
Re: 8/6/25 TC Meeting Agenda Item - La Flor

From Alexis Thorpe <alexis.thorpe@gmail.com>

Date Tue 8/5/2025 5:42 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

Dear Fairfax Town Council Members,

I am writing to express my strong support for the petition to open La Flor, a medical cannabis storefront with delivery services at 1601 Sir Francis Drake Boulevard in Fairfax. As a resident living just 0.3 miles away from this location, I believe Martin Kaufman's proposal aligns with our community's needs and values, particularly given Mr. Kaufman's extensive experience and commitment to safety and compliance.

His track record demonstrates a dedication to operating safe, responsible, and community-oriented businesses. I am confident that his background makes him the ideal person to introduce this new medical cannabis option to Fairfax, ensuring it is managed professionally and ethically.

As a mother, my primary concern is the safety and well-being of the children in our community. I have reviewed the proposed location and believe it is appropriately situated in a commercial zone, away from schools and areas frequented by minors. Furthermore, Mr. Kaufman's plan includes discreet operations, compliance with all regulations, a pledge to donate \$30,000 a year to the YES Foundation, contributions of \$10,000 annually to youth drug education and prevention programs, as well as subsidizing medicinal cannabis for at least 20 low-income customers each year. This shows a genuine investment in our town's future.

Although I do not use medical marijuana myself, it was immensely helpful to my own mother during her battle with colon cancer. I believe it is critical to have a cutting edge medical cannabis dispensary in Fairfax to serve patients who rely on these medicines, like my mother did, for their health, recovery and well-being. La Flor will offer a wide variety of high-quality medical cannabis products, providing patients with more options tailored to their specific needs. This is a significant step up from what is currently available in our area. By providing a safe, regulated alternative, this dispensary will also help keep patients away from the unreliable and often dangerous black market, which can lead to unsafe products and negative outcomes.

Finally, some naysayers have raised concerns about location. As you know, our town has already designated specific areas for medical dispensaries, and this location is within that zone. Therefore, this is not a debate about where or why such a business should exist, but

rather about selecting the most qualified operator. Having a local storefront run by someone with a proven background of success and integrity, like Mr. Kaufman, is exactly what our town needs and we are fortunate that he has stepped up to the plate.

Thank you for considering my views and for your service to Fairfax. I look forward to a positive outcome on this matter.

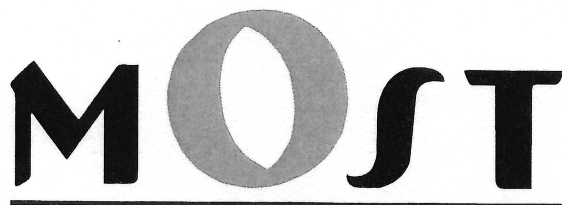
Sincerely,

Alexis Thorpe

Willow Ave, Fairfax CA

BOARD MEMBERS

Bill Long, Chair
Ann Thomas, Secretary/Treasurer
Joyce Applen
Jonathan Braun
Don Dickenson
Steve Petterle
Kevin Knowles



Marin Open Space Trust

August 8, 2025

To: Fairfax Town Council
Heather Abrams, Fairfax Town Manager

From: Bill Long, Chair, Marin Open Space Trust (MOST)

Re: Wall Property

Last October with strong support from the Fairfax community MOST completed the campaign to acquire the 100-acre Wall property which was directly transferred to the Town of Fairfax. This purchase was funded by grants from Marin County, the California Coastal Conservancy and the Towns of Fairfax and San Anselmo totaling \$ 1,612,000 and over 270 individual donations totaling \$1,342,713 including a unexpected bequest of \$40,000 from the estate of Jessica Green which we just learned about from MALT in mid-June. Outlays for the purchase of the property, the stewardship grant to the Town of Fairfax and due diligence and transaction expenses (e.g. appraisal, realtor and legal fees, geotech and Phase 1 evaluations) totaled \$2,888,529 leaving an expected surplus for the campaign of \$66,183.44 including the \$40,000 from the Green bequest.

