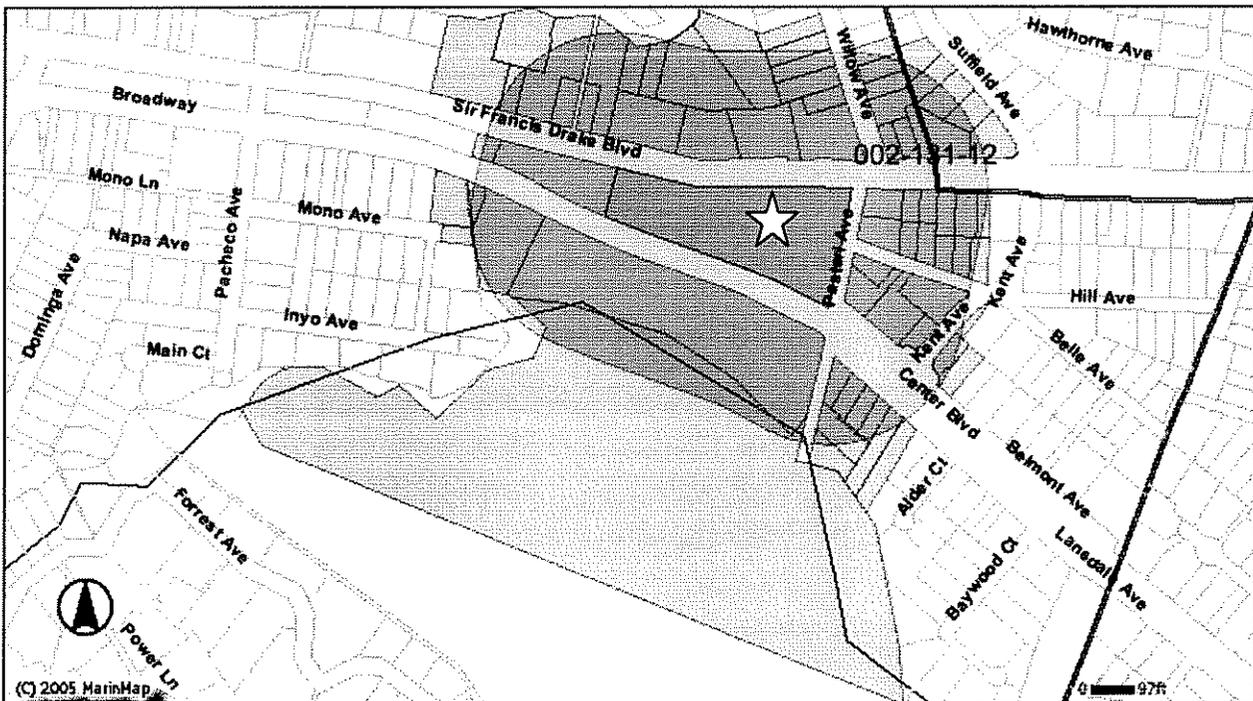


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: April 21, 2011
FROM: Michael Rock, Town Manager
Jim Moore, Director of Planning and Building Services
LAK Associates, Contract Planner

LOCATION: 720 Center Boulevard, Assessor's Parcel No. 002-131-12
GENERAL PLAN DESIGNATION: Highway Commercial
ZONING: (CH) Highway Commercial
PROJECT: Relocation of Good Earth grocery store to the renovated existing vacant building in Fair-Anselm shopping center
ACTION: Review Initial Study, Draft Mitigated Negative Declaration, Use Permit, and Traffic Impact Permit. Application #11-09
APPLICANT: John Fry, CDM/Real Estate Company, Inc.
OWNER: LRG Capital Group LLC
CEQA STATUS: Mitigated Negative Declaration



720 Center Boulevard

EXHIBIT # D

BACKGROUND

The Good Earth Market proposes relocating operations from their current store at 1966 Sir Francis Drake Blvd. (west end of Town) to the former Albertson's building in the Fair-Anselm Shopping Center at 720 Center Boulevard, Fairfax, CA. Good Earth, a provider of natural foods, has operated their current store in Fairfax since 1969. The renovated facility will include an on-site bakery, prepared food kitchen and service deli, meat/ fish/ poultry department, farmer's market/ organic produce & bulk grains department, a nutrition and health care venue, and increased selection of groceries. The proposed project will result in the renovation of the existing vacant Albertson's Grocery Store, built in 1984, to include 22,789 square feet of total space. A new clerestory roof addition will be added to the existing roof. Other outside improvements include updated paint, window additions on the south and east walls, and outdoor covered seating areas. Facilities for bicyclists will be provided on site.

The site is located in the Highway Commercial (CH) Zone, which allows supermarkets and grocery stores with a minimum of 7,500 square feet and a minimum width of 50 feet (Town Code § 17.096.040).

The project site is 2.12 acres and is relatively flat, gently sloping to the southeast. An approximate 8-foot cut slope inclined at approximately 1.5:1 (horizontal:vertical) is located to the north of the existing structure. The existing structure is approximately 21,306 square feet in size. The proposed facility will remove 177 square feet from the first floor and add 196 square feet to the first floor and 1,464 square feet to the second floor (clerestory).

There are four (4) major design enhancement elements that will be added to this building while not increasing the footprint. These include: (i) clerestory on the roof ridge that will be 30 ft. wide and 110ft long [north-south direction], (ii) new east entrance/exits with patio/ porch areas for customer seating, (iii) additional fenestration on the south and east sides of the building, and (iv) a south entrance with a 28ft high window wall.

The roof of the existing building is 23 feet high. The clerestory addition will raise the total height of the building to 28 feet 6 inches at the ridge. The propose height is consistent with the Highway Commercial Zoning.

The store will have two parking lots, the east parking lot facing Pastori Avenue will have 35 spaces and the west parking lot (entered from Center Blvd.) will have 61 parking spaces assigned to the store. The total designated parking for the store is 96 spaces. The existing parking areas will be resurfaced. The Fair-Anselm center has 248 total spaces (north and south of Center Blvd.). The lighting for the parking lots will replace the current 35 foot high light standards with new 18 foot high sodium light fixtures (including a concrete pedestal). The new light fixtures will have a foot-candle target range of two (2) to five (5) foot-candles for a level light distribution. The fixtures will have cutoff luminaries with no more than 2.5% rated lumens above the 90% angle to reduce nighttime glare.

