

DRAFT Fairfax Town Council Minutes  
**Regular Meeting**  
Wednesday, **December 4, 2019**  
Fairfax Women's Club

Mayor Coler called the Regular meeting to order at 7:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Barbara Coler  
Renee Goddard  
Stephanie Hellman (incoming)  
Peter Lacques (outgoing)  
John Reed

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Hannah Politzer, Deputy Town Clerk  
Janet Coleson, Town Attorney  
Ben Berto, Planning Director  
Michael Vivrette, Finance Director  
Mark Lockaby, Building Official

Approval of Agenda and Affidavit of Posting

Mayor Coler asked for the following changes to the agenda: 1) Item #5 be continued to January 15<sup>th</sup>, 2020; 2) Item #19 be heard after the break and before the presentation.

M/S, Lacques/Goddard, Motion to approve the agenda, as amended by Mayor Coler, and the affidavit of posting.

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

Announcements

Mayor Coler made the announcements as they appeared on the agenda.

Open Time

Ms. Miriam Weinstein had a question about the new State law for rent control. She would like local laws to be in accord with the State's stronger law.

Ms. Valerie Hood noted that the agenda was lengthy and too many items were on the Consent Calendar.

Ms. Debra Benson, Cascade Drive, referred to Item 10 (Town financial statements) and asked if the expense for gopher bait included poison. She had a question about the October payment to Coastland Engineering in the amount of \$30,000 for Victory Village.

Ms. Lisel Blash, Pacheco Avenue, asked for less toxic dialogue and more kindness. She is a member of the Affordable Housing Committee and suggested they meet more often.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. The next meeting will be held tomorrow and will focus on the California Master Plan on Aging. She reported on Age-Friendly Fairfax activities.

Mr. Sierra Salin stated it was important to make new friends. He recommended that everyone chill out during the holidays.

Mr. Michael Bauernfeind, Hickory Road, read a letter thanking the Council and staff for repairing the hazardous conditions on Hickory Road.

Devon, Cascade Drive, reported on upcoming CERT training classes.

Mr. Steven Tejero stated there is a desire for the creation of a skate park in Fairfax.

#### Consent Calendar

1. Approve minutes for the November 6, 2019 Town Council meeting- Deputy Town Clerk
2. Receive written report on Councilmembers' assignments, committees, and activities in November- Deputy Town Clerk
3. Endorse San Jose Mayor Sam Liccardo's proposal to restructure PG&E from an Investor-led Company to a Customer-Owned Utility- Town Manager
4. Approval of amended and restated employment agreement with the Town Manager- Mayor Coler

Mayor Coler stated there was a supplement to item #3. There was a typographical error in Item #4, and she reported on the compensation proposed.

Mr. Alexander Binick, Meadow Way, asked that item #4 be removed for discussion.

Mr. Frank Egger, Meadow Way, stated the agenda is loaded with Consent Calendar items and this dissuades the public from commenting. The agenda is supposed to list what is being approved and how much it will cost.

Mr. Mark Bell referred to item #4 and stated he opposed the increase.

M/S, Goddard/Reed, Motion to approve the Consent Calendar with the removal of item #4 for discussion.

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

#### Public Hearing

5. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Solid Waste Services, to be effective January 1, 2020, and approving a Second Amendment to the Contract Between the Town of Fairfax and Marin Sanitary Service- Town Manager

Mayor Coler noted this item was continued to January 15, 2020.

#### Regular Agenda

6. Adopt a resolution reciting the facts of the General Election held on November 5, 2019, declaring the result and such other matters as provided by law- Deputy Town Clerk

Deputy Town Clerk Politzer presented the staff report.

Mayor Coler opened the meeting to public comments, and seeing none, closed the meeting to public comments.

M/S, Lacques/Ackerman, Motion to adopt a resolution reciting the fact of the General Election held on November 5, 2019, declaring the result and such other matters as provided by law.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

7. Proclamation in Honor of Councilmember Peter Lacques- Mayor Coler

Mayor Coler read the Proclamation honoring Councilmember Peter Lacques. Councilmember Lacques stated it was a pleasure serving the Town of Fairfax.

Councilmember Lacques expressed his gratitude and stated it was a privilege to have served on the Council for the Town of Fairfax.

Mayor Coler opened the meeting to public comments.

Mr. Alexander Binick, Dr. Jody Timms, Wendy, and Mr. Frank Egger thanked Councilmember Lacques for his service.

Mr. Mark Bell, Dominga Ave., requested to be reimbursed for Town expenditures regarding outgoing councilmember gifts.