MOST recognizes the Town's considerable responsibilities and costs for managing this large property and wishes to donate the final surplus to the Town with a formal Resolution that the full amount will be added to its stewardship and restoration account for the property. We could transfer the surplus funds to the Town at your Council meeting in early September however we have learned of possible litigation involving MOST concerning the Green bequest which might delay the timing and impact the amount of the surplus.

MOST sincerely appreciates the Town's partnership in obtaining the Wall property for open space and looks forward to other opportunities to p[reserve] open spaces in Fairfax and beyond.

WWW.MARINOPENSACETRUST.ORG
415-884-2270
P.O. BOX 4133
SAN RAFAEL, CA 94913

"SAVING MARIN'S OPEN SPACE"

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Tamra Peters
Mike Swezy
Nelson Lee
Barbara Coler
David Moller
Elizabeth Byers
Jack Judkins

TLC Tutoring and Learning Center input before Aug. 6, 2025 meeting

From Bonnie Zaleski <bonnie.zaleski@gmail.com>

Date Wed 8/6/2025 11:47 AM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

To the Town of Fairfax,

This is Bonnie Zaleski, owner of TLC Tutoring and Learning Center (TLC), and I am writing to you because I have been made aware that the town council is considering waiving a current ordinance requiring a Cannabis Store to be more than 300 feet from a school, preschool or tutoring center. I own the building that TLC is in. TLC is going on 30 years in business, and we have helped many kids each year with their academic needs.

For the past few years, Covid and other circumstances required our students to work remotely, and since then we have maintained a "hybrid" offering of in-person or online options. TLC qualifies as a tutoring center and every student has the option of in-person or online, and those online can change to in-person at any time, and vis versa.

TLC does not feel comfortable sharing with you personal information about students as this is a confidential matter. TLC services the proper number of students (10 or more per month) for 37 plus weeks per year, which is what the town of Fairfax has determined to be the definition of a tutoring center.

The Town of Fairfax ordinance in place to not allow a cannabis shop within 300 feet of a tutoring center apparently was voted 4 to 1 back in December 2024 to waive this ordinance, which TLC was not made aware of. As the owner of TLC, I was just recently was made aware of this.

Apparently two cannabis stores are being considered by the town council and planning department to be have the ordinance for the 300 feet requirement to be waived. This raises concern as the owner of this tutoring center on behalf of our students.

Overall, I feel that the town cannot place an inconsistent use based on this ordinance. I object to these waivers, and specifically object to the approval of these cannabis stores being placed within 300 feet of my business. I also object to the density of these businesses being placed outside of 300 feet of my business.

Bonnie Zaleski

In Support of La Flor Medical Marijuana Dispensary

From Cheryl Scorza <cheryl.scorza@gmail.com>

Date Sun 8/3/2025 5:52 PM

To Linda Neal <lneal@townoffairfaxca.gov>

To the Fairfax Town Council,

I am writing in support of a resident who is seeking to open a cannabis dispensary in our community. As someone who lives in San Anselmo, has children in the district, and works in the medical field, this proposal brings an opportunity for a well-run, responsible, and much-needed business that aligns with the values of Fairfax.

What stands out most to me is that this dispensary would be owned and operated by someone who is not only invested in our community but also actively lives and raises a family here. That personal stake matters; it ensures that the business will be guided with integrity, care, and a genuine understanding of Fairfax's unique culture and vibe.

From a healthcare perspective, I have seen many patients come into the hospital experiencing significant pain, yet they are hesitant to use narcotics. Having access to safe, regulated, high-quality cannabis products offers them a crucial alternative. A dispensary operated by someone who values community health and wellness provides an essential service for individuals seeking natural pain relief and support.

