeting their need to meet the requirements and progress into “annual certified” final fully regulated licenses tied to the specific storage and operating sites.

They should have progressed and complied the first year, or the second year, or the third year, or the fourth year, but for whatever reason, have not made progress with the regular requirements of a fully licensed dispensary in Fairfax. Did they inform the town each year? Did the town draft supportive letters of progress? Or did MAMM submissions towards each year's provisional renewals just include questionable documents and statements on progress?

You won't know if you don't require the documentation. You won't understand what performance or issues will occur at the new proposed site, until you understand and have certainties on oversight and a new plan going forward.

On this page

Renewal Requirements: July
1, 2023 – December 31, 2024

Related content

Renewal requirements for provisional licenses

As of January 1, 2025, provisional licenses will no longer be available to renew.
Visit [Major Regulatory Deadline](#) for more information.

All licensees must adhere to the renewal requirements set forth within California Code of Regulations (CCR) section [15020](#). Additionally, provisional licensees must meet specific criteria to renew a provisional license to ensure progress is being made toward annual licensure.

A summary of criteria and timelines related to provisional licenses is outlined below and available within CCR section [15001.2](#).



Department of
Cannabis Control
CALIFORNIA

[CA.GOV](#) / [Department of Cannabis Control](#) / [Renewal requirements for provisional licenses](#)

Renewal requirements for provisional licenses

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All licensees must adhere to the renewal requirements set forth within California Code of Regulations (CCR) section [15020](#). Additionally, provisional licensees must meet specific criteria to renew a provisional license to ensure progress is being made toward annual licensure.

A summary of criteria and timelines related to provisional licenses is outlined below and available within CCR section [15001.2](#).

Renewal Requirements: July 1, 2023 – December 31, 2024

All license types

Progress toward compliance with CEQA must be shown through **one** of the following ways:

- The Lead Agency has prepared and circulated for public review a negative declaration or mitigated negative declaration.
- The Lead Agency has determined that an EIR is required and has either:
 - Made substantial progress in preparing an EIR, or
 - Has a contract in place for EIR preparation.
- The Lead Agency certifies that it has conducted a reasonably comprehensive site-specific review and deemed complete an initial study, addendum, or checklist.
- The Lead Agency has reviewed, prepared, and deemed complete a notice of exemption.

Applicable documentation

- Any environmental documentation, including, but not limited to, an exemption, initial study, negative declaration, mitigated negative declaration, and/or environmental impact report.
 - Any staff reports and related documents prepared by the local jurisdiction.
 - Any written transcript or minutes of the proceedings of the local jurisdiction.
 - Any notice(s) issued by the local jurisdiction to comply with CEQA and the CEQA Guidelines.
 - Any proposed decisions or findings considered by the local jurisdiction by its staff or the applicant.
 - Any documentation of the local jurisdiction's final decision.

Additional requirements for cultivation license types

June 30, 2023

Last day for DCC to issue provisional licenses to local equity applicants.

Exceptions:

- (1) Local equity retailers (storefront and non-storefront).

July 1, 2023

Provisional renewals become subject to additional requirements.

January 1, 2024

Last day for provisional cultivation licenses that would result in an operation equivalent to a Type 5, 5A, or 5B license to be in effect.

January 1, 2025

Last day for DCC to renew provisional licenses.

Exceptions:

- (1) Local equity retailers' (non-storefront and storefront) provisional license may be renewed until the annual license is issued/denied or until five years from the date the provisional license was issued, whichever is earlier.

January 1, 2026

Last day for any provisional license to be in effect.

Exceptions:

- (1) Certain local equity retailers (non-storefront and storefront).

January 1, 2031

Last day for DCC to issue provisional licenses to local equity retailers (non-storefront and storefront).

[View this email in your browser](#)



October 16, 2024

January 1, 2025, is the last day the Department of Cannabis Control (DCC) can renew provisional licenses. Provisional licensees must meet all annual requirements and comply with specific renewal requirements set forth in California Code of Regulations (CCR) sections [15001.2](#) and [15020](#) to transition to an annual license.

Failure to resolve outstanding deficiencies and meet requirements for annual licensure or failure to comply with applicable laws can result in suspension or revocation of the provisional license and denial of the annual license application.

Are there any exceptions to the January 1, 2025, deadline?

Yes, locally verified equity retail licenses with valid provisional licenses may be eligible for provisional license renewal until the annual license is issued or denied, or until five years from the date the provisional license was issued, whichever is earlier. Microbusiness licenses with retail activities, are not eligible for provisional license renewal after January 1, 2025.

For more information about renewing locally verified equity retail provisional licenses, please review Business and Professions Code (BPC) sections [26240](#) and [26050.5\(c\)](#).

How can I learn more about the status of my provisional license and outstanding deficiencies I need to remedy to transition to an annual license?