The existing sewer system will be upgraded with a grease interceptor (1,500 gallons). The restroom fixtures will have low flush water, electric eye activated faucets, and all staff hand sinks will be knee operated with automatic shut-offs. All wash-down areas will have automatic shut-off hoses.

The existing electrical feeds to the building will be replaced with new transformers to eliminate

the overhead electrical lines. New electrical lines will be undergrounded. New switchgear, meeting the current Electrical Codes, will be installed with capacity for 1,600 amps.

Waste management system modifications include upgrading the current operations by adding a cardboard baler, a 10-cy waste compactor with deodorizer system, and a recycle storage holding area. Equipment will be placed on the loading dock (which will remain in its current location) and screened with new fencing.

Site landscaping will be enhanced with eleven parking lot planter islands, planting strips, and three (3) landscaped nodes located at the store entrances. The north hillside adjacent to Sir Francis Drake Blvd. will be planted with oak trees and planting plan including a low-water plantings and drip irrigation system.

Two (2) "pocket parks" are proposed for the west parking lot. One is proposed adjacent to the Java Hut and the other will be located at a mid-point of the west wall of the store. A "bikers" rest stop is proposed for the southeast corner of the west parking lot, including a trellis and amenities for bicycle riders, including an air pump.

Landscaping is proposed in the parking lots to act as effective bio-swales for storm water treatment. Pervious concrete pavers are proposed for the east entrance patio area. Stormwater run-off from the roof and parking lots will be directed into parameter bio-swales to reduce the existing storm water run-off to 0.24 cubic feet per second (cfs).

There will two seating areas including a wood trellis for shade across the front expanse of the building. The outdoor seating will require a Use Permit. There will be a bicycle rest stop and an electric car charging station will be located in the west parking lot.

The color palette for the new store will consist of earth tone paints from Benjamin Moore (BM) and Scofield. The window frames will be brushed dark bonze with all insulated glass. The clerestory will be a standing seam metal roof painted a BM Sierra Tan with a BM Black Bean Soup color for the fascia. Walls of the clerestory will be painted BM Roxbury Caramel. New and existing roof components, including metal, will be painted a BM Tan. The existing solid concrete walls on the east and south side of the building will be painted Scofield Antique Amber. The wall plane will be broken up with windows to cover more than 80%. The stone panels on the west wall will be retained and will introduce a stucco finished wainscoting. Both portions will be painted Scofield Antique Amber.

The proposed project would not require a zone change.

DISCUSSION:

The purpose of this public hearing is to allow the Planning Commission to review the Initial Study, Draft Mitigated Negative Declaration, Use Permit and Traffic Impact Permit for the proposed Good Earth/Fair-Anselm redevelopment located at 720 Center Boulevard. The Good Earth proposes to operate the new facility with a total of 22,789 square feet on the property.

The Good Earth market has been a local fixture in Fairfax since 1969. The relocation of their operations to the new facility will increase the overall square footage and improve access and parking for the store. The renovation and use of the existing structure will take advantage of a vacant facility and will provide a unique focal point for residents and visitors entering Fairfax

from both Center Boulevard and Sir Francis Drake. The new store will be painted in earth tones, primarily greens and tan colors. The new main entrance on the south side of the store will feature tables and seating as well as access ramps for disabled persons. There will also be benches and a communal picnic table on the western side of the building.

The new store will provide three principal entrances/exits to the store. One nearest the Pastori/Sir Francis Drake intersection, one off Center Blvd. for access to the south parking lot and one off Center Blvd. to access the north parking lot. Drive aisles have been reduced to 15 feet and circulation patterns have been reconfigured to provide one-way directional driving according to the parking plan. Access and circulation is also designed to minimize vehicle staging along Center Boulevard. The Fire Department has requested a 20 foot access road be provided to within 150 feet of all portions of the first floor exterior wall.

The landscaping plan includes introducing native species and shade trees as well as landscaped areas and porous paving to act as bio-swales for stormwater retention and treatment. The landscaping plan has been designed to reduce the current rate of stormwater run-off from the site. 12 oak trees will be planted on the earthen berm separating the north parking area from Sir Francis Drake Blvd.

The Initial Study/Draft MND, prepared by LAK Associates, a consultant working for the Town of Fairfax, has determined that there are no potential impacts that would be considered significant. The project is consistent with the Town of Fairfax General Plan and Zoning for the property and is suitable use for the existing on site structure. Use patterns for the proposed store are consistent with previous uses of the property and there is ample parking and access provided to the site. The Initial Study/Draft MND found no significant cumulative impacts related to the proposed project.

Several potential environmental issues, including potential traffic impacts, can be reduced to a less significant level by incorporating mitigation suggested by the Applicant's consultants. The traffic consultant for the project and the Town's peer reviewer, Parisi Associates, have agreed upon reasonable mitigation measures and traffic count criteria to reduce potential traffic impacts.

Copies of the project plans and technical reports were submitted to the Ross Valley Fire Department, Sanitary District No. 1, the Marin Municipal Water District, Marin County Environmental Health, Fairfax Police Department, and Fairfax Public Works. Public review copies were placed in the Fairfax Branch of the Marin County Public Library and the Town Hall.

Traffic Impact Permit

Recommended Findings

(A) The intersections on the major street system adjacent to the proposed project deliver peak hour traffic conditions that meet adopted Town of Fairfax minimum standard for Level of Service D threshold. Therefore, the project's average daily traffic, when added to the existing daily traffic, plus projected traffic will not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service; nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.

(B) (1) The traffic impact permit mitigation plan approved by the Planning Commission and Town Council will adequately mitigate the project's adverse traffic impacts.

(2) This plan is consistent with the goals and objectives of the Fairfax general plan or applicable specific plans and the intent of the zoning district in which the project is situated, and of this chapter.

(C) The project will provide an overriding public benefit that will sufficiently offset its adverse traffic impacts.

Note: Any affirmative decision of the Planning Commission or the Town Council based upon this finding must be approved by a five-sevenths majority of the Planning Commission and a four-fifths majority of the Town Council. The grounds for making this finding must be set forth in the approving motion.

Use permit

The use of the tables and seating for outdoor dining will all be self serve except for limited service of food and beverages during special events. Outdoor dining will only occur during the store business hours from 9:00 AM to 9:00 PM.