As a parent of a teenager myself, I am not concerned about this business being in our town. I've reviewed their business plan, and it is clear they've taken thoughtful measures to ensure that their dispensary will be secure and compliant. Their security plan is thorough and is designed to prevent underage access. In contrast to another dispensary currently operating in Fairfax, which lacks proper separation between public entry and product access, this proposed dispensary has taken care to create a professional, safe, and secure customer experience.

I fully support the opening of this dispensary. It offers an example of what a responsible, community-centered business can look like, and I believe it will be a positive addition to our town.

Sincerely,

Cheryl Scorza



Ross Valley Fire Department

Serving Fairfax, Sleepy Hollow, San Anselmo, and Ross

To: Fairfax Town Council

From: Dan Mahoney (Fire Chief, Ross Valley Fire Department)

For: Open Time For Public Expression (August 6, 2025)

Re: Fire Department Targeting Businesses Based On Political Beliefs

Good evening,

My name is Dan Mahoney, Fire Chief of the Ross Valley Fire Department, serving the communities of Fairfax, San Anselmo, Sleepy Hollow and Ross. I have been with the Department for 26 years.

I'm a lifelong resident of Fairfax, born and raised. In fact, next month will mark my 50th year living in this town.

I am here on behalf of the Department to speak on accusations suggesting that the Department is targeting businesses by means of fire inspections based on political beliefs.

I want to clearly and firmly state that these allegations are completely false.

The Department is committed to serving every community member equally, fairly, and without bias. Our mission is to protect life and property through emergency response, fire prevention, and public education. Fire inspections are conducted solely on established schedules, legal requirements, and safety regulations.

NEVER on political views, affiliations, or any other unrelated factors.

Firefighters, like all citizens, have lives outside of work. It is their right to participate in or support organizations such as the International Association of Fire Fighters Local 1775 (IAFF) or other personal affiliations. It is important to understand two things:

#1) The IAFF is an independent labor organization. The organization and its members have First Amendment rights to express opinions on political matters.

#2) The Fire Department is a public agency and remains politically neutral. When firefighters serve the community, it is expected that political affiliations or personal beliefs will not interfere with their duty to serve all residents and businesses impartially and with integrity.



Ross Valley Fire Department

Serving Fairfax, Sleepy Hollow, San Anselmo, and Ross

Recently, I met with the business owners who have been highlighted in these false accusations. I explained to one owner that I had requested a fire prevention inspection due to an access issue encountered by firefighters responding to a fire incident at that location. This is standard operating procedure. If we encounter an issue, we follow up for everyone's safety moving forward.

I explained to another owner that their business was inspected, along with several other businesses in Fairfax, on a specific day due to staffing schedules. It was simply a matter of timing and scheduling, not targeting based on political events held at that location.

The Department remains committed to treating every member of the community with respect, equality, and professionalism, regardless of any personal affiliations or beliefs held by our personnel outside of work.

If any business owner or community member has concerns or questions about our inspection process, I encourage open and respectful dialogue and we are always available to provide clarification.

Thank you

A handwritten signature in blue ink, appearing to read "Dan Mahoney".

Dan Mahoney

Ross Valley Fire Department

Fire Chief

Wall Street Journal article on Fairfax recall

From Jim Carlton <jim.carlton@wsj.com>

Date Tue 8/5/2025 4:25 PM

To Lisel Blash <lblash@townoffairfaxca.gov>; Stephanie Hellman <shellman@townoffairfaxca.gov>; Barbara Coler <bcoler@townoffairfaxca.gov>; Frank Egger <fegger@townoffairfaxca.gov>; Michael Ghiringhelli <mghiringhelli@townoffairfaxca.gov>; Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

Hello,

I am writing a Wall Street Journal story on the movement to build more housing in California and have been reading about the controversy over your Council's approval of a six-story housing project in Fairfax. This is a really good example of some of the conflict that arises over proposed housing developments so I plan to spotlight Fairfax in my piece. I see Mayor Blash and Vice-Mayor Shellman are facing the recall threat - would one or both of you be available for an in person meeting Thursday? Is there anyone else on the Council who would like to share their opinions with me as well? I'd also love to get in contact with some project supporters, including the developer if anyone can please help? I'm based in San Francisco so know Fairfax and Marin pretty well.

