



TOWN OF FAIRFAX

STAFF REPORT

October 6, 2022

TO: Mayor and Town Council

FROM: David Woltering, Interim Planning and Building Services Director
Mark Lockaby, Building Official

SUBJECT: Petition from Neighbors regarding Concerns about Operations at Fairfax Lumber

RECOMMENDATION

Receive staff report regarding the subject petition.

BACKGROUND

On August 3, 2022, staff began receiving complaints that trees and vegetation were being removed by PG&E from along the Spruce Road frontage of the Fairfax Lumber property. Subsequently, neighbors submitted a petition indicating their concerns about this matter. The petition was received by the Town on September 8, 2022 (See Attachment A). The neighbors in the area were concerned that the removal of the trees and vegetation would lead to increased visual impacts, dust, noise, and chemical hazards from Fairfax Lumber operations. In the petition submitted, the neighbors are asking that the Town investigate and enforce its nuisance abatement ordinance regarding their concerns with Fairfax Lumber. PG&E had been authorized and required by the PUC (Public Utilities Commission) to remove/trim trees and vegetation that pose a threat to their facilities.

Town staff did a site inspection and observed the impact of the now visible various fencing and screening materials, much of which is in poor repair, along the Spruce Road frontage of the Fairfax Lumber property, and the open views into the lumber yard. Staff requested of PG&E representatives that the vegetation removal cease until they could meet with the concerned residents. By the time the meetings took place, most of PG&E's work at this location had been completed. Residents also indicated their concerns to Council members.

DISCUSSION

Based on the neighbors' concerns, Town staff has had two meetings with managers at Fairfax Lumber. The first meeting was on August 15, 2022, with Mark Lockaby (staff) meeting Fairfax Lumber representatives Augie Venezia, President, and Charlie Cain, Manager. The second meeting was on September 16, 2022, involving Mark Lockaby, David Woltering (staff), Augie Venezia, Charlie Cain, and Christopher Lang (Yard Maintenance, Private Contractor). The purpose of the meetings was to determine if managers at Fairfax Lumber understood the neighborhood concerns, and to learn what plans they had to address the concerns. The managers were aware of the neighborhood concerns, and they shared their strategies for addressing them as described and summarized below:

Dust Control Mitigation Ongoing/Proposed:

- Asphalt grindings were dispersed on vehicle traveled rock surfaces in the yard to bind and compact vehicle surface areas to reduce dust

- Sprinklers are to be installed on landscape material bins to wet materials to reduce dust (Wetting down these materials will be particularly helpful to reduce dust when loading these materials in customer vehicles for off hauling)
- Dutra, the supplier of the bin materials, has agreed to wet down and cover these materials to reduce windblown dust when the materials are unloaded into the bins

Visual Impact Mitigation Proposed:

- Installation of an eight-foot high, durable, and aesthetically pleasing fence with landscaping (plantings to be acceptable to PG&E) extending along approximately 350' of Fairfax Lumber frontage on Spruce Road. (A fence of this height will require approval by the Planning Commission at a noticed public hearing.)

Noise Impact Mitigation Proposed:

- Will work with ACE Hardware delivery representatives to modify the delivery location and operation for receiving materials early (i.e., between 5:45 and 6:45 a.m.) on Wednesday mornings to reduce noise impacts; considerations include alternate locations for offloading materials

Air Quality/Health Impact:

- Will work with Bay Area Air Quality Management District to monitor dust generation to assure that dust generation does not exceed applicable standards

Fairfax Lumber representatives have submitted a letter updating and describing in more detail their approach to addressing neighbor concerns (See Attachment B).

Planning staff has been working with and advising Fairfax Lumber representatives on the application submission requirement for consideration of a fence height variance from the Planning Commission. Fairfax Lumber representatives have committed to submitting an application to be considered on the next available Planning Commission meeting agenda. Over the last few weeks, the Bay Area Air Quality Management District has conducted three separate inspections to check on possible dust, and chemical contaminants impacting adjacent properties related to the Fairfax Lumber site and operations. The Air Quality Management District indicates that visible emission standards were not triggered during their inspections, Fairfax Lumber is exempt from any permitting requirements, and they acknowledge the mitigation measures that Fairfax Lumber is implementing to reduce future emissions in the attached letter, dated September 29, 2022 (See Attachment C).

Staff believes that Fairfax Lumber representatives are putting in place appropriate mitigation measures to address neighborhood concerns. Staff will work with those representatives to process their application for a fence variance as soon as possible before the Town's Planning Commission.

FISCAL IMPACT

Staff resources expended for this matter are within typical job functions performed by staff members in the Planning and Building Services Department.