- Reference all deficiency notice(s) and make sure to submit all final documentation within a Science Amendment. To learn more about submitting a Science Amendment, [visit the DCC website](#).
- To locate your deficiency notice(s), log into your account on the DCC's [cultivation licensing portal](#) and go to the Documents tab.
- If you have already submitted a Science Amendment and have questions regarding the status, please email info@cannabis.ca.gov.

To learn more about the status of a provisional non-cultivation license follow these instructions:

- Reference all emailed deficiency notice(s) and email all final documentation to the DCC contact within the notice.
- If you have already submitted all final documentation and have questions regarding the status, you can send an email info@cannabis.ca.gov.

What happens when a provisional licensee does not comply with the law or fails to transition to an annual license?

When DCC has information that a provisional licensee has failed to comply with the law, failed to actively and diligently pursue annual licensure, or cannot meet the requirements of annual licensure, the DCC may:

- Suspend the provisional license,
- Revoke the provisional license,
- Deny renewal of the provisional license, or
- Deny the annual license application.

If DCC is considering suspending, revoking, or denying renewal of a provisional license, a Notice of Provisional License Review (Notice) will be issued. The Notice will identify violations or outstanding information and the way compliance may be achieved. The Notice will also provide the provisional licensee with instructions on requesting an informal meeting with DCC to discuss the matter.

If the DCC is considering denying the annual license application, the applicant may withdraw the application at any time prior to the denial of the license. If the license is denied, the applicant may request an appeal hearing within 30 calendar days of the notification of denial.

An informal meeting is an opportunity for the provisional licensee to make verbal statements regarding the matter to DCC. During an informal meeting the provisional licensee, or their authorized representative, may provide DCC with any information they have related to the observed violations or outstanding information. Provisional licensees may submit information for consideration without an informal meeting. Following the timeframe provided in the Notice, DCC will send a written determination.

How can a provisional licensee avoid receiving a Notice of Provisional License Review?

Provisional licensees should:

- Respond to DCC notifications by submitting the required information or documents within the timeframes provided,
- Pay any outstanding fees in full, and
- Resolve compliance matters within the timeframes provided.

For further assistance, contact us!

- For inquiries regarding the transition of your provisional license, send an email to info@cannabis.ca.gov.
- For general questions about the licensing process, send an email to info@cannabis.ca.gov.
- For questions about lake or streambed alteration agreements, please contact the California Department of Fish and Wildlife at AskCannabis@wildlife.ca.gov.
- For questions about cannabis cultivation General Order, please contact the State Water Resources Control Board at DWQ.Cannabis@waterboards.ca.gov.

About the Department of Cannabis Control

The Department of Cannabis Control (DCC) licenses and regulates commercial cannabis activity within California. DCC works closely with all stakeholders, including businesses and local jurisdictions, to create a sustainable legal cannabis industry and a safe and equitable marketplace. DCC develops and implements progressive cannabis policies with robust protections for public health, safety and the environment.

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CEQA review for cannabis businesses

What is CEQA?

The California Environmental Quality Act (CEQA) is a 1970 state law that requires environmental review of proposed projects. The CEQA process aims to:

- Identify significant environmental impacts
- Avoid or reduce environmental damage
- Aid public participation
- Add transparency to government decisions

The CEQA review process

Projects that require CEQA review

All annual state cannabis licenses are subject to CEQA compliance. The DCC may only issue an annual license once a project complies with CEQA.

CEQA documents may be prepared during the local permitting process if the local process is discretionary. Establish a relationship with your local permitting office to ensure you have all documents required to be locally compliant to operate and to obtain what is needed for the DCC CEQA review process.

Who reviews CEQA compliance

Cannabis businesses are required to be licensed by the state and must also be licensed or permitted by their local government. When multiple government agencies are involved, one agency acts as lead for CEQA review and the remaining agencies become responsible agencies. All agencies must ensure CEQA compliance before proceeding with their discretionary licensing or permitting decisions.

Lead and responsible agencies

The **lead agency** has primary responsibility and discretionary authority for approving a project. This includes identifying required documents, ensuring they meet CEQA criteria and overseeing the completion and submission of documents.

The **responsible agency** has some discretionary authority over a part of the project. There can be more than one responsible agency on a single project.

The local government typically acts as the lead agency, and DCC acts as the responsible agency. If your local permitting process is ministerial and exempt from the preparation of a CEQA document, DCC will act as the lead agency. If DCC is the lead agency, there may be additional fees associated with preparation of CEQA documents.

DCC will be the lead agency for all cannabis businesses located on tribal land. If your project is located on tribal land, please email the DCC Environmental Evaluation Program at EnvironmentalReview@cannabis.ca.gov for additional guidance.

