

Fairfax Town Council Minutes  
**Special Meeting**  
Fairfax Women's Club  
**Wednesday, December 18, 2019**

Mayor Goddard called the Special Meeting to order at 7:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Barbara Coler  
Renee Goddard  
Stephanie Hellman  
John Reed

**STAFF MEMBERS PRESENT:** Janet Coleson, Town Attorney  
Hannah Politzer, Deputy Town Clerk  
Ben Berto, Planning Director  
Mark Lockaby, Building Official

Approval of Agenda and Affidavit of Posting

M/S, Coler/Reed, Motion to approve the agenda and the affidavit of posting.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Coler thanked Deputy Town Clerk Politzer for her assistance and wished her well in her future endeavors.

Open Time

Ms. Debra Benson, Cascade Drive, thanked staff for the new sign in the park announcing the Town Council meetings and the new and improved Town Website. She asked about the status of the pathway from Cascade to Pine.

Mr. Christopher Lang, Canyon Road, brought the Council up to speed on the activities of the Climate Action Committee including: 1) Changing the Town Code to reduce Greenhouse Gas Emissions in future construction; 2) Fairfax Non-Motorized Transportation Encouragement Program; 3) Review of the Town's purchasing policies.

Regular Agenda

1. Authorize the Town Manager to retain a contractor to build the replacement bus shelter located in the Parkade- Town Manager

Building Official Lockaby presented a staff report and answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Mr. John Romaidis stated there were concerns about weather protection, the metal roof, and the rainwater runoff. He stated Plexiglas panels would cost about \$1,350 (labor and materials) and

clear vinyl which would cost about \$900. A standing-seam metal roof would cost \$1,250. The referred to the rain runoff issue and stated they could put in some gutters and downspouts for a nominal cost. He got a bid from a contractor and would give it to the Building Official.

Mr. Christopher Lang stated ten years ago the Chamber of Commerce had a plan for rebuilding the existing structure using donations. The Chamber bought paint for the light poles and utility boxes and perhaps this color should also be used for the bus shelter sign.

Mr. Sierra Salin had questions about the design and stated he supported the Plexiglas panels within a steel frame.

Mr. Mark Bell, Dominga Avenue, supported the Plexiglas.

Mayor Goddard closed the meeting to public comments.

M/S, Coler/Reed, Motion to authorize the Town Manager to retain a contract in an amount not to exceed \$60,000 to build the replacement bus shelter located in the Parkade, authorize a contingency reserve of \$10,000 for unforeseen field conditions, and appropriate \$70,000 into CIP Fund 53-894 from General Fund Reserves with the condition that a metal roof is used and there is close coordination with Mr. Romaidis.

AYES: Coler, Hellman, Reed, Mayor Goddard

ABSTAIN: Ackerman

2. Introduce and adopt an Urgency Ordinance of the Town Council of the Town of Fairfax amending Chapter 17.048 of the Town Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA-Planning Director

Town Attorney Coleson presented the staff report and presented a PowerPoint presentation. She answered questions from the Council.

Councilmember Coler referred to the supplement and noted an error in the date concerning Incentive Programs- it should be November 1, 2027.

Mayor Goddard opened the meeting to public comments.

Mr. Frank Egger, representing Save Fairfax, stated this item requires a 4/5<sup>th</sup> vote- the next item only requires three affirmative votes. The Council needs to add a finding that would protect the Town's livability and affordability when new ADU's are approved. This "one size fits all" legislation does not work for Fairfax. He discussed fire danger, access/egress issues, emergency evacuations, and Wildland urban interface (WUI) Zones.

Mr. Sierra Salin stated Fairfax has changed considerably in terms of affordability. He discussed the problem of over-population.

Mr. Larry Bragman stated the Marin Municipal Water District unanimously passed a prohibition for charging a connection fee for ADUs as required under AB881. Municipal governments have the difficult task of carving out exceptions to protect local safety taking into account local conditions. Fairfax has many unique local conditions- fire risk, narrow streets, landslides, and more. The Town should consider the issue of requiring that notices be sent to neighbors. He recommended adopting the Urgency and Regular Ordinance and to keep the third ordinance on the "back burner".

Mr. Mark Bell, Dominga Avenue, stated this is a joke since there is no condition requiring affordability. He does not understand how everything that comes before the Town Council is exempt from CEQA.

Ms. Roberta Anthes, Snowden Lane, stated she is uneasy about the “by right” aspect of this law and has been a fan of the Conditional Use Permit (CUP) process for years. It allows for public input. She stated the democratic process is being compromised. She urged the Council to write the strongest ordinance.

Ms. Holly Bragman, Hickory Road, agreed with the comments made by Ms. Anthes. She is concerned about garage conversions and the inability to require that the parking be replaced. Fairfax streets are very narrow.

Mr. John Romaidis, Madrone Road, had a question about fire sprinkler requirements and was concerned about fire danger. He asked if factory-built housing was addressed in AB881.

Ms. Jane Richardson stated all Towns are different and Fairfax has many special issues. She asked if Fairfax could join forces with other Towns and resist this legislation.

Mr. Rick Hamer, Fairfax, referred to the General Plan Landslide Risk Map and stated landslide risk is closely associated with narrow roads. Narrow roads interfere with egress during a fire event and landslide risks can be used as an objective standard. ADUs should be made affordable and tracked.