ATTACHMENTS

- A. Neighborhood Petition, dated September 8, 2022
- B. Letter from Fairfax Lumber representatives, received 9-27-2022
- C. Letter from Bay Area Air Quality Management District, dated September 29, 2022

SEP 08 2022

Dear Fairfax Town Council,

We, as residents of Spruce Road, specifically those which border Fairfax Lumber and Hardware, and of the surrounding neighborhood, wish to petition the Fairfax Town Council to add to the agenda of an upcoming Town Council meeting, our collective health, safety, and nuisance violation concerns associated with living next to a lumber yard.

By adding our concerns to your formal agenda be assured you are giving a voice to a group of residents that wish to appreciate the convenience of living next to a building supply store, so long as said store and the Town of Fairfax have done all it can to mitigate the serious inconveniences to health and safety that result from the yard's existence.

Thank you,

1. [REDACTED] SPRUCE ROAD

2. [REDACTED] Spruce Rd

3. [REDACTED] Spruce Rd.

4. [REDACTED] Spruce/Azalea

5. [REDACTED] Azalea

6. [REDACTED] Spruce rd.

7. [REDACTED] SPRUCE RD.

8. [REDACTED] Spruce Rd.

9. [REDACTED] Spruce Rd

10. [REDACTED] Spruce road.

11. [REDACTED] [REDACTED] Spruce Rd

12. [REDACTED] [REDACTED] Spruce Rd.

13. [REDACTED] [REDACTED] Spruce Rd

14. [REDACTED] [REDACTED] Spruce Rd.

15. [REDACTED] [REDACTED] SPRUCE ROAD

16. [REDACTED] [REDACTED] Spruce Rd

17. [REDACTED] [REDACTED] SPRUCE RD

18. [REDACTED] [REDACTED] SPRUCE RD.

19. [REDACTED] [REDACTED] SPRUCE RD

20. [REDACTED] [REDACTED] AZALEA AVE

21. [REDACTED] [REDACTED] AZALEA AVE

22. [REDACTED] [REDACTED] Azalea Ave

23. [REDACTED] [REDACTED] Spruce Rd

24. [REDACTED] [REDACTED] Spruce Rd

25.



SPRUCE

26.

27.

28.

29.

30.

31.

32.

33.

34.

35.

To the Town of Fairfax

Here is what we are proposing to mitigate the following issues of dust, visual, noise and air quality.

Dust

- We have spread recycled asphalt grindings, from street repair jobs, over the open area in front of the concrete shed in the middle of the yard. Our observations show that this solution has greatly reduced dust in this main drive through area. As more grindings are available, we will be spreading more of this from the entrance gate yard gate all the way back.
- We have installed sprinklers at the bulk crushed rock, road base and topsoil bins. These sprinklers are on a timer that goes on twice a day for 20 minutes. This, along with the quarry watering down our loads before they leave the quarry, has virtually eliminated dust when the loads are dumped in the bins and when our front loaders dig into them to load our dump truck or pickups. See the videos.

Visual

- We have come up with a design for a 350' long x 8' tall fence along Spruce. We will be submitting an application for the October 27 planning commission meeting. It will consist of a 2x12 kick board at the bottom and 2x6 top cap. We are proposing 40' repeating segments that consist of 32' of corrugated metal panels followed by 8' of decorative modular panels. The metal panels are 7' long and will be installed vertically on top of the kick board. The modular panel designs are made as either 80% privacy or 90% privacy and will be backed by black solid panels to completely block the yard from view. The metal panels are available in some colors. The modular panels are exterior rated and a dark brown color unless painted.