Demonstrating CEQA compliance

Local governments have unique requirements for cannabis businesses to demonstrate CEQA compliance. This may include project-specific CEQA documentation, such as:

- Notices of Exemption
- Initial studies
- Mitigated Negative Declarations
- Notice of Determinations
- Addendums
- Tiering checklists
- Environmental Impact Reports

Other documentation may also be needed for the CEQA review process, including:

- Local business permits
- Conditional use permits
- Staff reports
- Other local permitting documentation

Tips for applicants


Cannabis businesses can prepare for the CEQA review process by:

- Working closely with representatives from your local permitting program to learn about CEQA requirements so you can complete processes and prepare the right documents
- Responding promptly to DCC requests for clarification or more information
- Hiring an environmental consultant that specializes in the CEQA process, if necessary

Information for local jurisdictions

The DCC Environmental Evaluation Program works with local governments to develop permitting programs that meet state licensing requirements, collaborate on appropriate documentation, and identify and remove barriers in the application process. This collaboration avoids delays for applicants.

Local governments can aid cannabis businesses in completing CEQA requirements by:

- Incorporating CEQA compliance standards into the local permitting process using [CEQA and the CEQA Guidelines](#) 
- If acting as lead agency, meeting with DCC staff to:
 - Identify the documents that need to be prepared
 - Incorporate formal or informal comments made by DCC on environmental documents
 - Provide applicants a copy of the CEQA documentation prepared by the lead agency to be included in their DCC application
- Providing a robust project description with enough information for DCC to make a discretionary determination, and documenting conclusions with substantial evidence

Contact info

Contact our CEQA review team at EnvironmentalReview@cannabis.ca.gov if you have any questions about DCC's review process.

Learn more about CEQA [on their website](#). 

[Home](#) [Table of Contents](#)

§ 15001.2. Renewal of Provisional License.

4 CA ADC § 15001.2

Barclays Official California Code of Regulations

Effective: November 7, 2022

Barclays California Code of Regulations

Title 4. Business Regulations

Division 19. Department of Cannabis Control

Chapter 1. All Licensees

Article 2. Applications

Effective: November 7, 2022

4 CCR § 15001.2

§ 15001.2. Renewal of Provisional License.

Currentness

- (a) To timely renew a provisional license, the provisional licensee shall comply with the requirements of section 15020.
- (b) For provisional license renewals from July 1, 2022, through June 30, 2023, in addition to the requirements of section 15020, a provisional licensee must also provide to the Department:
 - (1) Evidence that one of the following California Environmental Quality Act (CEQA) (Division 13 (commencing with section 21000) of the Public Resources Code) requirements has been met:
 - (A) Documentation, such as a letter, report, notice or other type of written communication from the local jurisdiction, demonstrating that the local jurisdiction is in the process of preparing a site-specific initial study, addendum, or checklist pursuant to title 14, California Code of Regulations, section 15063, 15164, 15168, or 15183 to demonstrate whether it is consistent with a previously circulated and adopted negative declaration, mitigated negative declaration, or environmental impact report;
 - (B) Documentation, such as a letter, report, notice or other type of written communication from the local jurisdiction, demonstrating that the local jurisdiction has made substantial progress during the previous 12-month licensure term toward completing project specific environmental review by drafting, preparing, or circulating for public review an environmental document pursuant to CEQA;
 - (C) Documentation requested by the Department of the provisional licensee that demonstrates the furtherance of environmental review during the previous 12-month licensure term;
 - (D) Other information requested by the Department from the provisional licensee that demonstrates evidence of substantial progress toward compliance with CEQA during the previous 12-month licensure term; or
 - (E) Documentation that demonstrates compliance with CEQA is complete.
 - (2) For cultivation licenses, a provisional licensee must also provide one of the following forms of documentation demonstrating progress with compliance with chapter 6 (commencing with section 1600) of division 2 of the Fish and Game Code:
 - (A) A final streambed alteration agreement issued by the Department of Fish and Wildlife;
 - (B) A draft streambed alteration agreement provided by the Department of Fish and Wildlife and signed and returned to the Department of Fish and Wildlife by the provisional licensee;
 - (C) Written verification by the Department of Fish and Wildlife that the provisional licensee has submitted a complete notification described in section 1602 of the Fish and Game Code; or
 - (D) Written verification by the Department of Fish and Wildlife that a streambed alteration agreement is not needed.
- (c) For provisional license renewals on or after July 1, 2023, in addition to the information required in section 15020, a provisional licensee must also provide to the Department:

(1) Documentation, such as a full or partial copy of the administrative record, demonstrating that one of the following CEQA requirements has been met:

(A) The local jurisdiction has prepared and circulated for public review a negative declaration or a mitigated negative declaration;

(B) The local jurisdiction has determined that an environmental impact report is required pursuant to section 21157 of the Public Resources Code and has either made substantial progress in preparing that environmental impact report or has a contract or contracts with consultants in place for the preparation of that environmental impact report;

(C) The local jurisdiction has certified that it has conducted a reasonably comprehensive site-specific review and has reviewed, prepared, and deemed complete an initial study, addendum, or checklist pursuant to title 14, California Code of Regulations, section 15063, 15164, 15168, or 15183 demonstrating consistency with a previously circulated and adopted negative declaration, mitigated negative declaration, or environmental impact report, in preparation for approval of an annual license; or

(D) The local jurisdiction has reviewed, prepared, and deemed complete a notice of exemption pursuant to section 21108 or 21152 of the Public Resources Code, except for ministerial projects not subject to the California Environmental Quality Act pursuant to section 21080(b)(1) of the Public Resources Code.