Recommended Findings

(A) The proposed outdoor dining areas are located on private property and do not require the use of the public right-of-way. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

(B) Outdoor dining hours will be the same as the store hours from 9:00 AM to 9:00 PM. Therefore the outdoor uses of the property. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

(C) Delicatessens and restaurants are permitted uses in the Highway Commercial CH Zone where the project site is located [Town Code sections 17.096.040(27) and (63)]. Town Code § 17.096.050(2) allows the Commission to grant Use Permits for permitted uses that do not occur entirely within a building. Therefore, approval of the use permit for outdoor dining is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the Zoning Ordinance, or other plan or policy, officially adopted by the City.

(D) Approval of the use permit will allow an existing business to relocate into a currently dilapidated building, bring it into compliance with current Building Codes and retrofit it and the parking lot, while continuing to have an outdoor dining area where patrons can eat the food from the stores prepared food kitchen as they do at the existing store. Therefore, approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

RECOMMENDATION

1. Open the Public Hearing and take testimony.
2. Close the Public Hearing.
3. Move to approve Resolution No. 11-09, approving the requested Use Permit, the Traffic Impact Permit, the Initial Study and recommending that the Town Council adopt the Mitigated Negative Declaration and approve the proposed project with conditions and the mitigation measures enumerated in the Initial Study.

ATTACHMENTS

1. Conditions of Approval
2. Initial Study/Mitigated Negative Declaration
3. Project Description
4. Architectural Plans/Elevations/Cross Sections
5. Landscape Plan/Planting Plan/Irrigation Plan
6. Civil Engineer Site Plan and Parking Lot Layout
7. SIMKAR Photometric Study with Specifications for Light Standards, dated 2/15/11
8. Oberkamper Hydrology Analysis, dated 2/24/11
9. RMJ Letter (Structural Modifications), dated 2/15/11
10. Delcon Letter (Title 24 compliance), no date
11. Shelly Acoustical Noise Study (Executive Summary), dated 2/17/11
12. I&R Air Quality Study (Executive Summary), dated 2/18/11
13. CAC Asbestos Study/Work Plan (Executive Study), dated 10/8/10
14. MPEG Seismic and Geotechnical Study (Executive Summary), dated 11/3/10
15. KDA Traffic report (Executive Summary) with peer review responses, dated 3/1/11
16. Site Pictures (two views)
17. Visual Simulations (two key observation points)
18. Memo from Ross Valley Fire Department, dated 4/5/11
19. Memo from Marin County Environmental Health Department, dated 3/11/11
20. Letter from Marin Municipal Water District, dated 3/18/11

Conditions of Approval
(With Planning Commission Final Edits on 4/21/2011 in Bold)

1. Must comply with all mitigation measures identified in the Initial Study and Mitigated Negative Declaration.
2. Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements.
3. In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site.
4. A licensed geotechnical engineer shall review the plans and specification for the project when they are nearing completion to confirm the intent of the geotechnical recommendations provided in the MPEG report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe foundation excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report.
5. Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4.
6. New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the design base shear of the proposed improvements.
7. The project sponsor shall verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6).
8. To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended
9. The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7).
10. As described in the ECS report, the proposed project will not result in operational or construction activities that would be considered significant impacts of exceed the Town of Fairfax noise planning standards. The following mitigation measures are suggested to reduce individual noise events impacts in nearby receptors areas.
11. For long term operations of the store, delivery trucks shall turn-off engines while unloading products at the loading dock.
12. During the construction phase of the project, the project sponsor shall choose construction equipment that is of quiet design, has a high-quality muffler system, and is well

maintained. This includes trucks and equipment used to haul materials to and from the site.

13. All construction vehicles shall have installed superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines.
14. During construction, the project sponsor shall erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors.
15. Construction hours shall be restricted to 8am to 5pm Monday thru Friday.
16. Eliminate unnecessary idling of machines when not in use.
17. The project sponsor shall employ good maintenance and lubrication procedures to reduce operating noise.
18. The project sponsor shall, if possible, locate equipment as far from sensitive receptors as possible.
19. Sign the two exits from the eastern parking lot (Pastori Avenue) as "right turn only".
20. Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet).
21. The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Blvd / Pacheco Avenue intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signaling the Pacheco Avenue intersections on Center Blvd and on Sir Francis Drake Blvd, which is estimated at roughly \$500,000. Thus, the project's fair share is \$21,000.

Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Blvd / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signaling this intersection is roughly \$250,000, making the project's share \$22,750.
22. Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map.

Planning Commission Condition

1. ***All agency requirements must be complied with as stated below unless an agency relaxes a requirement in writing to the Town.***

Ross Valley Fire Department

- 1 Provide a 20 foot access road within 150 feet of all portions of the first floor exterior wall (CFC Section 503.1.1)
- 2 At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
- 3 Access shall be provided to within 50 feet of the required fire department connection (FDC) to the sprinkler system.

- 4 Revise the Site Plan to indicate the relation of the FDC to the closest hydrant.
- 5 Prior to the issuance of the construction permit, approval of the construction documents by the Fire Department is required.
- 6 Prior to the issuance of the construction permit, references to the 2010 California Fire Code (with local amendments) shall be included in the construction documents.

Marin Municipal Water District

- 1 Purchase additional water entitlement (above the current entitlement of 1.70 acre-feet).
- 2 Upgrade the dedicated fire line connection to current District standards.
- 3 Prior to obtaining water service, plans for compliance with the District's Water Conservation Ordinance 414 shall be submitted to the District for review to confirm compliance.
- 4 Prior to obtaining water service, an analysis of backflow protection shall be submitted to the Backflow Prevention Program Coordinator. Should backflow protection be required, said protection shall be installed as a condition of water service.

Marin County Environmental Health Department

- 1 Prior to the start of any new construction or remodeling, a complete set of plans drawn to scale shall be submitted to Environmental Health Services for review and approval.