Mayor Coler closed the meeting to public comments.

Mayor Coler also thanked Deputy Town Clerk Politzer for her exemplary work during the last several months and wished her well in her future endeavors.

8. Administer Oath of Office to newly elected officials- Deputy Town Clerk

Deputy Town Clerk Politzer administered the Oath of Office to the newly elected Town officials: Councilmember Renee Goddard, Councilmember Stephanie Hellman, Town Treasurer Janet Garvin, and Town Clerk Michele Gardner.

Outgoing Councilmember Lacques turned over his seat at the dais to incoming Councilmember Hellman.

9. Reorganization of the Town Council: Selection of Mayor and Vice Mayor- Deputy Town Clerk

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. Rick Hamer, Fairfax, asked for an open nomination for Mayor.

Ms. Mimi Newton thanked Mayor Coler for her leadership as Mayor and presented her with a bouquet of purple roses.

Mr. Sierra Salin stated it takes patience to be Mayor.

Mayor Coler closed the meeting to public comments.

M/S, Reed/Ackerman, Motion to select Councilmember Goddard as Mayor.  
AYES: Ackerman, Goddard, Hellman, Reed, Mayor Coler

M/S, Reed/Goddard, Motion to select Councilmember Ackerman as Vice Mayor.  
AYES: Ackerman, Goddard, Hellman, Reed, Mayor Coler

### Break

The Council took a 15-minute break at 8:10 p.m. for refreshments.

### Regular Agenda

#### 19. Discuss/consider revisions to the Cascade Striping project- Town Manager

Town Manager Toy presented the staff report.

Mr. David Parisi, traffic engineer with Parisi Transportation, discussed the traffic calming measures taken on Cascade Drive. Mr. Andrew Lee, traffic engineer, discussed the existing conditions and the goal of the project. They answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Mr. Steven Ladone, Cascade Drive, stated the most dangerous sections while riding a bike are the lower part of Cascade and the section between Doc Egger Park and Town Hall. He is pleased that the middle lane is gone in the curved section.

Ms. Sylvia Moody stated she rides her bike to school, and she did not feel safe until the strips were put in.

Ruby stated she is in the 5<sup>th</sup> grade and she feels safer riding her bike to school with the striping.

Mr. Matthew Gable, Cascade Drive, stated he bikes along the street and never had a problem with the pre-existing lines. He is not a fan of the changes. The people that are affected should be consulted.

Mr. John Montenaro, Cascade Drive, stated some of the white lines were good for people walking and biking. In some sections of the road the lines are problematic because it pushes the cars towards the walls that are located along the edge of the street.

Mr. Alexander Binick, speaking on behalf of the Detox Institute, stated the staff report contains errors in terms of some of the measurements. He discussed the unrealistic expectations on the part of drivers, bicyclists, and pedestrians. He questioned the need for hiring a traffic engineer.

Ms. Lamorna Swigart, Cascade Drive, stated she supports the work that has been done and feels it provides safer conditions for pedestrians, cyclists, and drivers. A major problem is speeding.

Mr. Frank Egger, representing Save Fairfax, stated the reduction in lanes (from two to one) from 155 Cascade to Meadow Way has put hundreds of lives in danger in the event of an evacuation. The speed should be reducing to 15 mph and stop signs should be enforced.

Ms. Lori Forken, Cascade Drive, stated the process should have included the public. The new striping has not made the road any safer to walk, bike, or drive. Cars are pushed to the middle of the road on blind curves.

Mr. Matt Towers, Meadow Way, challenged the idea that there is speeding along that road. He asked what need the project is trying to address. The project has created a hazard.

Mr. Larry Davidson, Meadow Way, stated he has never heard about any problems on Cascade Drive. The project creates a problem and the striping give people a false sense of security and entitlement. Residents should have been consulted.

Mr. Jim Irving, Cascade Drive, stated he sees the strips as an inconvenience- they make him drive slower, more cautiously, pay attention to what he is doing, and give the right of way to pedestrians. It does everything it was designed to do.

Ms. Valerie Hood, Fairfax, was concerned that the project made the evacuation route worse. She asked if all large vehicles such as UPS and garbage trucks were factored into the design. The project made a bad situation much worse.

Mr. Steve White, Cascade Drive, stated the process was done incorrectly. The curves are dangerous and there is no room to go around the blind corner without crossing the white line. It is confusing and should be put back the way it was.

Mr. Rob Sandusky, Toyon Road, agreed with a lot of what has been said. He would like to hear more about the "Joe Breeze Plan". He has witnessed near head-on collisions in the last couple of weeks.