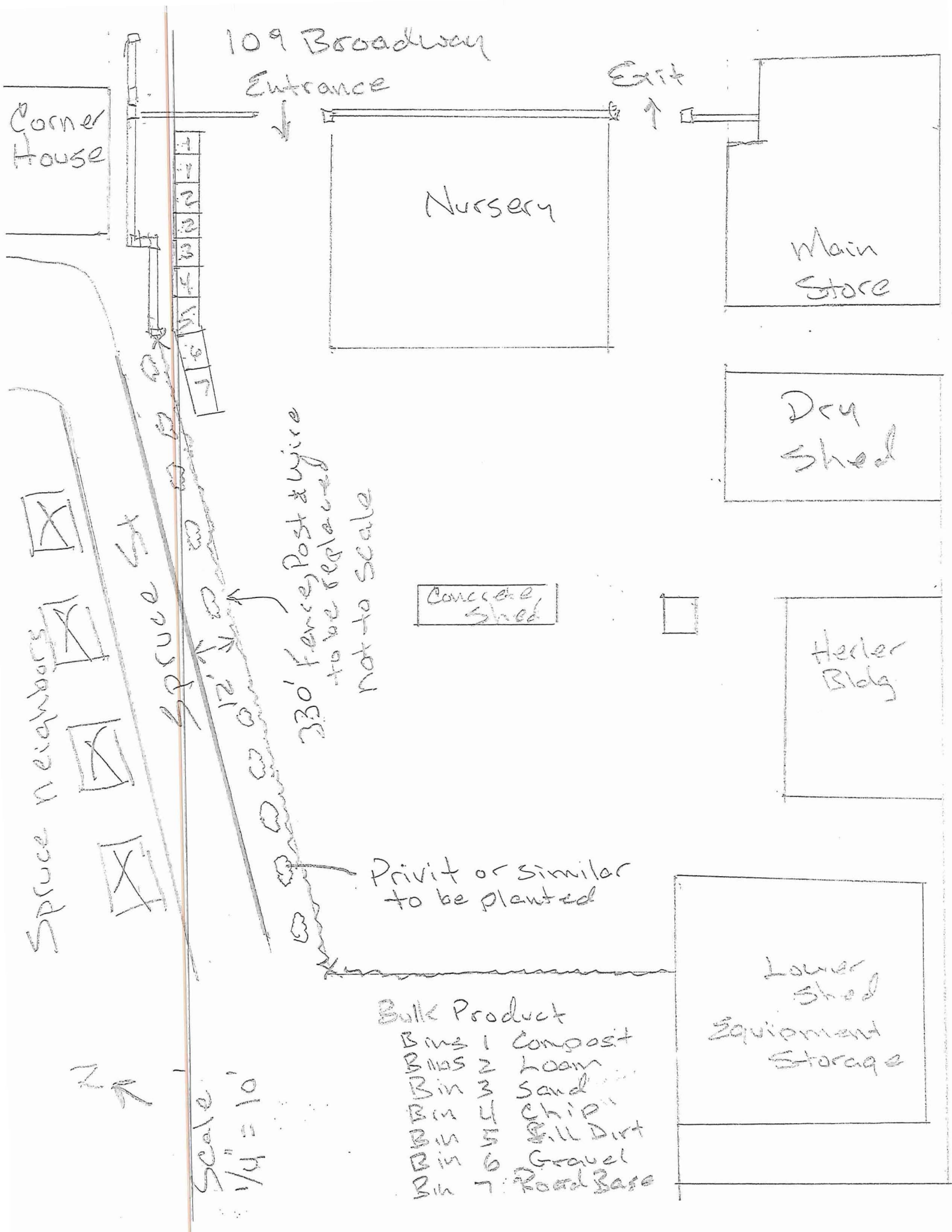
Air quality

- Three different air quality people have been out three times. They are welcome to visit at any time. They responded to complaints of dust. The district can speak for themselves as to what they saw. As a side note we did spread a Cargill Salt spray on the dirt yard once a year for 2 years. This dust control is used at Sear's Point Raceway. The way it works is by

absorbing moisture out of the air on damp mornings. It worked but during winter rains it turned our yard into a slimy muddy mess. We had to discontinue it. Earlier this year we applied an Ground Glue on the entrance driveway. We were we hoping it would last 6-12 months but only lasted two which brought us to the asphalt grindings. The grindings begin packing down immediately as vehicles drive over it hence the reduction of dust.

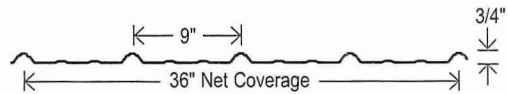
Noise

- Our ACE hardware delivery arrives on Wednesday early mornings between 5:45 to 6:45. The delivery truck has driven into the yard for unloading, entering at the entrance gate and pulling up to the side of the shed behind our main building. We use forklifts to unload the palletized merchandise. After the truck was emptied it left through the exit driveway along main building. As of now the truck no longer pulls into the yard but is stopping in the parking lot area in front of the nursery. From there a forklift unloads our order and drives back into the yard. The truck will now be 200-300 feet away from Spruce and will not need to back up activating the backup alarm. We did ask ACE if our delivery could come later in the morning but were told no. ACE told us we could receive the delivery Thursdays later morning. Receiving our delivery on Thursday is not an option as we wouldn't have enough time to check it in and stock all the merchandise before the weekend arrives. Weekend business is very valuable to us.
- I also would point out that during the last four weeks that I have been present early to watch and listen with my noise meter to the ACE delivery, garbage collection has taken place on Spruce. That noise far exceeded anything the ACE truck generated.