Planning and Building Services

- 1 Collect and assess weekend traffic data.
- 2 Identify trip generation rates at existing Good Earth Market.
- 3 Participate in transportation mode survey.
- 4 Prepare summary memo for 1-3 above, submit to Planning and Building Services **by May 2, 2011.**
- 5 There shall be no cleaning/hosing of floor mats outside the building.
- 6 The applicants shall obtain sign permits and building permits before erecting any signs on the building.
- 7 The applicant shall submit a letter of credit or bond to the Town in an amount that will cover the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for 18 months after the project has its final inspection and all the landscaping and irrigation is installed.
8. This approval is limited to the development illustrated on the plans prepared by William S. Bagnall Architects Inc. pages A-0, A-1, A-2, A2.1, A-3, A-4, A-5, A-6, A-7, A-8, A-9 and A-10, parking plan layout page C-1, by Oberkamper & Associates Civil Engineers Inc., and the Landscape Plans, pages L1.0 and L2.0 by Roth Lamotte Landscape Architecture.
- 9 Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).
 - c. Submit a bond to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm

the contractor's estimate.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

10. During the construction process the following shall be required:

a. The **civil engineer** shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended.

b. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

c. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

11. Prior to issuance of an occupancy permit the following shall be completed:

a. The geotechnical engineer shall field check the completed project and submit written certification to the Town Staff that the grading and drainage elements have been installed in conformance with the approved parking lot landscaping plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.

12. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

13. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

14. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

15. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of application # 11-09. Any construction based on job plans that have been altered without the benefit of an approved modification of application 11-09 will result in the job being immediately stopped and red tagged.

16. Any **substantiated** damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

17. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnify, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

Letters from Neighbors

EXHIBIT # E

23 May 2011

MAY 23 2011

Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RECEIVED

Attn: Mayor of the Town of Fairfax
Council Members of the Town of Fairfax

Re: Relocation of the Good Earth Store to the old Lucky/Albertson site

On Thursday, 10 February, 2011, I sent you an email with questions and concerns that I had about the above relocation. As of this date, I have not received a reply from any of you. I also sent a copy of this email in a form of a letter to Mr. Kenneth D. Anderson, President of KD Anderson & Associates, as well as to Mr. David Parisi, Principal of Parisi Associates on 22 February 2011. As of this date, I have not heard from these companies either.

Now I am writing again regarding the same concerns listed in my email, as well as these following issues:

1. **Traffic Impact from Pastori Avenue to Belmont, Belle, and Kent Avenues.** These affected streets are too narrow to accommodate delivery trucks and more business traffic flowing from Pastori Avenue as well as the traffic from San Anselmo via Sir Francis Drake Blvd., to Kent, Belle, and Belmont Avenues. Besides this usage, traffic will also increase from Pastori Avenue in San Anselmo to Pastori Avenue to Fairfax using the above mentioned streets to get to the Good Earth establishment.

My husband Frank and I would like to propose one sign at Pastori Avenue and Belmont Avenue; one at Pastori Avenue and Belle Avenue; and one on Kent Avenue at Sir Francis Drake Blvd. stating "LOCAL TRAFFIC ONLY", and a commitment from Good Earth that their delivery trucks and other commercial vehicles will NOT use these streets for deliveries to the store.

In the Proposal to Prepare Traffic Impact Analysis For Good Earth Market, under Task 2.6 – Identify Mitigation Measures it states "If unsatisfactory traffic conditions are forecasts at study intersections or at local access locations, we will explore alternative mitigation measures and recommend a strategy for reducing impacts to a level of insignificance." This statement seems appropriate to investigate further the traffic impact in this area.

2. **Another concern we have regards pedestrian and bicyclist safety using these streets to go to Good Earth and to reach other destinations in town.** There are no continuous sidewalks. Paving Belle, Coleridge, and Belmont Avenues would make it a safe route for pedestrians, including children on their way to school, bicyclists, and motorists. People would not get hurt tripping or falling because of the potholes. Motorists would not have damage to their car's front-end alignment.

On Pastori Avenue the only crosswalk is at Sir Francis Drake Blvd. Since the plan is to move the east entrance to the Good Earth parking lot toward the middle of Pastori Avenue from its existing location by Sir Francis Drake Blvd., perhaps a new crosswalk can be put in next to this new entrance across Pastori Avenue to a corner of Belle Avenue. This crosswalk may discourage pedestrians from crossing in the middle of Pastori Avenue from Belmont and Belle Avenues to get to the store. This dangerous practice is bound to increase with the entrance to the patio/porch area of the store being directly across from Belle Avenue.

3. In exhibit 5 of the Project Description given to me at the 2 February 2011 Town Council meeting, under "Design Issues Addressed, (a) Site Improvements, it states that the "east parking lot....will have 38 spaces...." We wonder where the patrons of Pancho Villa's will park during the times the store is open. Right now the town has posted signs in this area that says "No Restaurant Parking....". Where are these restaurant goers going to park then? Parking is limited in this area as it is. Residents on Belmont and Belle Avenues have noticed restaurant customers parking on their streets. Can this be enforced?
4. We have concerns about the noise level with delivery trucks and refrigeration generators. In the same Project Description report, paragraph three states "...mechanical refrigeration with computer controlled energy management system". Will this take care of the refrigeration noise? Also, can anything be done about the noise of delivery trucks unloading at the loading docks early in the morning or late at night?

Addressing these noise concerns would be a compromise from Good Earth in being good neighbors, as the residents in this area will be good neighbors by frequenting the store.

We are happy that the Good Earth is moving into this area and look forward to all of us being good neighbors. We are impressed on how Good Earth is improving the site in such a way that improves the environment.

In closing, we need to point out that we did not receive a notice of the 1 June 2011 Public Hearing in the mail but was told about it from a neighbor who did receive it. Should not all residents be informed of a Public Hearing if it concerns their neighborhood?

Because we are not able to attend this hearing because of a prior family commitment, we are submitting this letter to be part of the mayor and town council packet for this 1 June 2011 Public Hearing.

Sincerely,



Rose and Frank Milani
36 Belle Avenue
Fairfax, CA 94930
415-454-0631



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
PHONE (415) 453-1584 / FAX (415) 453-1618

May 27, 2011

Rose and Frank Milani
36 Belle Avenue
Fairfax, CA 94930

Subject: Relocation of Good Earth market to former Albertson's market site

Dear Rose and Frank:

Pursuant to your letter of May 23, 2011, we offer the following responses:

1. Traffic impact from Pastori Avenue to Belmont, Belle and Kent Avenues: Regarding your request for signage at the three intersections stating "Local Traffic Only". The Fairfax Center/Good Earth Market would be agreeable to install these signs. However, we will refer this item at a later date to the Town's Traffic Committee (the Police Chief, the Town Manager and the Fire Chief) for their consideration. In addition, the Good Earth Market project representatives have indicated that they will work with their suppliers to use Sir Francis Drake Boulevard and Pastori Avenue as the path of travel for deliveries and avoid using the residential streets for their deliveries.