Thank you,

Jim

<https://www.ktvu.com/news/fairfax-initiate-recall-mayor-vice-mayor-says-has-adequate-signatures>

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Jim Carlton

The Wall Street Journal

1 Post St., Suite 400

San Francisco, CA 94104

415 235-3220-c

@CarltonJim80651

8/5/25 Town Council Meeting Agenda Item #2 - Cannabis Business Permit

From Kelsey Fernandez <kelseyfernandez@yahoo.com>

Date Tue 8/5/2025 2:06 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

 1 attachment (935 KB)

CHKS Screenshot.png;

Dear Fairfax Mayor and Town Council Members,

As you evaluate the application for La Flor, I ask that you please consider the impact on kids that live in Fairfax and the surrounding communities.

The application incorrectly states that youth cannabis use in Marin is lower than state and national averages. This claim contradicts the actual sources it cites. According to the [California Healthy Kids Survey](#), Marin 11th graders' past 30-day cannabis use is 25% (not the 13% stated in the application), ranking 4th highest in the state. More concerning, the 2017-18 CHKS data cited in the application actually shows that Marin 11th graders ranked #1 out of 58 counties for cannabis use during that period.

Additionally, Tam Union High School District has the [highest cannabis use rates in Marin County](#), and Fairfax is currently the only jurisdiction in Marin that allows cannabis retail storefronts. While digital ID scanners help detect fake IDs, any 18-year-old high school senior can legally obtain a medical marijuana card and potentially distribute products to younger students.

In an effort to collect information on community impact, please consider establishing protocols for reporting when products found on school campuses or in minors' possession are traced back to the storefront location.

To better protect our community, I respectfully ask that you consider: 1) requesting that the business commit to avoiding sales of youth-appealing products, including brands like Cookies and flavored vaping products; 2) request that the business restrict sales to low-THC products only, as higher potency products have no established medical value and pose greater risks to both youth and adults.

Thank you for your thoughtful consideration of these concerns and your continued service to our community.

Sincerely,

Kelsey Fernandez

August 6, 2025

Fairfax Town Council

c/o Town Clerk
142 Bolinas Road
Fairfax, CA 94930

Re: Request for reconsideration to Categorical Exemption under CEQA for Proposed Cannabis Retail & Delivery Uses on the outskirts of Fairfax and closest to the San Anselmo town border

Dear Members of the Town Council,

I write to respectfully ask that staff and members of the Town Council mandate a full CEQA analysis, instead of writing a categorical exemption under CEQA for the proposed cannabis dispensary at 1601 Sir Francis Drake Blvd (and for all subsequent submitted permits for dispensaries within town limits), and to request formal reconsideration of the exemption determination cited in the August 6, 2025 meeting staff report. A proper application of CEQA and relevant case law demonstrates that this project—and the concurrent proposal for another dispensary just one block away—clearly meets the “unusual circumstances” exception to the exemption under the two-prong test articulated in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086.

I. The “Unusual Circumstances” Exception Applies

Under *Berkeley Hillside*, an agency’s use of a categorical exemption may be overturned when:

- (1) the project has a feature that distinguishes it from others in the exempt class (“unusual circumstances”), and
 - (2) there is a reasonable possibility that the unusual circumstance will result in a significant environmental effect.
- (*Id.* at 1105–1106.)

This two-part test involves both the deferential “substantial evidence” standard for part (1) and the more protective “fair argument” standard for part (2). Both prongs are satisfied in this case.

II. Prong One – The Project Is Atypical for Its Class (Unusual Circumstances Exist)

The Town has applied a Class 1 categorical exemption under CEQA Guidelines §15301, which covers the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures.” However, a cannabis dispensary is not a typical retail use and presents clearly unusual circumstances when placed:

- Adjacent to **residential dwellings with shared walls, fences, and common pedestrian corridors**,
- In a dense **residential-commercial mixed-use corridor**, and
- In **simultaneous proximity to a second proposed cannabis retailer** just one block away.