(E) Documentation submitted pursuant to subsection (c)(1) may include, but is not limited to:

(i) Any environmental documentation, including, but not limited to, an exemption, initial study, negative declaration, mitigated negative declaration, and/or environmental impact report;

(ii) Any staff reports and related documents prepared by the local jurisdiction;

(iii) Any written transcript or minutes of the proceedings of the local jurisdiction;

(iv) Any notice(s) issued by the local jurisdiction to comply with CEQA and the CEQA Guidelines;

(v) Any proposed decisions or findings considered by the local jurisdiction by its staff or the applicant; and

(vi) Any documentation of the local jurisdiction's final decision.

(2) For cultivation licensees, one of the following forms of documentation demonstrating progress with compliance with chapter 6 (commencing with section 1600) of division 2 of the Fish and Game Code:

(A) A final streambed alteration agreement issued by the Department of Fish and Wildlife;

(B) A draft streambed alteration agreement provided by the Department of Fish and Wildlife and signed and returned to the Department of Fish and Wildlife by the provisional licensee; or

(C) Written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not needed.

(d) The Department will not renew a provisional license authorizing cultivation if:

(1) The State Water Resources Control Board has notified the Department that the provisional licensee is not in compliance with section 26060.1(a) or (b) of the Business and Professions Code or the principles, guidelines, and requirements established pursuant to section 13149 of the Water Code.

(2) The Department of Fish and Wildlife has notified the Department that the provisional licensee is not in compliance with any final streambed alteration agreement, any conditions set forth in a signed draft streambed alteration agreement, or a condition established pursuant to section 26060.1(a) or (b)(1) and (2) of the Business and Professions Code.

(3) After January 1, 2023, if renewing the license would cause a licensee to hold multiple cultivation licenses on contiguous premises to exceed one acre of total canopy for outdoor cultivation or 22,000 square feet for mixed-light or indoor cultivation. For the purposes of this section, premises will be considered contiguous if they are connected, touching, or adjoining.

Credits

NOTE: Authority cited: Section 26013, Business and Professions Code. Reference: Section 26050.2, Business and Professions Code.

HISTORY

1. New section filed 9-27-2021 as an emergency; operative 9-27-2021 (Register 2021, No. 40). This filing is a deemed emergency pursuant to Business and Professions Code sections 26013(b)(3) and 26153.1(k). A Certificate of Compliance must be transmitted to OAL by 3-28-2022 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-28-2022 as an emergency; operative 3-28-2022 (Register 2022, No. 13). This filing is a deemed emergency pursuant to Business and Professions Code sections 26013(b)(3) and 26153.1(k). A Certificate of Compliance must be transmitted to OAL by 9-26-2022 or emergency language will be repealed by operation of law on the following day.

Marin Alliance - special treatment?

From Laurie Dubin <lauriepdubin@gmail.com>

Date Wed 12/4/2024 12:46 PM

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

Dear Fairfax Town Council Members,

I am writing about Marin Alliance's request for the council to change the town's ordinance to give the business special treatment.

I'm a longtime Marin resident who raised 3 kids here and have been involved in local and state policy regarding cannabis and public health (particularly as it relates to youth) for over a decade.

In the 8 years since Prop 64 passed in California, there have been a number of studies on the impact of storefronts on communities as well as science on the increased risk associated with recreational products that have increasingly higher levels of THC.

A couple recent studies highlight the need to proceed carefully when considering where to place a storefront and the importance of rigorous compliance to avoid youth access.

- More protective cannabis policies and less retail availability were associated with a lower prevalence of adolescent cannabis use and problematic cannabis use. [American Journal of Public Health \(AJPH\)](#). November 2024
- Local policy allowing cannabis retail was associated with adolescents' significantly higher past 30-day use of

cannabis and perceived access. [Rogers, C. J. et al. \(2021\). 'Associations between Local Jurisdiction Ordinances and Current Use of Cannabis Products in California Adolescents', Substance Use & Misuse](#)

There are dozens of studies and critical data to consider before rushing to a decision. I respectfully ask you to take your time by going through the regular procedure with the opportunity for community and expert input before making your decision.

Thank you,
Laurie Dubin

Marin Alliance

From LISA BARRY <lbarryrn@aol.com>

Date Sat 11/30/2024 9:28 AM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear Town Council,

I am unable to attend the December 4th meeting.

Please know that I am in full support of the Marin Alliance continuing to stay in business in Fairfax.

I recently purchased some CBD oil for a friend who is on end of life hospice care. The oil has reduced her nausea, thus increasing her appetite (not to mention making her feel better.)