The Traffic Impact Analysis prepared by KD Anderson & Associates does offer mitigation intended to mitigate conflicts with vehicles queuing at the adjoining intersections that include signage restricting vehicles exiting from the store parking lot onto Pastori Avenue as a "Right Turn Only"; and relocating the store driveway on Pastori Avenue further south away from Sir Francis Drake Boulevard.

2. Pedestrian and Bicycle safety: The Good Earth project includes a continuous sidewalk to be installed by the Town of Fairfax on the west side of Pastori Avenue. Sidewalks in residential areas are the responsibility of the individual residential property owners.

Paving Belle Avenue is on the Town's schedule for implementation as soon as funding is available.

We will refer the crosswalk across Pastori Avenue connecting the Good Earth parking lot entrance with Belle Avenue to the Traffic Committee also. Mid-block crosswalks are seldom installed because they have proven to be less safe than corner crosswalks.

3. Pancho Villa's parking: Pancho Villa has used the parking area without approval while the Albertson's market building has been empty. This parking area is leased by the Good Earth Market for its customers, and the owners of Pancho Villa's patrons will have to find parking elsewhere for their patrons.

Milani Letter
May 27, 2011
Page 2

4. Noise issues: The mechanical refrigeration and HVAC equipment will be located inside the market building with no roof mounted units. The noise study prepared for the project does not consider this equipment a potential source for noise.

The operators of the Good Earth market are doing everything possible to reduce the potential for noise generated by the early morning trucks deliveries by restricting the number of trucks scheduled before 7:00AM.

It is unfortunate that you will be unable to attend the June 1 Council meeting. We will include your letter, and this response letter, in the Town Council packet. Please feel free to contact the Planning and Building Services Department with questions or comments regarding the Good Earth relocation project.

Sincerely,



James Moore
Director of Planning and Building Services

Michael Rock

From: lesprague@aol.com
Sent: Wednesday, May 25, 2011 2:52 PM
To: Michael Rock
Subject: Fwd: Good Earth Market

-----Original Message-----

From: heischindl@aol.com
To: Lesprague@aol.com
Sent: Wed, May 25, 2011 2:37 pm
Subject: Good Earth Market

-----Original Message-----

From: heischindl@aol.com
To: mayorlarrybragman@townoffairfax.org
Sent: Wed, May 25, 2011 2:31 pm

Dear Mayor Bragman and Members of the Fairfax Town Council

I was a resident on Kent Avenue very near the location of the old Lucky and Albertson's Market from 1990 until 2005. I am still the owner of the property and am concerned not only about maintaining the value of the property, but also the desirability of this property as a rental. At the time I moved into the home in 1990, the noise from the trucks backing up (BEEP BEEP BEEP), and unloading at the docks near Pastori Avenue was unacceptable, making it impossible to sleep. I can not remember the date, but because of complaints from neighbors, the store eventually relocated the loading docks.

I am greatly concerned about the Good Earth market moving into this location and the Council's turning a blind eye to the disruptive noise patterns from trucks, loading docks, air conditioning equipment and recycling, all which occur at night or early morning and at unbearable noise levels. This will create a neighborhood that will be virtually uninhabitable due to noise levels, parking problems and traffic congestion.

I sincerely hope you will take whatever steps necessary to implement the changes that will maintain the peaceful, tranquil, friendly and cooperative atmosphere that has prevailed in this neighborhood for decades.

Respectfully,
Heidi Schindler

Please include my letter in the packet for the Town Council Meeting June 1.

23 May 2011

Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Dear Fairfax Town Council,

I would like to comment on the proposed Good Earth relocation to the old Albertson's site. The relocation is excellent news for the town, especially after it denied other sources of much needed tax revenue the location. I look forward to being able to walk to a supermarket again.

I do however have some concerns about the new location, as I live just down the street on Belle Avenue. Specifically, noise carries early in the morning before the morning commute begins. Delivery trucks usually deliver in the early morning, and to my understanding would be operating in reverse, using the legally required BEEP. I am very seriously concerned about this noise, as I enjoy sleeping until at least 7 am and consider uninterrupted sleep a serious quality of life issue. There are many houses in the neighborhood affected by this noise.

I do not think that this would be too serious a fix, given good faith and good will on the part of the Good Earth. A drive-through delivery bay, different delivery hours, and sound dampening or blocking construction seem to be inexpensive and easily implemented solutions.

Thank you for your time and consideration.

Sincerely,

Ethan Geary
17 Belle Avenue

May 25, 2011

TOWN OF FAIRFAX

MAY 26 2011

RECEIVED

Town of Fairfax

Dear City Council Members,

Our neighbors and we want to welcome the Good Earth to the old Albertsons Building on Center Blvd.

We are however concerned for our neighborhood's peace and safety.

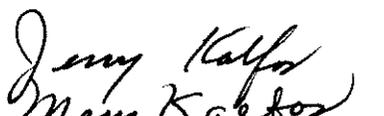
We ask you to take steps to:

- Limit the thru traffic on our residential streets
- Keep delivery trucks off our local streets
- Protect us from early morning delivery noises

Specifically, we ask that you adopt regulations, post signs and enforce:

1. Not permitting deliveries before 7:00 am
2. Not allowing large trucks on our residential streets
3. Allowing only local access on Kent, Belle and Belmont

Sincerely,



Jerry and Mary Kalfos

18 Kent Avenue, Fairfax

Michael Rock

From: lesprague@aol.com
Sent: Wednesday, May 25, 2011 2:52 PM
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Respectfully,
Heidi Schindler

Please include my letter in the packet for the Town Council Meeting June 1.

TOWN OF FAIRFAX

May 25, 2011
17 Belle Avenue
Fairfax, CA 94930

MAY 25 2011

RECEIVED

Michael Rock, Town of Fairfax
Council Members
142 Bolinas Road
Fairfax, CA 94930

Dear Administration and Council Members of Fairfax,

I appreciate the thought and effort going into the new Good Earth. My purpose in sending this letter is to try to make this project the best that it can be, for the town and for the neighborhood.