The Department of Cannabis Control (DCC) regulations reflect the atypical and tightly regulated nature of this land use:

- **14 CCR § 15000 et seq.** outlines stringent rules for odor mitigation, ventilation, security, and

public access including bright lighting facing out the front and back of the location.

- **14 CCR § 15040(b)(2)** prohibits cannabis retailers from operating in a location where there is *residential access directly into the licensed premises*.
- **14 CCR § 15044** requires substantial security measures, which do include security guards on site at all times the business is operating, surveillance, and controlled access—measures not typical for Class 1 retail uses.
- Cannabis dispensaries must also comply with **public health safety standards**, including neighborhood compatibility assessments that would not be present for a conventional retail tenant. And Cannabis run-off is not supposed to enter ground water or public drainage systems.

The two proposed dispensaries are also unique in being introduced **simultaneously within a single city block this year**, creating a cumulative saturation of this land use type, which further distinguishes the project from typical exempt uses.

III. Prong Two – Reasonable Possibility of Significant Environmental Effects

Even assuming the use could theoretically fall under the exempt class, the unique facts of this case create a reasonable possibility of significant environmental impacts, including:

- **Traffic and pedestrian circulation issues**, including increased vehicle stops, ride-share turnover, and short-term parking congestion in a constrained downtown area with residential spillover.
 - **Public safety and loitering risks**, including concentration of cannabis access within a small radius, potentially straining local enforcement.
 - **Odor emissions**, which, according to CEQA case law and regulatory guidance, can constitute a significant environmental effect (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184). “Clones”, (growing plants), on site for sale will add to this.
 - **Cumulative impacts from both dispensaries**, which the staff report appears not to have considered in total, as CEQA requires under Guidelines §15300.2(b) and §15065(a)(3).
-

IV. The Lead Agency Bears the Burden of Responsible Classification

A public agency must act as a responsible lead agency under CEQA and cannot defer essential environmental review to later permitting or regulatory bodies, especially where multiple indicators suggest significant environmental concerns. Once a categorical exemption is applied, **the burden of environmental monitoring shifts to others**, and public trust in CEQA compliance diminishes.

Fairfax’s unique geography and layout—its narrow streets, proximity to sensitive receptors (residences, schools, parks), and limited parking—underscore the need for careful, not expedited, environmental review when dealing with high-sensitivity land uses like cannabis retail.

Conclusion

In light of the above, I respectfully urge the Town Council to rescind the current categorical exemption classification and instead initiate at minimum an **Initial Study** under CEQA to evaluate the cumulative and site-specific impacts of these proposed dispensaries. This is the only prudent and lawful path forward under *Berkeley Hillside* and CEQA Guidelines §15300.2.

And the State Cannabis Control requires regular CEQA analysis created reports from the “lead agencies”, in this case the Town of Fairfax. Even if the result is a negative mitigation, those reports serve as an important annual reference and requirement, for the State agency, both required to initially permit a dispensary, as well as during each annual license renewal. It would be odd for the Town of Fairfax to pass over a regular process that other local agencies consider in the name of simply expediting a conditional use permit.

Sincerely,

Kevin Curtis

Public Comment for August 6th Meeting

From Melissa Wahlstrom <mcwahlstrom@gmail.com>

Date Tue 8/5/2025 1:55 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

To the Members of Fairfax Town Council,

I'm writing today as a concerned parent of three teenagers and an engaged member of our community regarding the potential approval of a cannabis storefront in the old Mauro's Pizza location. While I understand the legal status of cannabis in California and the economic arguments in favor of such businesses, I urge the Council to proceed with the utmost caution—especially when it comes to protecting our youth and preserving the integrity of Fairfax.