Wendy stated a studio unit without a kitchen rents for \$2,000 a month. There should be protections for renters of ADUs and an owner-occupied provision.

Mayor Goddard closed the meeting to public comments.

Town Attorney Coleson responded to the public’s questions and concerns.

M/S, Coler/Reed, Motion to Introduce and adopt an Urgency Ordinance of the Town Council of the Town of Fairfax amending Chapter 17.048 of the Town Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA, and including the change to fees contained in the supplement placed on the dais and the correction to the Incentive Program expiration date to November 1, 2027.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

### Public Hearing

3. Introduce and read by title only an ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.048 of the Fairfax Town Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA- Planning Director

Town Attorney Coleson presented the staff report and noted a supplement was placed on the dais. She answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Frank Egger, speaking for Save Fairfax, urged the Council to amend the ordinance and noted there was no rush to adopt this ordinance since they are covered by the Urgency Ordinance. ADUs should not be allowed in the Wildland Urban Interface (WUI) Zones until the Police and Fire Departments have determined evacuation routes are sufficient. The Ordinance

should include an additional “Whereas” that recognizes the Town’s historic approval of second units. He was concerned about ADUs being used as short-term rentals. Off-street parking should be required for ADUs in the hill areas and WUI Zone.

Mr. Richard Applebaum, Woodland Road, encouraged the Council to approve the ordinance and get to work on the third ordinance. He asked the Council to keep the option open for being a “test case”.

Mr. Mark Bell discussed the wildfire risk in Fairfax.

Mr. Rick Hamer agreed with Mr. Egger’s comments and wanted the Town to push-back against the State. It is too late once these structures are built.

Wendy had questions about the “tiny house” issue and the laws around kitchen facilities. Fire risk and affordability should be the priorities.

Ms. Debra Benson stated the idea of making these units affordable was a nice goal but a “pipe dream”.

Mayor Goddard closed the Public Hearing.

Town Attorney Coleson responded to the public’s questions and concerns.

M/S, Coler/Ackerman, Motion to introduce and read by title only an ordinance of the Town Council of the Town of Fairfax amending Chapter 17.048 of the Fairfax Town Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA with the addition of the following: “Whereas, the approval of ADUs and JADUs based solely on the default statutory standards without local regulations including, but not limited to, heights, setbacks, landscape, architectural review, among other things would threaten the character of existing neighborhoods and negatively impact property values, personal privacy, fire safety, flooding, and earthquake safety, soils stability in landslide prone areas, and emergency evacuation”; and including the change to fees contained in the supplement placed on the dais and the correction to the Incentive Program expiration date to November 1, 2027.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

M/S, Ackerman/Coler, Motion to waive the 10:00 p.m. rule and move forward with the agenda.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

#### Regular Agenda

4. Discuss/consider status report on the implementation of the Council approved modifications to the Cascade striping project and the formation of a resident subcommittee- Town Manager

Mayor Goddard stated she would recuse herself from this item since she lives on Cascade Drive within the area of the striping project. She left the Council Chambers.

Councilmember Reed presented a report.

Vice Chair Ackerman opened the meeting to public comments.

Ms. Debra Benson, Cascade Drive, stated she was firmly opposed to the striping and wanted to see it go back to the way it was. They need to start from “square one” with community involvement.

Mr. Mark Bell, Dominga Avenue, stated the middle striping needs to go back.

Mr. Chris Kenton, Cascade Drive, stated he supported the project and discussed the positive aspects of “traffic calming measures”. They need to get beyond anecdotes and passionate opinions and focus on the data.

Ms. Ramona Swigert, Cascade Drive, agreed with the comments made by Mr. Kenton. She supports the project and stated they should give it some time.

Mr. Richard Applebaum stated he is not sure they need to “start from scratch” and perhaps they should give it a few months to see how it works. People do seem to be driving slower. He recommended installing a few “reflective bumps” in the road.

Mr. Steve Light, Cascade Drive, stated Mayor Goddard should not be part of any committee since it would be a conflict of interest. The road should go back the way it was- it is not safer and there is less room for cars.

Mr. Frank Egger, representing Save Fairfax, stated Ross Valley Fire Chief Weber said Cascade Canyon may be the worst in the County for the threat of wildfires- access and egress contributed to the threat. Narrowing the driving lanes puts residents in danger during an evacuation.

Vice Chair Ackerman closed the meeting to public comments.

Councilmember Reed stated he would welcome another Councilmember to be a part of the ad hoc subcommittee. Councilmember Hellman volunteered to join the subcommittee.

M/S, Coler/Reed, Motion to appoint Councilmember Reed and Hellman as the ad hoc subcommittee for this project.

AYES: Ackerman, Coler, Hellman, Reed

ABSENT: Mayor Goddard

#### Council Reports and Comments

M/S, Coler/Hellman, Motion to continue this item to the January 15<sup>th</sup> meeting.

AYES: Ackerman, Coler, Hellman, Reed

ABSENT: Mayor Goddard

M/S, Coler/Reed, Motion to adjourn the meeting at 10:00 p.m. in memory of Mr. John Cronin, Mr. Adolph Ardito, Ms. Claire Grossbaum, Ms. Dorothy Neal, and Mr. Frank Berto.

AYES: Ackerman, Coler, Hellman, Reed

ABSENT: Mayor Goddard

Respectfully submitted,

Toni DeFrancis  
Recording Secretary