In reading through the new noise study, which has not been re-circulated, I noticed that the Town Code Noise Ordinance was listed this time, but the report is still based on the Fairfax Noise Planning Guidelines, Exhibit 3. Have these guidelines been adopted?

Surveys were done during daytime hours, using traffic noise during those times as comparisons. At 3:30am, when deliveries will begin, there is virtually no noise in the area. (Town Code states that residential noise until 7:00a not exceed 40 dBA.) To do a true study, noise would have to be measured between 3:00a-7:00a. (Please don't exclude the echoing of metal loading platforms.)

The study was also inadequate in stating that only three homes along Pastori will have increases in noise. Most of the entire neighborhood east of the store will be keenly aware of the increase, especially in the early morning hours, when about all you can hear are the coyotes.

The study says trucks will be turned off during unloading. How would this be enforced - at the town's expense? (The Good Earth does not have a good record of working with their neighbors - see attached letters.)

Not mentioned in the noise study was any mention of cooling equipment, which has been a problem at the current Good Earth site. (See attached letters.)

Possible solutions to these problems:

Locating deliveries to the other side of the building

Deliveries after 7:00a

A pull-through, so no truck has to back up

Absorbent material

Sound wall

(It might be helpful to contact the Palace Market in Pt. Reyes Station. They have been very successful in mitigating stresses on the neighborhood.)

Although the site was previously a similar use, it did not have a similar pattern of delivery. There were far fewer deliveries than projected for the new store. It is of particular concern to many neighbors that no trucks travel on neighborhood streets.

Please help us to keep this neighborhood a place where people enjoy living; A place where people can get a good night's sleep and wake up to contribute to the health of the entire community.

Sincerely,



Laine Sprague

Christina van der Plas-Nau

19 Claus Drive
Fairfax CA 94930

October 14, 2010

Mark Squire & Partners
Good Earth
1966 Sir Francis Drake Blvd
Fairfax CA 94930

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Department

Re: 19 Claus Drive, Fairfax
Exterior Noise Limits

I bought the house at 19 Claus Drive on August 12, 2010 and moved in on August 28, 2010 with my partner, Peter Anderson.

We were aware of the noise the coolers emitted from Good Earth while in the garden.

It wasn't until we moved in on August 28 that we heard the noise from the coolers penetrating our bedroom walls all night.

On August 30 at 5:00 a.m., we were woken up by the noise of trucks unloading.

On September 2, I was woken up and had to move to the living room.

On September 4, we were woken up at 6:15 a.m..

The City of Fairfax had given us CHAPTER 8.20: NOISE CONTROL in Fairfax and a police officer came and measured 53 dBA on September 9, 2010 in the afternoon. This would comply with Commercial dBA of 60 during the day but not residential.

I met Mark Squire, a partner of Good Earth, and told him of what we were experiencing. I understand from the neighbor and one of the employees of Good Earth that the former owner of 19 Claus Drive, Helen J. Beirne, was deaf and consequently the noise from the coolers and trucks unloading didn't bother her.

On October 6, 2010, Lee Brenner of Bay Area Noise Control came to give us advice of what could be done. He suggested the following:

1. Enforcement of exterior noise limits in compliance with the Fairfax Chapter 8.20 Noise Control policy declaration. For Residential , Night 10:00 p.m. to 7:00 a.m. it should be 35 dBA if the noise is a continual hum.
2. Isolate compressor from concrete with industry approved shock absorbers to reduce vibration.
3. Construction of a concrete sound barrier wall to enclose compressor unit.

On October 12, Police Officer Williamson came after 10:30 p.m., and the dBA reading was 55 when it should be 35 in a residential neighborhood. He consulted with his supervisor and they advised us that Good Earth was not in compliance^{with} exterior noise limits. He then went inside the store and told the manager of Good Earth.

In our effort to solve the problem, we have consulted with Lee Brenner of Bay Area Noise Control. Dennis Langer, Store Manager of Palace Market, Point Reyes Station, has been faced with the same problem and is in the process of resolving it. He discussed the solutions they were provided with and can recommend a sound engineer they are working with.

We are confident a solution can be found and we are happy to share our information with a company that has a good reputation with the local community.

Sincerely yours,

Cc: Lee Brenner
Bay Area Noise Control

Christina van der Plas-Nau

19 Claus Drive
Fairfax CA 94930

October 15, 2010

Mark Squire & Partners
Good Earth
1966 Sir Francis Drake Blvd.
Fairfax CA 94930

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Department
Fax 457-8769

Re: 19 Claus Drive, Fairfax
Exterior Noise Limits

Further to my letter of October 14, 2010, I went to the Police Department of Fairfax this morning and they gave me the following information concerning the two incidents of coming to my house to measure the Noise Levels coming from Good Earth:

October 9, 2010 – Incident # 100909020

October 11, 2010 – Incident # 101011037
Officer Marjonne Roberson

Sincerely yours,

Christina van der Plas-Nau



GUY CROW
Public Safety Dispatcher

FAIRFAX POLICE DEPARTMENT
144 Bolinas Road
Fairfax, California 94930

(415) 453-5330
Fax (415) 457-8769
www.fairfaxpd.org
gcrow@fairfaxpd.org

Christina van der Plas-Nau

19 Claus Drive
Fairfax CA 94930
Telephone 415 524-8649

December 22, 2010

Al Baylacq & Mark Squire
Good Earth
1966 Sir Francis Drake Blvd.
Fairfax CA 94930

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Department
Incident #100909020
Incident #101011037

**RE: 19 CLAUS DRIVE, FAIRFAX
EXTERIOR NOISE LIMITS**

As I had not received a reply from you to my letter of October 14 and October 15, 2010, which were sent via email, I hand delivered copies to you all on November 15, 2010.

Al Baylacq of Good Earth did come and talk to Peter Anderson and he was going to contact Palace Market at Point Reyes Station.

We also understand that Good Earth will be moving next year but that the coolers will continue to operate for the school lunches they will be preparing.

As I had mentioned in my letter of October 14, 2010, the exterior noise level at night should be 35 dBA. It was suggested to isolate the compressor from concrete with industry approved shock absorbers to reduce vibration and to construct a concrete sound barrier wall to enclose compressor unit.