My primary concern lies in the increasing availability of high-potency THC products, many of which are marketed in ways that appeal directly to teens and youth. Even with regulations in place, the proximity of retail sales of these products increases the likelihood that they may eventually find their way into the hands of local middle and high school students. We cannot afford to ignore the mounting public health data showing the risks these substances pose to adolescent development.

Even more troubling is the question of the business owner and operator. I recently came across a [2020 article from the San Francisco Chronicle](#) that raised serious questions about the applicant's previous involvement in criminal activity related to cannabis. Fairfax deserves transparency about the background and track record of anyone entrusted with such a responsibility. The foundation of public trust is transparency and accountability. As a community member, I want reassurance that any local cannabis business operator has respect for federal, state and local laws – and they will adhere to all laws and regulations, engage in responsible marketing, and take proactive steps to keep products out of the hands of minors. There is a strong allure to getting rich off weed and we need to know that professional ethics and commitment to community well-being will be prioritized over personal profit. I ask that the Council take these concerns seriously, conduct thorough due diligence on any applicant, and ensure that the community is informed every step of the way. We are not just approving a storefront—we are shaping the character and safety of Fairfax for years to come.

Thank you for your time, and for your commitment to serving our community.

Sincerely,
Melissa Wahlstrom

----- Forwarded message -----

From: **PJ Feffer** <pjfeffer@gmail.com>

Date: Wed, Aug 6, 2025 at 3:00 PM

Subject: Town of Fairfax Town Council Meeting August 6, 2025 Public Comment

To: Christine Foster <cfoster@townoffairfax.org>

Hello Councilmembers,

Looking at the Special Services legal spend (i.e. things like individual litigation), I think this Council needs to make an affirmative determination of how much money, and what percent of the Town's budget, will be thrown away before the Town changes course. There are a few examples that immediately come to mind.

As I brought up multiple times when the council was deliberating on its Homeless Harassment ordinance, there will surely be litigation over the attempted sweeps and harassment. Plus the cost of the sweeps and enforcement and of storage when the Town temporarily steals poor peoples' belongings. Will we end up spending over \$1 million year to temporarily harass a small handful of people less fortunate than most? Given, that people can continue going back and at most the Town can escalate to repeated fining (which it wont recover from people living on the streets) and jailing (which is yet another added cost to the Town). We are in a position where a likely scenario is for the town to spend well over a million dollars to accomplish nothing but the very temporary harassment of people, who may still ultimately be in the same encampment area (or others would be there in their stead). Stop throwing away good money after bad.

Fighting the State Housing mandates. No matter how poorly tailored they are to Fairfax, there has to be SOME LIMIT to the amount of money we will throw away fighting an obviously losing battle. What's worse, is the Town could spend all this money fighting, taking away from Town infrastructure and other needs, and just end up with the State putting the Town into receivership and taking direct control over our building process.

Thoughtless and Reckless behavior by Councilmembers, in addition to loudly making statements that will obviously be in contention for items that come before the council, I'm thinking of Brown Act implications to two Councilmembers holding their own town hall style sessions with certain groups of our community.

Thank you,

PJ

Fairfax resident

Strong support for the new cannabis dispensary proposal

From Tanya Gomez <tkgomez825@gmail.com>

Date Tue 8/5/2025 5:31 PM

To Linda Neal <lneal@townoffairfaxca.gov>

Dear Town Council and Planning Department,

My name is Tanya Gomez, and I'm writing as both a longtime Fairfax local and a mom of two young children. I grew up less than three blocks from Mauro's Pizza, went to White Hill Middle School, and graduated from Drake High School. I care deeply about the thoughtful direction our town takes as it grows.

I recently learned about the proposal for the new cannabis dispensary in Fairfax, and looked over La Flor's website. It looks like a very thoughtful plan and a beautiful storefront. The location seems great, especially since it's not further down Sir Francis Drake where traffic gets tricky.

Thank you taking the time to consider this project. I hope La Flor gets the supporting votes it deserves.

Sincerely,

Tanya Gomez
(415) 686-9478