

DRAFT Town of Fairfax Special Planning Commission Meeting Minutes  
Fairfax Women's Club  
Thursday, May 26, 2016

Call to Order/Roll Call:

Chair Kehrlein called the meeting to order at 7:00 p.m.

COMMISSIONERS PRESENT: Norma Fragoso  
Esther Gonzalez-Parber  
Laura Kehrlein (Chair)  
Mimi Newton

COMMISSIONERS ABSENT: Bruce Ackerman  
Philip Green  
Shelley Hamilton

STAFF PRESENT: Jim Moore, Planning Director  
Linda Neal, Principal Planner  
Michelle Levinson, Permit Technician

**APPROVAL OF AGENDA**

M/s Fragoso/Gonzalez-Parber, Motion to approve the agenda.

AYES: Fragoso, Gonzalez-Parber, Newton, Chair Kehrlein

ABSENT: Ackerman, Green, Hamilton

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no comments.

**PUBLIC HEARING ITEMS**

There were no Public Hearing items.

**DISCUSSION ITEMS**

1. Continued discussion of policies and review and editing of an Ordinance amending the Fairfax Town Code to rezone all properties currently located in the Highway Commercial (CH) Zone to Central Commercial (CC) Zone: specifically, updating the permitted and conditional use list in the Central Commercial Zone Classification.

Planning Director Moore presented a staff report.

Chair Kehrlein asked for a page-by-page review of the ordinance.

Chair Kehrlein referred to page 2 of the staff report and wanted to make sure the zoning map would take precedence in the event there was a discrepancy between the map and the Assessor's Parcel Number (APN) table. Planning Director Moore stated the map is the precedence since the table is being redacted with regard to the Central Commercial Zone.

Commissioner Newton referred to page 2, Section 1, "Kennel" and asked if the ordinance has a definition for both "kennel" and "kennels". Principal Planner Neal stated "yes". Commissioner Newton stated the definition should be in the plural. Commissioner Fragoso agreed.

Chair Kehrlein referred to page 4, Section 3, "Commercial Uses" and explained that some of these uses were taken out of the "light industrial" category.

Chair Kehrlein referred to page 5, Section 3, "Financial Institutions", and noted most have an automated teller machine. Principal Planner Neal stated if an ATM machine is outside of the building then it needs Design Review. Planning Director Moore noted drive-through ATM's are permitted but with limitations. Commissioner Fragoso asked about the limitations. Principal Planner Neal stated traffic/parking impacts could be one limitation. Commissioner Newton stated this would be based on the Conditional Use Permit criteria.

Chair Kehrlein referred to page 6, Section 3, and pointed out the addition of the "Maintenance and Repair Services" which came out of the previous "Light Industrial" category. She asked how the light industrial types of uses (warehouses, etc.) would be handled. Planning Director Moore referred to the Table on page 14, "Industrial Uses- Light Industrial", and noted the Commission covered that and added the appropriate stipulations. Commissioner Newton asked why the definition of "Light Industrial" was left out in the ordinance. Commissioner Fragoso agreed- some definition for what they are now calling "Light Industrial" would be appropriate. Planning Director Moore stated staff would take a look at that.

Chair Kehrlein referred to page 14 and asked why "Light Industrial" was a Permitted Use and would not require a Use Permit. Planning Director Moore agreed- the "P" would be changed to a "U".

Commissioner Newton referred to the "publishing" vs. "printing" discussion at the last Commission meeting and asked what category desktop publishing (Internet-based services) was placed. Chair Kehrlein stated "publishing" was stricken from the "Personal Services" category. Commissioner Newton stated printing was more industrial. Commissioner Fragoso stated the Commission saw publishing as being more industrial. Commissioner Newton disagreed- the Commission discussed desktop publishing on a computer and the process of making a book would be considered printing and bookbinding. Planning Director Moore suggested not eliminating "publishing" from the Personal Services category and calling it "desktop publishing". Commissioner Newton discussed the concept of "volume" and asked if the Commission drew a distinction between small vs. large scale. Commissioner Fragoso stated "printing and publishing" could be added to the definition of "Light Industrial" and "desktop publishing" could remain under "Personal Services". Planning Director Moore stated "large scale book printing and binding" would be added to the definition of Light Industrial and "desktop publishing" would remain in the Personal Services category.

Chair Kehrlein referred to page 6, Section 3, and stated "self-service laundries" should be moved from the Personal Services category to the Cleaning Services category.

Commissioner Fragoso referred to page 7, Vehicle/Equipment Sales and Services, and noted the table on page 14 was blank with respect to this category. Commissioner Fragoso stated a Use Permit should be required.

Commissioner Newton asked if garbage or recycling services were addressed. Planning Director stated that could be added to the new definition of Light Industrial.

Chair Kehrlein noted the Commission did not discuss Residential Uses at the last meeting. She asked for comments.

Commissioner Fragoso referred to page 8, "Family Day Care Home" and stated she thought the limit was six children. Principal Planner Neal stated cities could not require a Use Permit for a business with six or fewer children in a residential area. This category is talking about larger day care centers.