We are doing what we can to insulate this house and to install more soundproof windows so we don't feel the vibration from the compressor. If your compressor is brought down to 35 dBA, as is required by law, it will make time we and our neighbours spend in our respective gardens more enjoyable.

We look forward to hearing from you.

Christina van der Plas-Nau

19 Claus Drive
Fairfax CA 94930
Telephone: 415 524-8649

March 5, 2011

Al Baylacq & Mark Squire
Good Earth
1966 Sir Francis Drake Blvd.
Fairfax CA 94930

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Department
Incident #100909020
Incident #101011037

**RE: 19 CLAUS DRIVE, FAIRFAX
HOW TO REDUCE VIBRATION OF COMPRESSOR**

With further reference to my letters of October 14, October 15, November 15 and December 22, 2010, concerning the decibel reading by the Fairfax Police Department of October 12, 2010, which was 20 decibels above what it should be for this residential area, we would like to let you know that the noise level inside our house has been reduced since we had sound proof windows installed last week for a cost of \$8,000.00.

The room we would like to use the most is the bedroom. It is, however, the closest to your coolers and compressor and the vibrations continue at the same intensity although the ambient noise level has been reduced. The bedroom is like a tuning fork, everything vibrates, the walls, the bedroom and the floors. The vibration is a separate issue from the noise according to our sound engineer.

Our garden is being transformed into a beautiful retreat where we would like to spend more time with family and friends. A quieter garden would be wonderful for us & our neighbors who share our concerns.

Al Baylacq did tell me he had an appointment with the engineer from Point Reyes Market. What was the engineer's recommendation?

We do hope this issue can be resolved soon in a friendly manner.

From: <lee@bayareanoisecontrol.com>
Subject: **RE: 19 CLAUS DRIVE, FAIRFAX - HOW TO REDUCE VIBRATION OF COMPRESSOR**
Date: March 14, 2011 6:08:39 PM PDT
To: "Christina Van Der Plas" <christinanau@gmail.com>

Who is employing this Sound Engineer? Can't he experience it for himself, first hand? The recommendations I gave you include such remedies. Use of isolators under machinery and vibration dampen your floors and walls.

Lee Brenner
Bay Area Noise Control
SoundProofing Remodelers, CA. Lic. #916001
Rated Best Contractor '08 by SFGate.com
As Seen on HGTV <http://www.livingwithed.net/egallery.asp?Start=11&Offset=1&target=22&CID=22>
lee@BayAreaNoiseControl.com
www.BayAreaNoiseControl.com
T: 415 386-3344; 800-4-less-dB
F: 415 386-2346; C: 415 308-8989

From: Christina Van Der Plas [<mailto:christinanau@gmail.com>]
Sent: Monday, March 14, 2011 5:38 PM
To: lee@bayareanoisecontrol.com
Subject: Fwd: 19 CLAUS DRIVE, FAIRFAX - HOW TO REDUCE VIBRATION OF COMPRESSOR

Dear Lee,

This is the response we just received from Good Earth.

How do we address the vibration issue?

We really appreciated all the help you gave us.

Christina van der Plas-Nau

Begin forwarded message:

From: "al@genatural.com" <al@genatural.com>
Date: March 14, 2011 11:51:50 AM PDT
To: Christina Van Der Plas <christinanau@gmail.com>
Subject: Re: 19 CLAUS DRIVE, FAIRFAX - HOW TO REDUCE VIBRATION OF COMPRESSOR

Christina,
Thank you for your note and your continued patience with us.

We have another date with our sound engineer next Wed 10am. (3/23)
He has asked whether you would be open to him meeting you in your house that morning?

The vibration issue from his POV is quite tricky and he's looking to know first hand what you hear and feel from within the house.

We haven't been able to detect such vibration in our walls or containers near by- I'm not suggesting that there isn't any vibration, just that we should know first hand where, how, and to what levels it does exist for you- which is what we are all after in the first place.

Are you comfortable with such a meeting next Wednesday?

Al Baylacq, Partner
Good Earth Natural Foods, INC.
1966 Sir Francis Drake Blvd.
Fairfax CA 94930
415-454-0123 Ext. 222
415-744-1809 Computer Fax

On Mar 12, 2011, at 12:19 PM, Christina Van Der Plas wrote:

<Good Earth March 5, 2011.docx>

Dear Al:

I put the attached letter in your mail box at Good Earth. Did you receive it?

What was the engineer's recommendation?

I look forward to hearing from you. Please call me at 415 524-6849.

Christina van der Plas-Nau

From: Christina Van Der Plas <christina.vdp.nau@gmail.com>
Subject: **Fwd: 19 CLAUS DRIVE, FAIRFAX - HOW TO REDUCE VIBRATION OF COMPRESSOR**
Date: March 23, 2011 5:36:15 PM PDT
To: al@genatural.com
Cc: mrock@townoffairfax.org

Begin forwarded message:

From: Christina Van Der Plas <christinanau@gmail.com>
Date: March 23, 2011 5:27:03 PM PDT
To: al@genatural.com
Cc: mrock@townoffairfax.org
Subject: Re: 19 CLAUS DRIVE, FAIRFAX - HOW TO REDUCE VIBRATION OF COMPRESSOR

Dear Al,

Thank you for coming by this afternoon with Harold Goldberg to address our concern about the noise from your store compressors, which has been affecting us since last August.

After you and Harold put your ears to our bedroom outside walls and checked the vibration on the floor you both got a sense of the problem at hand. Harold then measured the sound coming into the bedroom and office. We all spent time in the garden and heard the noise there, plus Harold took pictures of the market equipment visible from our garden.

Peter and I were pleased to hear from you Al that your contractor is ready to go ahead and put a sound barrier between your coolers and the south side of our house next week.

We are excited about turning our house into a "green" house and garden as a model for the whole neighborhood. We are also committed to the idea of businesses and neighbors cooperating to make Fairfax a more livable community. We think you and your partners are leading the way.

We hope that our efforts compliment yours in some small way and we look forward to working with you.

Peter is looking forward to talking to you about your plant list and looks forward receiving Harold's spec list for the wall in the bedroom.

Regards, Christina and Peter

On Mar 14, 2011, at 11:51 AM, al@genatural.com wrote.

Christina,
Thank you for your note and your continued patience with us.

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The vibration issue from his POV is quite tricky and he's looking to know first hand what you hear and feel from within the house. We haven't been able to detect such vibration in our walls or containers near by- I'm not suggesting that there isn't any vibration, just that we should know first hand where, how, and to what levels it does exist for you- which is what we are all after in the first place.