Ms. Jane Richardson-Mack, Madrone Road, stated the plan makes her feel uncomfortable, unsafe, and confused. This is not a normal Town, and these are not normal roads- they should have gotten input from the residents.

Mr. Jono Polansky, Cascade Drive, stated a lot of the resident's speed around that blind curve. The striping has worked and slowed traffic down. He supports the project.

Mr. Sierra Salin stated this is a weird street and there is not enough room. The process was flawed- there should have been meetings and notification.

Ms. Mallory Geithem, Willow Avenue, stated local residents should have been consulted. There are a lot of talented people who live in Fairfax- they do not need to hire consultants.

Ms. Debrorah Benson, Cascade Drive, stated there is so much wrong with this project. She had a question about the cost of the project and if street parking would be removed. Striping needs to be restored as it was.

Mr. Chris Kenton, Cascade Drive, stated he started looking into "traffic calming" methods back in 2001 and got about 100 signatures on a petition to get speed bumps put on Cascade Drive. He supported the project.

Wendy, Cascade/Canyon neighborhood resident, stated the way people drive along Cascade Drive has changed a lot- they drive faster and do not stop at stop signs. The entire area should be studied.

Dr. Jody Timms, Cascade Drive, supports the changes and thinks it is much safer. Speed is a problem up and down Cascade Drive.

Mr. John Romaidis, Madrone Road, referred to the flat part of the road up to the windy part and stated the white lines should be replaced with a broken yellow line. The speed limit should be lowered to 15 mph.

Devon, Cascade Drive, asked if the goal of the project was to slow down traffic. She displayed photographs and stated the community uses the white spaces (barriers) as a parking lot. She is not sure if the lines are making the conditions safer and recommended more signage and mirrors.

Mr. Mark Bell stated there is a major disconnect.

Mayor Goddard closed the meeting to public comments.

Mr. Parisi and Mr. Lee responded to the comments and answered questions from the Council.

Mayor Goddard stated she would like to implement a monitoring (“cooling off”) period to collect data including speed checks, etc. She suggested a three to five-member sub-committee from the neighborhood, a staff member, two Councilmembers, and a representative from Parisi Transportation. The Council agreed to this suggestion. Town Manager Toy discussed the application, interview, and appointment process for a sub-committee. Councilmember Coler suggested forming an ad-hoc committee.

Mayor Goddard noted it was past 10pm. The Council reviewed the agenda and Mayor Goddard stated she would like to continue the meeting and decide on possible continuations at 11:30 p.m.

The Council took a 10-minute break at 10:55 p.m.

## Presentation

### Presentation on new State housing laws- Town Attorney

Town Attorney Coleson introduced her colleague, Mr. Isaac Rosen, who is part of the new Housing Task Force recently formed by her firm. Mr. Rosen presented the staff report and gave a PowerPoint presentation that included: 1) SB 330; 2) AB101; 3) AB 1763; 4) AB 1486. Mr. Rosen answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Mr. Frank Egger, representing Save Fairfax, stated the recent State Housing Laws were being written by the building industry and carried by politicians that are “bought and paid for” by the development industry. The “one size fits all” approach does not work in Fairfax- a hilly Town with narrow roads.

Ms. Valerie Hood stated the State has redefined “urban” and “suburban” areas and Fairfax has fought to keep its suburban classification. She asked what the State means by “surplus land” and “excess open space”.

Mr. Michael Macintosh stated he recently attended the Commonwealth Club in San Francisco for a discussion about the need for affordable housing. The lecture did not include any facts or figures- it was a promotion of CASA and the plan to build 3.5 million units in the Bay Area. He asked the Council to come up with a creative solution about how to deal with surplus land.

Ms. Jane Richardson-Mack asked if the Town had any surplus land.

Mr. Mark Bell, Dominga Avenue, stated the new housing laws seem to be in violation of environmental laws. He asked if there would be any legal challenges.

Ms. Lisel Blash asked if there would be an upcoming discussion about tenant protection laws.

Mr. Rick Hamer discussed the bus routes and stated he thought that Fairfax would fall into a major bus stop group.

Mayor Goddard closed the meeting to public comments.

Mayor Goddard noted it was 11:30pm and asked about items that could be continued.

M/S, Coler/Ackerman, Motion to continue items #20, #21, and #22 to a Regular meeting to be held on Wednesday, December 18<sup>th</sup> at 7:00 p.m.