Marin Alliance is a well run business. It is much more than just a "pot shop". I hope the council will vote to keep this business in Fairfax.

Sincerely,
Lisa Barry

Sent from my iPhone

12/4 Town Council Meeting Public Comment Submission

From Melissa Wahlstrom <mcwahlstrom@gmail.com>

Date Mon 12/2/2024 2:20 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Dear Mayor Coler, Vice Mayor Blash and Fairfax Town Council Members,

I'm a San Anselmo resident and have children that attend both White Hill Middle School and Archie Williams High School. Marin Alliance's request to reduce the school buffer zone and sell recreational cannabis at 1593 SFD could add increased risk and harm to youth in our community who are already struggling. That particular location is just a block from where the White Hill Middle School bus picks up and drops off children every weekday. Dozens of high schoolers walk that direct path on their way to and from school as well. Placing a cannabis storefront near a school bus stop ignores serious risks to the health and well-being of our children. It sends the wrong message by normalizing cannabis use in an area where young people are already vulnerable to external influences. This proximity undermines efforts to protect minors from early exposure to substances and creates an environment where children may be more likely to encounter or be influenced by drug culture. Our priority should be ensuring that children are in safe, supportive spaces, not near a business that could encourage risky behaviors. We must consider the long-term impact on youth development and community safety, and avoid locations that put our children at unnecessary risk.

Please do not sidestep regular procedures and rush into a decision without proper consideration for the youth of Fairfax and San Anselmo. I urge the Town Council to thoughtfully and deliberately prioritize community safety when deciding on adopting changes to the current cannabis ordinance.

Thank you,
Melissa Wahlstrom

FW: Request for Clarification and Potential Exception for STR Use of ADU

From Jeff Beiswenger <jbeiswenger@townoffairfax.org>

Date Tue 12/3/2024 5:11 PM

To Christine Foster <cfoster@townoffairfax.org>

Hello Christine,

Can you include Scott's e-mail as public testimony for the short-term rental item that is on consent.

Thanks,

Jeff

Jeffrey Beiswenger, AICP

Town of Fairfax | Planning & Building Services Director

www.townoffairfax.org

From: Scott Valentino <sevmedia@gmail.com>

Sent: Tuesday, December 3, 2024 4:58 PM

To: Jeff Beiswenger <jbeiswenger@townoffairfax.org>

Subject: Re: Request for Clarification and Potential Exception for STR Use of ADU

Hi Jeff,

Yes, please include it. While I have been attending all planning and town council meetings around this issue, unfortunately I will not be able to testify tomorrow. Appreciate your wellness to do so.

Cheers,

Scott

Scott Valentino

sevmedia@gmail.com

mobile: 001.415.259.8555

On Dec 3, 2024, at 4:36 PM, Jeff Beiswenger <jbeiswenger@townoffairfax.org> wrote:

Hello Scott,

Do you want this e-mail to be included in public testimony for the Town Council agenda tomorrow. Then all five existing and the two new council members will receive it. Alternatively, or in addition, you could attend the Town Council meeting and testify. This item is on the consent calendar.

Thanks,

Jeff

Jeffrey Beiswenger, AICP

Town of Fairfax | Planning & Building Services Director

www.townoffairfax.org

From: Scott Valentino <sevmedia@gmail.com>

Sent: Tuesday, December 3, 2024 3:03 PM

To: Kara Spencer <kspencer@townoffairfax.org>

Cc: Jeff Beiswenger <jbeiswenger@townoffairfax.org>; Stephanie Hellman <shehlman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>

Subject: Re: Request for Clarification and Potential Exception for STR Use of ADU

Dear Kara, Jeff and Council members,

The July 2022 ADU Handbook published by the California Department of Housing and Community Development notes that “...***the application of this law can vary based on local ordinances, with some municipalities allowing for more lenient policies.***”

I am not a lawyer, but it seems Fairfax has some discretion regarding how these state laws are implemented locally, but is choosing to use the law as a blunt instrument and is considering levying heavy, punitive fines to offset the cost of compliance software and staff time overseeing the program to say nothing of the costs of enforcement. While I understand the intention of the California state law is to promote long-term housing solutions, I believe its application in my specific case is overly restrictive and counterproductive to both the goals of the state and our local community.

To be clear, adhering to the letter of the law in this instance does NOT create any new long-term housing options in Fairfax. My property has provided a long-term rental for over 15 years, while I've resided on-site in the ADU. Limiting my ability to occasionally rent my ADU while I am away serves only to deny me vital income and disrupts my retirement planning. This is particularly disheartening given the skyrocketing costs of living in Marin and the state's goals of maintaining affordability.

Furthermore, my ADU is not an "accessory" in the practical sense—it functions as my primary residence. The fact that the unit was only recently permitted, despite existing for many years, seems to be the sticking point. Yet this technicality undermines the true spirit of housing policy, which should balance community needs with fairness to individual property owners. It is heartbreaking to think that because of this policy's inflexibility hindering the ability for me to use my primary residence to generate income from occasional short-term rentals, I may have no choice but to leave this town I love.