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Christina van der Plas-Nau

From: Christina Van Der Plas <christina.vdp.nau@gmail.com>
Subject: Vibration of Compressor next to 19 Claus Drive, Fairfax
Date: April 13, 2011 2:20:03 PM PDT
To: al@genatural.com
Cc: Michael Rock <mrock@townoffairfax.org>

Al Baylacq & Mark Squire
Good Earth

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Dept.
Incident #100909020
Incident #101011027

Dear Al,

Based on our conversation with you and the decibel readings Harald Rosenberg took in our house and in the garden on March 23, 2011, we were under the impression you would be building an engineered structure that would be effective in noise and vibration reduction.

After your enclosure was built a few days ago, we were not aware of any reduction in noise or vibration.

We asked the Fairfax Police Department to take another reading yesterday, April 12, 2011 to compare it with the reading of October 9, 2010. There is no reduction in the decibel level, it is actually high now at 55,8 dBA than it was in October 2010.

We talked to Police Sergeant James O'Callaghan and Police Officer Mark Howlett at great length as to what could be done.

According to our sound engineer, Lee Brenner of Bay Area Noise Control, the Fairfax Chapter 8.20 Noise Control Policy declaration states:

For RESIDENTIAL, NIGHT 10:00 p.m. - 7:00 a.m. IT SHOULD BE 35 DBA IF THE NOISE IS A CONTINUAL HUM.

As mentioned to you in our letter of March 5, 2011, the following needs to be done:

ISOLATE COMPRESSOR FROM CONCRETE WITH INDUSTRY APPROVED SHOCK ABSORBERS TO REDUCE VIBRATION

CONSTRUCTION OF A CONCRETE SOUND BARRIER WALL TO ENCLOSE COMPRESSOR UNIT

As we mentioned to you in our letter of March 5, 2011, we did have sound proof windows installed at a cost of \$8,000.00 but the vibrations, particularly in our bedroom, have not decreased.

We have been here since the end of August 2010 and have been restricted in being able to use all our rooms, particularly at night.

You also mentioned you would replace the machinery with a quieter compressor. When will this happen?

Will the compressor and refrigerators remain after you move in October 2011?

Looking forward to your early reply,

Christina and Peter



JAMES O'CALLAGHAN
Police Sergeant

FAIRFAX POLICE DEPARTMENT
144 Bolinas Road
Fairfax, CA 94930

(415) 453-5330
Fax (415) 457-8769
www.fairfaxpd.org
jocallaghan@fairfaxpd.org

4-12-11
DB READINGS.
55,8 DB SE CORNER
47 DB N SIDE HOUSE
52,5 DB BACK YARD
39 DB NW BEDROOM
FAIRFAX P.D. SOUND
METER.

From: "al@genatural.com" <al@genatural.com>
Subject: **Re: Vibration of Compressor next to 19 Claus Drive, Fairfax**
Date: April 15, 2011 11:48:57 AM PDT
To: Christina Van Der Plas <christinanau@gmail.com>
Cc: Michael Rock <mrock@townoffairfax.org>

Christina,
Thanks for the follow up, feedback and suggestions.

We aren't done with our efforts- an additional wall that should certainly help will be in place by tomorrow that will be installed along the walkway/easement.

I also have an order for a material that will absorb the sounds that will be placed on all of the wood paneling that we just installed, including our own building facade that faces your home.

I tried to make it very clear while in your home two weeks ago that come late October, we will shut down this building and all of its refrigeration.

The isolation of vibration is not possible. What we hear in your bedroom wall is not "ground vibration" according to Harold. He calls it more "reverberation".

I also heard from Harold the single best thing that could help with the noise in your bedroom is to insulate that hollow wall. I recall Peter and Harold talking about the options and procedures that could be exercised for that wall in bedroom.

Anyways, thats my update for now. I really hope that the next couple of steps we take will minimize to your satisfaction the reduction of noise.

Sincerely,

Al Baylacq, Partner
Good Earth Natural Foods, INC.
1966 Sir Francis Drake Blvd.
Fairfax CA 94930
415-454-0123 Ext. 222
415-744-1809 Computer Fax

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Al Baylacq & Mark Squire
Good Earth

Michael Rock, Town Manager
Town of Fairfax

Fairfax Police Dept.
Incident #100909020
Incident #101011027

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Will the compressor and refrigerators remain after you move in October 2011?

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From: Christina Van Der Plas <christinanau@gmail.com>
Subject: Re: Vibration of Compressor next to 19 Claus Drive, Fairfax
Date: May 14, 2011 9:04:39 PM PDT
To: al@genatural.com
Cc: Michael Rock <mrock@townoffairfax.org>



Dear Al,

You told us on April 15, 2011 that you would mitigate the noise level from your cooler with a structure that would be ugly but would lower the decibel level. The plywood structure you had built is ugly and it doesn't reduce the decibel level at all.

Last night at 11:00 p.m., the Fairfax Police measured the decibels. No change. You are still at least 15 dBA over the legal limit.

We first contacted you about this code violation on October 14, 2010 - 8 months ago.

We are still waiting for you to deal with this problem as you said you would.
We trust your word is good.

Peter and Christina

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Thanks for the follow up, feedback and suggestions.

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Good Earth Natural Foods, INC.
1966 Sir Francis Drake Blvd.
Fairfax CA 94930
415-454-0123 Ext. 222
415-744-1809 Computer Fax

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Good Earth

Michael Rock, Town Manager
Town of Fairfax

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ISOLATE COMPRESSOR FROM CONCRETE WITH INDUSTRY APPROVED SHOCK ABSORBERS TO REDUCE VIBRATION

CONSTRUCTION OF A CONCRETE SOUND BARRIER WALL TO ENCLOSE COMPRESSOR UNIT

As we mentioned to you in our letter of March 5, 2011, we did have sound proof windows installed at a cost of \$8,000.00 but the vibrations, particularly in our bedroom, have not decreased.

We have been here since the end of August 2010 and have been restricted in being able to use all our rooms, particularly at night.

You also mentioned you would replace the machinery with a quieter compressor. When will this happen?

Will the compressor and refrigerators remain after you move in October 2011?

Looking forward to your early reply,

Christina and Peter