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

#### Consent Calendar

10. Accept Financial Statement and Disbursement Reports October 2019- Finance Director
11. Receive Treasurer's Report as of September 30, 2019- Town Treasurer
12. Reappoint Chance Cutrano to a full term on the Volunteer Board- Deputy Town Clerk
13. Authorize the Town Manager to execute an agreement with the County of Marin to make traffic signal improvements for the Sir Francis Drake/Clause and the Sir Francis Drake/Willow intersections pursuant to a grant awarded to the County- Town Manager
14. Appropriate funding from the Office Equipment Replacement Reserve (Fund 08-928) to purchase a new computers/software for Town Hall to accommodate the Windows 10 Operating system- Town Manager
15. Adopt a resolution establishing the regular Town Council meeting date for January 2020 and confirm the 2020 meeting calendar- Deputy Town Clerk
16. Approve reimbursement agreement with FIREsafe MARIN to advance funds- the Town will be reimbursed by a CAL FIRE Grant- for FIREsafe MARIN's work to reduce roadside vegetation and improve evacuation routes in Cascade Canyon, Manor Hill, Deer Park, and Forrest Avenue- Town Manager
17. Second reading and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 6.86 of the Town Municipal Code Regarding SmartMeters and Related Equipment to Extend the Prohibition on the Installation of SmartMeters until the Town Council determines that the privacy, safety, accuracy and health effects of SmartMeters have been adequately addressed; CEQA exempt pursuant to CEQA Guidelines Section 15061(b)(3), Sections 15307 and 15308- Town Manager
18. Receive update that the EIR professional services agreement for the Marinda Heights Project will be rescheduled for a future meeting to be determined- Planning Director

Councilmember Coler had a comment about item #16.

Councilmember Hellman referred to item #18 and stated she did not want the project to proceed without an EIR.

Mr. Frank Egger, speaking for Save Fairfax, referred to item #18 and stated if the developer changes the application then it is a new application and they need to start over.

Ms. Valerie Hood referred to #13 and #14 and asked for the expenditure figures and had a question about item #17.

M/S, Coler/Ackerman, Motion to approve the Consent Calendar.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

#### Regular Agenda

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

Mayor Goddard stated this item was continued to the December 18<sup>th</sup> meeting.

21. Introduce and adopt an Urgency 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

Mayor Goddard stated this item was continued to the December 18<sup>th</sup> meeting.

#### Public Hearings

22. 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

Mayor Goddard stated this item was continued to the December 18<sup>th</sup> meeting.

23. Second reading and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, and 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2018 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions and Changes Thereto; Exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Cal. Public Resources Code Section 21080(b)(4)- Building Official

Building Inspector Lockaby presented the staff report. He answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Walt Vernon, representing the Climate Action Committee (CAC), stated the Town achieved a 20% reduction in its greenhouse gas emissions over the last decade. The upcoming goal is a 40% reduction by 2030.

Ms. Valerie Hood stated she did not understand how they are making these considerations about the energy being used in Town, as traffic has increased considerably and technology uses a lot of energy. She asked if these factors were considered.



Mayor Goddard closed the Public Hearing.

M/S, Coler/Hellman, Motion to read by title only and adopt an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2018 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions and Changes Thereto.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

24. Second reading and adoption of an Ordinance entitled, "An Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code, with certain Additions, Insertions, Deletions and Changes Thereto; CEQA exempt pursuant to CEQA Guidelines Sections 15061(b)(3) and Public Resources Code Section 21080(b)(4)- Fire Marshal, Fire Inspector

The Fire Marshal presented the staff report.

Mayor Goddard opened the Public Hearing.

There were no comments.

Mayor Goddard closed the Public Hearing.

M/S, Coler/Reed, Motion to read by title only and adopt an Ordinance entitled, "A Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code, with certain Additions, Insertions, Deletions and Changes Thereto.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

4. Approval of amended and restated employment agreement with the Town Manager

Councilmember Coler presented a report.

Mayor Goddard opened the meeting to public comments.

There were no comments.

Mayor Goddard closed the meeting to public comments.

M/S, Reed/Ackerman, Motion to approve the amended and restated employment agreement with the Town Manager.  
AYES: Ackerman, Coler, Reed, Mayor Goddard  
ABSTAIN: Hellman

Council Reports and Comments

Mayor Goddard stated these reports were included in written form in the packets.

Town Manager's Report

There was no report.

M/S, Reed/Coler, Motion to adjourn the meeting at 12:15 a.m. to a Special Meeting set for Wednesday, December 18<sup>th</sup> and in memory of longtime Fairfax resident Mr. Everett Lloyd Stiller.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Respectfully submitted,

Toni DeFrancis  
Recording Secretary

DRAFT 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