As a founding member of Sustainable Fairfax, a longtime volunteer on the Fairfax Volunteer Board, a consultant to local businesses, and a pro bono supporter of the Chamber of Commerce, I have spent countless hours contributing to the betterment of this community. I removed my Airbnb listing as requested at the end of October and since there appears to be no compassion or flexibility, I will likely be selling my home in the spring, and this will result in the loss of both a proper long-term rental and a committed community member.

I hope that Fairfax will continue to lead the way in finding innovative solutions that support both housing availability and community stability and I urge the town council and planning department to consider advocating for future adjustments to our local ordinances that allow for limited exceptions in cases like mine. A more nuanced approach could better align with the spirit of the law, the goals of our town, and the needs of dedicated residents.

Sincerely,

Scott

Scott Valentino

sevmedia@gmail.com

mobile: 001.415.259.8555

On Dec 3, 2024, at 11:51 AM, Kara Spencer
<kspencer@townoffairfax.org> wrote:

Hi Scott,

Town Council Resolution 22-44 (attached to this email), which was adopted June 1, 2022, establishes the policies and procedures for the administration of the short-term rental program, which is set forth in Town Code Chapter 5.57. Section 4.B of the resolution lists which properties in Town are ineligible to be short term rentals. Specifically, it states, "Ineligible Properties. The following property types are never eligible to be considered a Short-Term Rental and cannot register for the Short-Term Rental Program: ...10) Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) created after January 1, 2020."

Based on subsection 4.B(10) of Resolution 22-44, ADUs and JADUs are never eligible to be considered a short-term rental and cannot register for the program. I believe the rationale for the prohibition is to reserve ADUs and JADUs as an option for providing affordable, long term rental housing.

California Government Code Section 66323(d) also prohibits the Town from allowing the rental of an ADU for less than a thirty day term, "A local agency shall require that a rental of the accessory dwelling unit created pursuant to this section be for a term longer than 30 days." This is reflected in Town Code Section 17.048.010(E)(4), "Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. An ADU/JADU constructed with an ADU/JADU permit prior to January 1, 2020 is not subject to this rental term."

The Town would violate state law if it eliminated the prohibition on renting ADUs and JADUs for less than a thirty day term.

Kara

From: Scott Valentino <sevmedia@gmail.com>
Date: Monday, December 2, 2024 at 5:41 PM
To: Jeff Beiswenger <jbeiswenger@townoffairfax.org>
Cc: Stephanie Hellman <shellman@townoffairfax.org>, Lisel Blash
<lisel4fairfax@gmail.com>
Subject: Request for Clarification and Potential Exception for STR Use of ADU

Hi Jeff,

I hope this email finds you well. I was the last speaker (via Zoom) at the recent council meeting regarding the Short-Term Rental (STR) Program, and I'm writing to seek clarification on a matter affecting my property in Deer Park.

I own a small house (750 sq. ft.) and a small ADU (320 sq. ft.), which I built and moved into in 2008. I've lived in the ADU as my primary residence for many years, renting the main house to long-term tenants. On my limited income, the ability to rent my ADU on a short-term basis during brief periods when I travel has been immensely helpful. But now that I am in the process of legalizing my ADU, I've learned that state law broadly prohibits ADUs permitted after 2020 from being used as STRs.

I understand the law aims to encourage building new ADUs for housing, particularly for owners to downsize while continuing to live on-site with a long-term rental elsewhere on the property. So my question is this:

Given that I use the ADU as my primary residence and rent the main house long-term, does the town's program prohibit ANY short-term rental of my ADU during the short periods I travel for work?!? I never travel for more than 30 days and, as I look toward retirement, I anticipate traveling occasionally in a similar manner, so if the program does in fact deny such use, then what is the rationale?

Since I DO provide a long-term rental and the small ADU is my home, I respectfully request that the town consider a pathway for responsible exceptions in cases like mine. Allowing short-term rental of ADUs under specific circumstances would support older residents like myself in aging in place while still contributing to long-term housing availability. I've raised this question with staff but have only been referred back to the state law. If this matter falls within the town's purview, I'd appreciate any insight you could offer or steps I might take to pursue this further.

Thank you for your time and consideration.

Best regards,

Scott

Scott Valentino

sevmedia@gmail.com

mobile: 001.415.259.8555

<6-1-22_Reso-22-44-Short-Term-Rental-Policy.pdf><CHAPTER 17.048_
RESIDENTIAL ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS xx2024.pdf><GOV_66323.pdf>

San anselmo store front

From shannon tithof <setithof@gmail.com>

Date Sat 11/30/2024 6:03 PM

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

Hello,

I understand that there may be a new location opening up on SFD.

