

Town of Fairfax  
Planning Commission Meeting  
May 15, 2008  
Fairfax Women's Club, 46 Park Road

ROLL CALL: Brannon Ketcham  
Pamela Meigs  
Shelby LaMotte  
Shelly Hamilton (arrived approximately 6:40 pm)  
Peter Lacques (arrived approximately 6:50 pm)  
Alec Hoffmann (arrived approximately 6:50 pm)

Absent: Peter Goyan

Staff present: Planning Director, Ann Welsh  
Senior Planner, Linda Neal (arrived approximately 8:25 pm)

CALL TO ORDER approximately 7:30 pm

APPROVAL OF THE AGENDA

Chair Meigs asked to pull 771 Center Blvd as she had questions and asked to place it on Public Hearing Items.

M/S Meigs-LaMotte motioned to move Center Blvd from the Agenda and place on Public Hearing Items.

AYES: All (3)

APPROVAL OF MINUTES

Minutes from April 17, 2008 meeting.

M/S Ketcham-LaMotte motioned to move the Minutes until after the Public Hearing Items.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comments.

Note: 44 Sequoia and 60 Canyon were approved as items on the Consent Calendar.

4. 771 Center Blvd ., Application # 08-27, Use Permit for Children's Fun Center

Chair Meigs asked about one staff member per seven children and if another staff person would be called if the number of children exceeds seven. Planning Director Welsh advised that it is difficult to revoke a use permit, but a condition could be added if there

were any issues (traffic, etc) within 6 months to a year, that the permit be revisited to determine a scheduling agreement for example to stagger traffic. Commissioner Ketcham asked if the karate studio that resided previously at the location could be comparable in traffic. Planning Director Welsh felt it was an adequate comparison.

Applicant, Jules Howard from San Geronimo spoke about parties per Chair Meigs' question. The applicant advised that parties would be held on weekends and would have no more than 20 kids. Chair Meigs asked what kind of merchandise would be sold. Ms. Howard advised that she would be selling logo t-shirts and sweatshirts. Commissioner Ketcham asked how she would propose the limits of number of kids for the open periods. Ms. Howard advised that the capacity was 20 kids and it would be by reservation or if there were spots available for drop-in, she would allow it, but no more than 20. Ms. Howard explained that there would be three employees at all times: one at the front desk and two employees to assist the kids and oversee activities. Ms. Howard was charging \$8 per hour per child. Chair Meigs questioned whether a license was required for the type of facility. Ms. Howard said that one licensed person would be present and Commissioner Hamilton advised to place that the applicant was required for any necessary licensing in the conditions.

No public had comments.

Commissioner Hamilton proposed recommended finding Staff determined that the proposed use is not expected to propose a greater traffic impact than on any previous (make it number 5 to findings) and if traffic, circulation traffic, or noise does become an issue at any time, the use permit shall be reviewed. The applicant will meet any and all licensing requirements for the proposed use of the space.

M/S LaMotte-Ketcham motioned to approve Application # 08-27, Children's Fun Center, with the added findings and conditions and recommendations (above) of Staff/Commissioner Hamilton.

AYES: All (6)

#### 5. 118 Francis Ave # 08-25, Use Permit and Variance

Chair Meigs asked if the lot adjustment would only be approved and Planning Director Welsh confirmed that only the line was being moved to accommodate the adjacent parcels' property for setback and would be a Staff level lot line adjustment when the application is reviewed due to it being a minor change.

John Arnold, Architect, advised the arborist report came into question prior to deciding to remove decks only. The decks have been removed, but he has yet to get an arborist report.

Commissioner Ketcham felt setbacks apply to a building, but Ketcham felt setbacks were linked to the property line. Senior Planner Neal advised that setbacks were linked to

property line as well and she would in the future provide setbacks for all structures on a property.

John Arnold, Applicant and Architect answered Chair Meigs' question about the arborist report. He confirmed Commissioner Hamilton's question if the location of the study is the same footprint as the former shed. Commissioner LaMotte felt the oak tree was really close to the excavation and it still may be worth getting the arborist report. Commissioner Hoffmann asked if the applicant had looked at moving the study away from the trees. Mr. Arnold advised they had looked at moving it, but the slope did not allow it and the only other flat area was close to the neighbor and yard. Chair Meigs asked about green building measures. Mr. Arnold said they were keeping green building in mind, but hadn't started plans and asked if the Commission had recommendations. Commissioner Hoffmann recommended FSC Certifiable lumber for framing, forest stewardship lumber available at most supply stores, high content fly ash for the concrete foundation, sustainable siding materials, durable (such as metal) roofing materials, be as energy efficient as possible since solar was not an option (north facing structure and trees), non-toxic materials (formaldehyde-free) for indoor work.