Commissioner Newton referred to page 8, "Adult Day Care Home" and asked that the phrase "including elderly persons" be eliminated. The Commission agreed that this should be a permitted use.

Commissioner Gonzalez-Parber asked if there was a definition for skilled nursing facilities. Planning Director Moore stated this could be added to the Residential Care Home category.

Commissioner Newton had questions about the Congregate Living Facility category. Commissioner Gonzalez-Parber suggested replacing the word "apartments" with "individual living quarters". Commissioner Newton suggested the following wording: "group cooking facilities". Commissioner Fragoso suggested renaming the category from Congregate Living Facility to "Group Living Home".

Chair Kehrlein asked where pre-schools were listed in the ordinance. Commissioner Fragoso stated this type of facility was licensed and she was not sure they should be located in the downtown and had requirements that could not be accommodated in the Central Commercial Zone. Principal Planner Neal noted there were several already in existence. They should be allowed with a Use Permit. Commissioner Newton stated a definition for Commercial Child Care should be added. It could be defined as Youth Services (in the Commercial category) and would include commercial day care, educational after school programs, etc.

Chair Kehrlein stated the Congregate Living Facility and Group Residential categories seem to be the same. Commissioner Fragoso stated they could be combined. Commissioner Newton agreed and stated the definition could specify "separate kitchens" or "a central kitchen". Planning Director Moore stated this newly created category could be broadly defined which would allow for variation or exclusion. A Use Permit would be required. Commissioner Newton recommended eliminating the Group Living Home category and replacing it with the following wording in the Group Residential category: "Shared living quarters *with or without* separate kitchen or bathroom facilities... *This classification does not include services and facilities licensed by the State of California*".

Commissioner Newton referred to the Residential Care Home category and noted it did not include medical care. Commissioner Fragoso stated skilled nursing care should be included in this category. Commissioner Gonzalez-Parber disagreed and noted they have other requirements. Commissioner Newton referred to the second paragraph and stated she did not understand the terms "congregate living health facilities" and "family care homes". Chair Kehrlein stated these were terms used in conjunction with State regulations.

Commissioner Fragoso referred to the Single Room Occupancy category and noted there was no definition. Planning Director Moore stated staff would work on a definition.

Commissioner Newton referred to the Second Unit category and suggested eliminating the word "housekeeping".

Commissioner Gonzalez-Parber suggested replacing the word "handicapped" with "disabled" wherever it appears.

Planning Director Moore stated staff would work on the Skilled Nursing category and present it to the Commission at the next meeting. Commissioner Newton stated it should require a Use Permit.

Commissioner Fragoso referred to the Supportive Housing category and noted it fits under a particular Health and Safety Code and is typically a non-profit organization that is not required to be licensed. Transitional Housing is a very specific Federal category that requires a maximum of 18 months stay and not less than 6 months stay (a homeless shelter). It can be a homeless shelter which has a 3-month maximum. Commissioner Newton suggested adding a Homeless/Emergency Shelter category. Planning Director Moore stated this has been added to the Town Code and would be easy to add to the ordinance.

Commissioner Newton stated there was a reference to dispensaries on page 2 and she asked if a delivery service could be run out of this zone. Planning Director Moore stated cultivation would not be allowed in this zone and the idea of delivery services would be coming back to the Commission.

Planning Director Moore stated staff would work on the Skilled Nursing category and present it to the Commission at the next meeting. Commissioner Newton stated it would require a Use Permit.

Commissioner Newton referred to the top of page 11 and asked if the zoning map took precedence over the assessor parcel maps with respect to land use designations. Planning Director Moore stated "yes" but that was not part of the Commission's task tonight- they are simply eliminating the Highway Commercial Zone (CH) and folding it into the Central Commercial Zone (CC). The other zones are not being addressed yet.

Chair Kehrlein asked for comments on the table.

Commissioner Newton referred to page 14, "Adult Day Care" and asked if this use should require a Use Permit. Commissioner Fragoso stated the Town was not allowed to require a Use Permit. It was the consensus of the Commission that the Small Family Day Care Home category, the Residential Care Home category, and the Second Unit category, should be permitted uses; the Large Family Day Care Home category, Multi-Family Residential category, the Single Room Occupancy category, the Emergency Homeless Shelter category, Supportive Housing, and Transitional Housing should require a Use Permit; the Junior Second Unit category should be eliminated from the table. Commissioner Fragoso referred to page 9 and suggested "Multi Family Residential" be renamed "Second Story CC Residential Units". Planning Director Moore stated a property in the CC Zone that was historically residential and converted to commercial should be allowed, with a Use Permit, to be converted back to residential on both floors. The Commission agreed.

Planning Director Moore stated staff would bring back the revisions and clarity on the Commission's questions at the next meeting.

#### **COMMISSIONER COMMENTS AND REQUESTS**

Planning Director Moore reported that Commissioner Hamilton was stepping down from the Commission. She would continue until the Council appoints a replacement.

#### **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary