

Fairfax Town Council Minutes  
**Regular** Town Council Meeting  
Wednesday, **September 7, 2016**  
Fairfax Women's Club

The regular meeting was preceded by a Closed Session from 5:15 p.m. to 6:30 p.m.

Conference with Legal Counsel- Existing Litigation  
Government Code Section 54956.9(d)(1)  
Sheppard v. Town of Fairfax, et al., Marin Superior Court No. CIV 1404551

Conference with Legal Counsel- Anticipated Litigation  
Government Code Section 54956.9(d)(2) and (e)(3): one case

Conference with Legal Counsel- Anticipated Litigation  
Government Code Section 54956.9(d)(2) and (e)(2): one case

The Council reconvened at 6:30 p.m. in a Special Meeting.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Barbara Coler  
Renee Goddard  
Peter Lacques  
John Reed

**COUNCILMEMBERS ABSENT:** David Weinsoff

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Jim Moore, Planning Director

Mayor Goddard called the Regular meeting to order at 7:04 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Coler/Lacques, Motion to approve the agenda and Affidavit of Posting.  
AYES: Coler, Lacques, Reed, Mayor Goddard  
ABSENT: Weinsoff

Announcement of Closed Session Action

Mayor Goddard announced there was nothing to report.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. She also announced that artwork will be displayed on a rotating basis in the Parkade. Artists should apply to the Parks and Recreation Commission. Councilmember Coler announced the Marin Clean Energy Deep Green Incentive Program for Fairfax residents has 60 sign-ups out of 100 spots available to receive a monthly credit for 12 months. She also announced the County was accepting applications until September 16 to be part of a community advisory group to assess fair housing through the Community Development Block Grant process. Councilmember Lacques reported Marin County

Open Space would hold a meeting tomorrow in the Women's Club regarding proposed changes at the end of Cascade Drive.

### Open Time

Mr. Sierra Salin suggested dedicating part of the park or a bench to Mr. Patrick Troop who recently passed away. He was concerned about the use of Town property as a staging area for the work being done at the former Chevron station on Sir Francis Drake Boulevard.

Mr. Fritz Dern, Olema Road, encouraged the Town Council and Planning Commission to reconsider the rezoning of areas in wholesale. He wants them to preserve what exists in the community.

Ms. Maxine Dugan, San Rafael, announced a "Renters for Renters" meeting in San Rafael on October 1<sup>st</sup> from 10:30 a.m. to 12:30 p.m. at the First Congregational Church at 8 North San Pedro Road.

Mr. Mark Bell, Dominga Avenue, asked if there was a Use Permit for 19 Broadway or the Farmer's Market that allowed amplified music. Town Manager Toy stated the Farmer's Market is allowed some form of amplified music with certain restrictions. Planning Director Moore stated he would look into the issue regarding 19 Broadway.

Ms. Ling Shien Bell, Dominga Avenue, stated ivy was jeopardizing the footing of the bridge that goes from Dominga to Forrest.

Ms. Diana Purdue, Scenic Road, stated the Parks and Recreation Commission's proposed pump track in Peri Park was unnecessary and expensive.

Ms. Kiki LaPorta, Glenn Drive, thanked the Council and staff for the wonderful "Streets for People" event.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, reported on the Department of Health and Human Services Info Line for seniors and their families (415) 457-4636. The Senior Information Fair will be held at the Civic Center on October 26<sup>th</sup> from 9:00 a.m. to 3:00 p.m. The Age-Friendly Fairfax Task Force is working on a "Holiday Giving Tree" project. She discussed the "Home Share" Program that is housed at Whistlestop.

Mr. Dana Rosay, San Francisco, discussed the high rates of breast cancer in Marin County and possible causes including synthetic estrogen.

Ms. Debra London, Hillside Drive, supported the idea of a bicycle pump track in the park, to give kids a healthy outlet.

### Presentations

#### Community Land Trust Association of West Marin ("CLAM")

Ms. Kim Thompson, Executive Director of CLAM, made a presentation regarding the work being done by CLAM. She answered questions from the Council.

Mr. Sierra Salin had a question about an EAH housing project and the status of the Coast Guard property.

Mr. Fritz Dern asked how CLAM felt about build-out bonuses and the relationship between affordable vs. fair market housing.

Consent Calendar

1. **Accept Financial Statement and Disbursement Reports July 2016- Finance Director**
2. **Approval of minutes for the August 3, 2016 Town Council meetings- Town Clerk**
3. **Approve contract with California Infrastructure Consultancy for Phase I preliminary engineering, community outreach, environmental, and design work for the replacement of the Azalea Avenue Bridge in an amount not-to-exceed \$430,000- Town Manager**
4. **Approve permanent bike rack installation on the corner of Broadway and Bolinas- Town Manager**
5. **Adopt a resolution confirming Biennial Review of the Conflict of Interest Code (Form 700 filers) to add Town Staff positions- Town Manager**
6. **Acceptance of Marin Sanitary Service Second Quarterly Report (April-June 2016) Town Clerk**
7. **Notice of amendments to employment agreement with the Police Chief- Town Manager**
8. **Adopt a Resolution urging the Bay Area Air Quality Management District (“BAAQMD”) to adopt the Community-Worker Alternative in Rule 12-16 to add a numeric cap on each refinery’s cumulative greenhouse gas, particulate, and toxic emissions- Mayor Goddard**
9. **Proclamation honoring Jelani Bertoni and the Crew of the Bicycle Works- Mayor Goddard**
10. **Proclamation Declaring September 2016 Prostate Cancer Awareness Month- Town Clerk**
11. **Authorize the Town Manager to contract for repairs for Meadow Way Bridge in an amount not to exceed \$25,000- Town Manager**
12. **Receive report on noise from Peri’s Bar- Town Manager**

Councilmember Coler asked that item #12 be pulled from the Consent Calendar for discussion.

Councilmember Lacques asked that item #4 be pulled from the Consent Calendar for discussion.

Mr. Richard Gray and Ms. Jody Timms, members of the 350 Marin Steering Committee, spoke in support of Consent Calendar item #8.

Mr. Stan Rosenfeld, Rally Court, spoke in support of Consent Calendar item #10.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the removal of #4 and #12.

AYES: Coler, Lacques, Reed, Mayor Goddard

ABSENT: Weinsoff

4. Approve permanent bike rack installation on the corner of Broadway and Bolinas- Town Manager

Town Manager Toy presented a staff report.

Councilmember Lacques had a question about the voucher program and the cost of the racks.

Ms. Deborah London, representing the Coffee Roastery, stated there have been fewer bikes on the sidewalk since the rack was installed. She supported moving forward with a permanent installation.

M/S, Coler/Lacques, Motion to approve moving forward with the permanent bike rack installation on the corner of Broadway and Bolinas.

AYES: Coler, Lacques, Reed, Mayor Goddard

ABSENT: Weinsoff

## 12. Receive report on noise from Peri's Bar- Town Manager

Town Manager Toy presented the staff report.

Mr. Mark Bell, Dominga Avenue, discussed the types of noise/sounds that create a more negative response. He stated the Planning Commission approved unamplified music except for vocals, and that there had been 29 violations since the bar got its Use Permit.

Ms. Ling Shien Bell, Dominga Avenue, stated a high pitched sound travels a lot more- this is what she hears at night when she is ready to go to sleep. She asked if the back door of the bar was supposed to be closed.

Ms. Annie Schafer, Dominga Avenue, agreed with the comments made by Mr. and Mrs. Bell. This is a quality of life issue.

Mr. Sierra Salin stated when he lived on Forrest Avenue he also had a problem with amplified music. The sound bounced off of the hard surfaces.

Peggy, Bridge Court, stated she had problems with the noise from Peri's Bar.

The Council took a 10-minute break at 8:30 p.m.

## Council Reports and Comments

Councilmember Lacques reported he attended the Marin Clean Energy Board meeting; the Zero Waste Committee meeting.

Councilmember Reed reported he attended the Ross Valley Paramedic Authority meeting; the Finance Committee meeting; led a trail walk up Cypress.

Councilmember Coler reported she attended the Fairfax Climate Action Committee meeting; the Marin Telecommunications Agency (MTA) meeting; the joint meeting of the Fairfax and San Anselmo Open Space Committees; the Community Development Block Grant Priority Setting Committee meeting; the Community Media Center of Marin Board meeting; the "Streets for People" Event; an ad hoc Contracts Committee for Marin Clean Energy meeting;

Mayor Goddard reported she helped with a brush clearing project on San Gabriel; attended the Chamber of Commerce meeting; a neighborhood traffic calming sub-committee regarding Cascade Drive and Lansdale; a Zero Waste Committee meeting; met with a representative of the 350 Marin Steering Committee; attended a Town Hall Youth and Adult Alliance meeting at the Marin County Office of Education.

## Town Manager's Report

Town Manager Toy stated he had nothing to report.

## Regular Agenda

13. Conduct study session to discuss draft ordinance regarding rezoning parcels in CH (Highway Commercial) to CC (Central Commercial) zoning district and various code amendments to the CC zoning district- Town Manager, Planning Director

Mayor Goddard noted this was a study session and no decisions would be made tonight.

Town Manager Toy and Planning Director Moore presented staff reports.

Ms. Diana Purdue, Scenic Road, had a question about density bonuses. She wanted to minimize large developments that would compromise Fairfax. She asked if any of the Councilmembers were appointees of the Association of Bay Area Governments (ABAG).

Ms. Debra Benson, Cascade Drive, had a question about the allowable number of units in the Central Commercial Zone. She would like to participate but feels the "ship has sailed."

Ms. Roberta Anthes, Snowden Lane, spoke in support of the idea of reexamining the Lutheran Church site to see if it could be rezoned for more units, in hopes of reducing the number of units that need to be identified for central Fairfax which is the crux of the controversy. The proposed rezoning would remove the Use Permit requirements and the Town would lose control over height limits and parking. She was concerned that the proposed rezoning makes certain businesses non-conforming.

Mr. Larry Bragman, Hickory Road, was concerned about the re-classification of some of the uses included in the proposal. He supported a requirement that retail uses remain on the first floor with no allowable exceptions. Retail uses have benefits to the Town that professional uses do not. He supported a density cap and noted a 4.5 unit/acre density cap was very low. This density cap should be embedded in the General Plan.

Mr. Sierra Salin stated he felt a lot of change in Fairfax and Marin County. He believed there were very few individuals between the ages of 18 and 40, and was concerned. He stated everybody needed a place to live and he questioned what was "affordable". He was concerned there was no local control or accountability with respect to the Density Bonus issue.

Ms. Wendy Kallins stated the gentrification of Fairfax was a serious problem, and that people from outside the community were moving in. The proposed ordinance gave the Town control to limit development and encourage the kind of housing they want in the places it should go (near shops, services, and transit).

Mr. Joseph Odom, Porteous Avenue, stated the classification of Medical Offices (including laboratories) should include the scope of practice for that practitioner. Allowing medical labs in Town without a Use Permit would open the door for something that they do not want.

Ms. Cindy Swift, Fairfax, stated she was concerned about the businesses that would be affected by the proposed ordinance. She suggested including a map delineating the existing and proposed zones by street names. Supporting resident's needs should be a consideration. The proposal should be reconsidered at the Planning Commission level.

Ms. Jessica Green, Fairfax, asked about the ABAG requirement for 175 new units.

Mr. Frank Egger, Meadow Way, was concerned that the proposal could allow up to over 104 new units in the commercial zone. He discussed the current commercial zones having no set residential density on purpose. He recommended a downtown inventory of housing units in the current CC Zone and the proposed CC Zone.

Planning Director Moore answered and clarified the questions asked by the public.

The Council discussed the following issues: 1) density bonuses; 2) use permit requirements; 3) a map delineating the zones; 4) allowable uses on the ground floor; 5) a comprehensive housing inventory; 6) sending the ordinance back to the Planning Commission; 7) existing businesses becoming legal non-conforming; 8) allowing more units on the Christ Lutheran Church site; 9) a density cap; 10) allowing Junior Second Units; 11) limiting the amount of commercial office space.

It was the consensus of the Council to send the ordinance back to the Planning Commission to review what was discussed, and hold a Joint Session with the Planning Commission thereafter.

M/s Coler/Reed, motion to suspend the "No new items after 11:30 p.m. rule" and consider item #14. Items #15 and #16 would be continued to the next meeting.

AYES: Coler, Lacques, Reed, Mayor Goddard

ABSENT: Weinsoff

14. Update on preparation for the October 1<sup>st</sup> workshop regarding the Town Center Plan- Town Manager

Town Manager Toy presented the staff report.

Staff answered questions from the Council.

15. Discussion of financing strategies for the Town's retirement obligations and capital improvements- Town Manager

Mayor Goddard stated this item has been continued.

16. Discussion regarding possible amendments to Town Code Chapter 8.44 Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations- Mayor Goddard, Town Manager

Mayor Goddard stated this item has been continued.

M/S, Coler/Reed, Motion to adjourn the Council meeting at 11:53 p.m. in memory of Mr. Charles Peri, Mr. Alan Honda, and Mr. Patrick Troop.

AYES: Coler, Lacques, Reed, Mayor Goddard

ABSENT: Weinsoff

Respectfully submitted,

Toni DeFrancis  
Recording Secretary