No public comments.

Commissioner Ketcham asked why Staff did not hold the application along with the other two applications since it was one property and the applications seemed to be linked. Planning Director Welsh advised since the applications were turned in separately, we were required to hear the application within a certain time frame. Senior Planner Neal advised all different companies turned in applications at all different times. The parking deck from approximately a year prior had been changed to a garage, but that was not up for approval at the time of the meeting. Senior Planner Neal advised that the Commission could deny approval until all three applications were presented at the same time, but because of the stream-lining act, there was a timeline of reviewing applications. Commissioner Ketcham was concerned with "piece meal".

\*8:40pm

Commissioner Hamilton wanted the condition that the lot line adjustment ensures at least a 12 foot setback as shown in the drawings and request an arborist report.

*ACTION:* Attach Minutes to future application regarding the carport.

Commissioner Lacques asked if the applicant was willing to wave the streamlining act to hold the applications until all three could be presented. Mr. Arnold was unwilling to hold the applications due to the timing of the contractor needing to start one project as another finished.

Commissioner LaMotte felt that the applicant had followed rules well and was not trying to be devious in how the applications came before the Commission. Commissioner Hoffmann felt comfortable approving the project as there was an existing structure and the setbacks kept the neighboring properties in mind. Chair Meigs felt that the applicant

was willing to do a deed restriction was commendable and echoed Commissioner Hamilton's recommended conditions with the lot line and arborist report. Commissioner Lacques did not recognize the urgency in approving the project and wanted to see all three applications at one time. He also agreed with the lot line adjustment. Commissioner Ketcham stressed the body of evidence in applications and wanted to be sure all documents were presented accurately by Staff, Commission and Applicants for the current state and what was being proposed. He agreed with green building recommendations. Commissioner Hamilton felt comfortable with the project with four added conditions. 1) Subject to approval of the lot line move as stated in the staff report. 2) An arborist report assessing trees before, during, and after construction to ensure the health of the trees. 3) The project shall meet all other outside agency requirements. 4) Submission of current as built site plan indicating current buildings state at the time of application's approval.

M/S LaMotte-Ketcham motioned to approve, 118 Francis Avenue, Application # 08-25 as described in the staff report and with four additional conditions (above).

Chair Meigs added a friendly amendment that the structure not be used as a dwelling unit and that a deed restriction be written.

AYES: All (6)

Chair Meigs advised that any Public had 10 days to appeal the application and the application was available at Town Hall.

## REVIEW OF DRAFT ORDINANCES

Continued discussion of the Mixed Use Overlay Ordinance  
Planning Director Welsh reviewed revisions made to the Draft and Rationale.

*ACTION:* When the May 1, 2008 Minutes are approved, send the Minutes to Town Council.

M/S Hamilton-Lacques motioned to eliminate the first sentence and the "or" of the Rationale.

### § 17.97.040 Land Use Regulation Section

M/S Hamilton-Ketcham motioned the Planning Commission approved the attached Draft Mixed Use Overlay Zone Ordinance, MX Zone Rationale document and Exhibits 1-7 and recommends them for further review and final approval by the Town Council. Upon final approval by the Town Council of the Mixed Use Ordinance and its accompanying CEQA documents, the Commission recommends that a chapter be added to the Fairfax Municipal Code establishing said Ordinance.

AYES: All (6)

Commissioner Ketcham and Commissioners recognized Chair Meigs and Commissioner Hamilton for all of their work on the sub-committee to finalize the Ordinance. Chair Meigs also thanked everyone as she was very proud of what the Commission was presenting to Town Council.

#### APPROVAL OF MINUTES

Chair Meigs asked to revise the April 17, 2008 meeting, page 10, third paragraph, to read “she could not vote for the previous statement” (add not) “due to the concern of the density and height.”

M/S Hamilton-Lacques motioned to approve the minutes from the April 17, 2008 meeting.

AYES: All (5)

ABSTAINED: Hoffmann (1)

#### COMMISSIONER COMMENTS and REQUESTS

Chair Meigs advised Commissioner LaMotte was interested in the FAR, so she would attend the meeting. Chair Meigs wanted to put effort toward the Tree Ordinance while she was still in her position. Chair Meigs would discuss the issue with Consultant Kennings and if it needed to go to Town Council, she would recommend Commissioner LaMotte as an alternate.

Chair Meigs felt that any Commission present at Town Council meetings would be appreciated as they would most likely have a lot of questions.

*ACTION:* The issue of going to action minutes versus summary minutes would be placed on the Town Council’s agenda.

M/S Hamilton-Ketcham motioned to adjourn the meeting at 9:37 pm.

These are summary minutes. A recorded copy is available.

Respectfully submitted,

Amy Dunnigan, Minutes Clerk