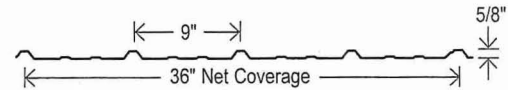


Strata Rib®

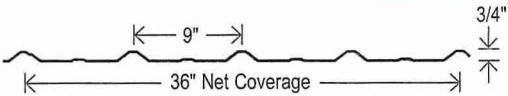
TRIM & FLASHING COLOR KEY:

**Nor-Clad®**

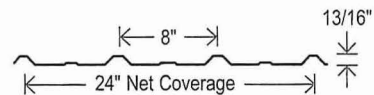
TRIM & FLASHING COLOR KEY:

**Delta Rib™ III**

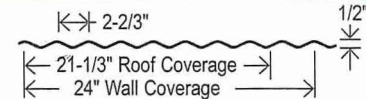
TRIM & FLASHING COLOR KEY:

**Delta Rib™**

TRIM & FLASHING COLOR KEY:

**2½" Corrugated**

TRIM & FLASHING COLOR KEY:



Wider panel only available in
26ga ZINCALUME® Plus and 29ga Natural Rust



 *corrugated panel profile*

Nu-Wave® Corrugated

TRIM & FLASHING COLOR KEY:



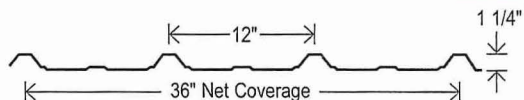
Additional lead times and freight charges apply

**Super-Span®**

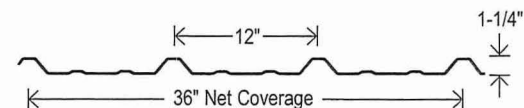
TRIM & FLASHING COLOR KEY:



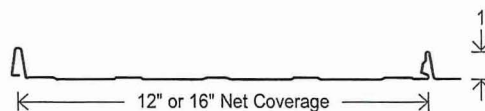
Additional lead times and freight charges apply

**PBR Panel**

TRIM & FLASHING COLOR KEY:

**Skyline Roofing®**

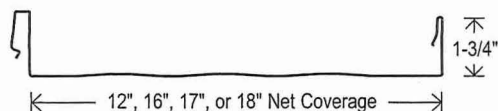
TRIM & FLASHING COLOR KEY:

**Design Span® hp**

TRIM & FLASHING COLOR KEY:



Additional lead times and freight charges apply





- Larger panels can be installed faster with less framing.
- Fewer structural supports create a more seamless look.
- Privacy levels range from 80% to 100%.
- Approximately 33-38 lbs. per panel.
- May require a trade installation.
- In single-layer or stacked orientations, panels can achieve standard structural heights:
 - 48" - Yard fences, balustrades, utility and bin enclosures, compliant* fence extensions.
 - 70" - Standard fence height.

* Building codes vary per region. Compliance with building codes is the responsibility of the installer.

48"x70" Orient

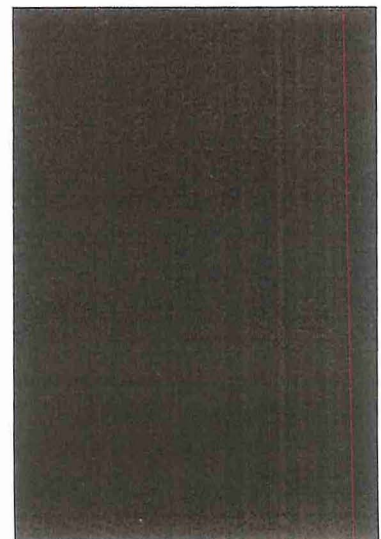
privacy panel designs



Orient
90% PRIVACY



Monsoon
90% PRIVACY



Solid Panel
100% PRIVACY



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

September 29, 2022

Town of Fairfax
Building and Planning Department

Mark Lockaby
Town of Fairfax
142 Bolinas Road
Fairfax, California 94930

Subject: Air District Investigation for Dust Complaint on Fairfax Lumber & Hardware

Mr. Lockaby,

As per your request, the following is a summary of the recent investigations performed by the Bay Area Air Quality Management District (Air District) of the Fairfax Lumber & Hardware facility, located at 109 Broadway in Fairfax.

Investigation Findings:

- The Air District received one air quality complaint on August 5, 2022, alleging dust from Fairfax Lumber.
- Air District Staff have inspected the site three times since the August 5th dust complaint.
- Applicable Air District Regulation: Regulation 6, Rule 1 Particulate Matter:
 - The fugitive dust observed at the site has not triggered any visible emission standards, under District Regulation.
- Fairfax Lumber is currently exempt from any permitting requirements (Regulation 2, Rule 1).
- Fairfax Lumber has proposed several dust mitigation measures, to further reduce fugitive dust emissions (some pending Town Council approval).

For more information regarding the Air District complaint program, visit our website at <https://www.baaqmd.gov>. Should you require any additional information on this matter, please let us know. Questions may be directed to Ed Giacometti at (415) 749-8414 or egiacometti@baaqmd.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Gove".

Jeff Gove
Director of Compliance & Enforcement

375 Beale Street, Suite 600 • San Francisco, California 94105 • 415.771.6000 • www.BAAQMD.gov

Connect with the
Bay Area Air District:



ATTACHMENT C