Please, please do not allow this. I live on Belle Ave so this would be in my neighborhood. We now have grown college children but I can not understand how our town can want this in a neighborhood with so many families and children. Every single day people are out walking their kids to school, walking their dogs, kids biking around the neighborhood.

If the amount of people that visit the Fairfax location now come to this location the traffic and parking will be overwhelming. Our street is already a cut through from SFD when traffic is bad. People try to bypass SFD traffic going into Fairfax and use Oakknoll to pastori and then to Belle.

I do not want a cannabis storefront down the street from my house.

Shannon Tithof

Sent from my iPhone

Please let Lynette move

From Susanne Chaney <susannechaney@icloud.com>

Date Wed 12/4/2024 11:09 AM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

As a person suffering from pain and various health issues at my ripe old age of 81 I wish to ask you all to approve Lynette Shaws request to allow the dispensary to move

The dispensary provides vital health care for many patients like me

If it goes away it will be a great loss to our community

Thank you for your consideration

Susanne Chaney
Sent from my iPad

Homeless shelter near children's park and baseball field

From Suzanne Quentin <sqenterprises@yahoo.com>

Date Sun 12/1/2024 8:16 AM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfax.org>

Town Council,

I'm aware multiple attempts have been made and even communicated via special Council meetings, requesting you take action to remove the homeless encampment near the town ballfield. It is still there, and as of last week, now at least one camper has set up in the redwood trees right next to the playground.

As far as I know we have a No Overnight Camping regulation in our parks. It is my understanding that the land from Bolinas Park up to the ball field including the Pavillion and over to Peri Park is considered a park. None of the rest of us would be allowed to camp up near Lake Lagunitas or Memorial Park or in any other park for example, without a permit. Why is this any different???

On the [Town of Fairfax website](#) it is explicitly stated under Recreational Vehicles " There are no camping areas within the Town."

A web search about camping in Bolinas Park yielded the following;

" Bolinas Park in Fairfax, CA, is a small community park and does not offer camping facilities. It is primarily a recreational park for picnicking, sports, and other day-use activities. There are no designated campsites or overnight camping options within the park.

For camping near Fairfax, you may want to consider other nearby locations, such as Marin County parks or national park areas like Marin Headlands or Point Reyes National Seashore, which do allow camping with permits.

Always be sure to check the specific park's regulations or website for up-to-date information on camping options."

As a Fairfax homeowner for 13 years, I'm simply baffled and increasingly appalled that you and the police department have not taken swift action to address this situation.

I am writing to implore you to remove that encampment by December 15. I will write our state government if no action is taken by then, as your lack of action is increasingly endangering our children and the safety of citizens in our town, and this is completely unacceptable.

Thank you,
Suzanne Quentin

Public comment for 12/4/24 Fairfax Town Council meeting--keep for records

From Teliha Draheim <tdraheim@imagewestdesign.com>

Date Mon 12/2/2024 1:27 PM

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

Cc Christine Foster <cfoster@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>; Frank Egger <fjegger@gmail.com>; Mike Ghiringhelli <mg@gfoods.net>

Fairfax Town Council: I am writing to request the following letter be added to the public comments record for items not on the agenda during the Fairfax Town Council meeting scheduled for December 4, 2024.

Christine Foster: Can you please confirm receipt of this email and acknowledge that my letter containing public comments will be included in the Agenda Package for the Fairfax Town Council **prior to the meeting** scheduled for December 4, 2024.

Thank you,

Teliha Draheim

Our Hope for the Future of Fairfax

To the incoming and the outgoing...Mayor Babs, and Council Members Cutrano, Ackerman, Hellman, and Blash:

The votes are in and the message is clear. Two new council members have been elected by an overwhelming majority. Trailing behind by a large margin are the three incumbents vying for third place. The 2022 Fairfax rent control ordinances, along with Measures H and J, placed on the ballot and supported by the current Town Council, have been defeated.

The town has spoken. Yet it took an election, citizen's ballot Measure I, the added expense of a town survey on road repair which predicted the negative election outcome, plus the extra cost of placing Measures H and J on the ballot, to make it VERY CLEAR that the current, ideologically homogeneous Town Council is not representative of its citizens.

We have been routinely asked to deny truths we see and experience.

Recently, in an effort to protect our children and town from fire, violence, theft and disturbing drug exposures experienced at the homeless encampment in our public park, it took a citizens' protest demonstration to get the Town Council to place the issue of abatement on the November meeting agenda.

During the meeting, after a lengthy Council presentation about the bureaucracy involved in getting illegal campers to move their tents off public property, the problem was NOT dealt with and was essentially “kicked down the road” to be addressed by the upcoming elected council.

Defending the process is not the same as taking action. Defending the process is non-action and does not produce results.

Voters are very angry with the current Town Council. Rather than completing tasks the Council was elected to perform, responsibilities have been shirked and authority deflected by the hiring of expensive consultants.

The current Council, obsessed with personal ideologies including identity politics, rent control, banning plastics and gas-powered appliances, and supporting controversial political proclamations, has forced Fairfax, at our expense, to become a stage for the enactment of divisive personal politics.

Institutions need to BUILD trust, not SPEND it. It is not acceptable to obscure non-performance with ideological culture wars.

To survive as an institution, government must be favorable to voters, ideologically heterogeneous, and encouraging of free speech. The existing two-minute time limit for public comments does not accomplish this.

“The people” need to trust that government is on the side of those who elected them, and that elected officials are not held captive by their own employees, processes or beliefs.

In an email to the Town Council on 10/30/24, the following criticisms of staff, published in a political column by Dick Spotswood in the Marin IJ on 10/29/24, was included:

“Whether Fairfax has an elected or appointed clerk is irrelevant if the town manager fosters a culture ignoring accountability and transparency.

The buck stops at the Town Council, since it hires its top manager. A few managers mistakenly concentrate on pleasing the council while brushing off public criticism. This practice often causes council members to be defensive when hearing complaints about their senior staff, even when they’re valid. While a council hires the manager, that person works for all of the town’s citizens.

Whether or not Measure H prevails, council members need to ask Abrams two questions: Will she change? Can she change? If the answer to either is negative, then the council needs to retain someone else to manage Fairfax’s staff.”

Councilmember Blash responded by email suggesting that these comments might increase the likelihood of the staff in question leaving. Well, that **is** the point, isn’t it? If town staff isn’t supportive of citizens and they are not supporting the Town Council in making them look good, then they are not doing the job they were hired to do.

In his 11/20/24 column Dick Spotswood continued his assessment of Fairfax government.

“To give the community a fresh start, council members need to decide whether to retain town manager Heather Abrams and town attorney Janet Coleson.

Every city or town manager's assignment is to make the council look good. Abrams failed. Experienced town attorneys understand that when they give advice, it's fatal when they give the impression that they favor one town faction over another. Whether intended or not, Coleson appeared to favor those backing incumbent council members."

When a political columnist for a major local media outlet, the Marin IJ, observes and openly criticizes the governing body of a local township for lack of accountability to their constituents, it is an invitation to pay attention to the problem and not an invitation to defend the failings of senior staff members.

In order to trust their governing institutions, "the people" have to believe that those running these institutions are on their side and that they will reform what isn't working.

A successful institution must be transparent and open to internal critique, making it worthy of defense.

On 11/19/24, Town Manager Heather Abrams, working in conjunction with Barbara Coler, who will soon complete her role as mayor, called a special town council meeting with the minimum 24-hour notice, in an attempt to make a last-minute change to the council rules to provide that "A majority vote is required to place an item on a future council meeting agenda."

This anti-democratic move by current Council Members Coler, Ackerman, Cutrano, Hellman and Blash appears to be an obvious effort to limit the influence of newly elected Council Members Frank Egger and Mike Ghiringhelli before they can begin placing items on the Town Council agenda. After a strong public outcry, the Town Council wisely voted to discuss the change after the new council is seated on Dec. 4.

The citizens of Fairfax seek ethical leaders better skilled at accomplishing goals and admitting mistakes. We're looking for a "can-do" attitude demonstrating leadership and positive change, not leaders who hide behind procedures and the failures of a broken system.

This is our hope for the future of Fairfax.

Teliha Draheim, 11/25/2024

Please don't move Marin Alliance any closer to Archie

From Foose, Tracy <Tracy.Foose@ucsf.edu>

Date Mon 12/2/2024 11:52 AM

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

Dear Town Council,

As a AWHs mom of 3, and a mental health provider, I find Marin Alliance's request to reduce the school buffer zone and sell recreational cannabis at 1593 SFD to be a direct affront to the hard data about youth exposure and use-normalization in our community. Presence of a dispensary is associated with earlier onset of use and increased frequency and quantity of daily use - both factors in the development of psychotic illness due to cannabis exposure in youth under 18. A study out of Denmark spanning 5 decades of cannabis-impact data reported up to 30% of cases of schizophrenia could have been averted by addressing cannabis exposure in youth - young men appear to be particularly vulnerable to neurological damage attributed to THC.

One of our own Archie kids wrote a great article about how AWHs's rates of use are already climbing higher than those of Tam and Redwood. This is not the pot we grew up with, on average our kids are now exposed to over 200% greater concentration of THC than we smoked in our youth. It's a completely different level of exposure. It's crucial we don't whitewash what we don't understand and put a dispensary on the walking route of our kids. Please read the data.

<https://awhspitch.com/5348/in-depth/is-awhs-a-stoner-school/>

<https://www.nih.gov/news-events/news-releases/young-men-highest-risk-schizophrenia-linked-cannabis-use-disorder>.

<https://www.marin4publichealth.org/post/local-cannabis-retail-stores-linked-to-increased-adolescent-use>

Warmest regards,
Tracy

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Tracy Foose, MD
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