

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, February 16, 2012

Call to Order/Roll Call:

COMMISSIONERS PRESENT: Barbara Coler
Morgan Hall
Laura Kehrlein
Brannon Ketcham (arr. 7.15 p.m.)
Peter Lacques
Shelby LaMotte (Vice-Chair)

COMMISSIONERS ABSENT: Shelly Hamilton (Chair)

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Vice-Chair LaMotte called the meeting to order at 7.05 p.m.

APPROVAL OF AGENDA

Senior Planner Neal noted that the Election of New Chair and Vice Chair should be removed.

M/S, Hall/Lacques, Motion to approve the agenda as amended.

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mike Zaleski, owner of the Tutoring and Learning Center, expressed his dismay that the curbside outside his business on Sir Francis Drake Boulevard had been painted red. He said that parking had been limited already in the area and that their clients could no longer pull up legally and drop off students. Mr. Zaleski also discussed the problems with a left turn lane that had been extended as part of the Good Earth project.

Bill Lehrke, owner of a commercial property and apartment property on Sir Francis Drake Boulevard, also expressed his vexation that parking had been removed outside his property. Furthermore, he said that access to his property was nearly impossible with the extension of the left turn lane. Mr. Lehrke noted that a project connected with his property had been turned down due to lack of parking and that it now had access to even less.

Katherine Horton, commercial property owner, said that there had been two to three parking spaces outside her business to enable people to stop and pick up food, which had now been removed. She noted that her property and those in the vicinity were viable businesses that were

not in down town; that she had been excited by the Good Earth project, but that they had lost valuable parking spaces. She said she shared the concerns of the previous speakers about the left turn lane and suggested ways the problems could be mitigated.

Mayra, hair salon owners, said that parking had always been an issue and that she was dismayed to learn that even more parking had been removed. She said she needed a space for one customer at a time and she recounted parking problems that had already occurred. She noted that the businesses affected were small and needed parking.

Kelly Day, owner of Pancho Villas restaurant and a residential property, also noted that parking had always been an issue and that she was shocked that the whole block had been red lined. She said that she supported the Good Earth but that they would be squeezed out without parking in front of their properties.

Bonnie Zaleski, co-owner of the Tutoring and Learning Center, agreed that parking had always been an issue and that safety issues also existed. She said it was important that parents could drop off young students safely. Ms. Zaleski discussed a safety issue concerning cars that drove around buses when they had stopped at the bus stop, which had moved further along the road and had taken up parking spaces.

Planning Director Moore said that he empathized with all the property/business owners who had spoken and suggested that they address the Town Council at the forthcoming meeting. Mr. Moore discussed long term mitigation measures that included re-visiting the impact of the left turn pocket, and he discussed an analysis that had been undertaken in relation to the General Plan. He said that in the long term, there was hope that a Town Center Plan could include solutions to increase parking in their vicinity but that immediate corrections would lie with the Town Council.

Commissioner Lacques said that he shared their concern and that he hoped it would be addressed.

Commissioner Ketcham noted that the red lining of the sidewalk had not been part of the plans presented to the Planning Commission for the Good Earth project, and that the traffic pattern seemed to be different to that which had been discussed. He suggested that the concerned citizens should contact staff and Town Council members prior to the next Council Meeting.

Commissioner Coler also suggested ways in which they could get some potential action from the Town council and Mr. Moore discussed ways in which the issue could be agendaized at the next Council Meeting.

Commissioner LaMotte said that it was not lost on them that one parking space could provide space for numerous cars during the day. She noted that the Mayor's telephone number was on the Town's website and that they supported them as neighbors.

CONSENT ITEMS

No consent items were scheduled.

PUBLIC HEARING ITEMS

1. 40 Forrest Terrace: Application # 11-04 : Continued consideration of a request for a Variance to legalize an unpermitted deck constructed within the required minimum 5 foot side yard setback and the combined 20 foot side yard setback; Assessor's Parcel No. 002-091-01; Residential RD 5.5-7 Zone; Harold Lezzeni, Architect/Applicant; Julian and Martha Pearl, owners; CEQA categorically exempt, § 15301(e) and 15305(a).

Senior Planner Neal provided background information on the project and she noted that the item had been continued at a previous meeting to give the applicants time to decide whether or not to remove the deck.

Ms. Neal discussed the purpose of variances in relation to the project and noted that staff could not make the findings that allowed a deck to be built up to the side property line. Thus, staff had recommended that the project be denied, although she suggested that the Commissioners could make possible findings in relation to the abutting easement, which she discussed.

Planning Director Moore discussed his concern that by making findings to support the project, a precedent could be set. Mr. Moore noted that the Fire Department had ruled that the property need not be firewalled when informed of the existence of the easement, which would otherwise have been an onerous imposition for the owners.

Ms. Neal noted that if the project were approved, then a condition ought be added that a survey should be undertaken to ensure the deck did not encroach the property line.

Commissioner Ketcham and Ms. Neal discussed the lower floor access in relation to removal of the decks. Ms. Neal noted that there was an internal stairway which connected the upper and lower floors and she noted that if an external access area were built, then a setback variance would not be required if the deck were removed.

Ms. Neal and Commissioner Lacques discussed the easement.

Julian Pearl, applicant, said that they had no desire to keep the deck but that it would be a useful staging area while they worked on their house. He said that they anticipated removing the deck in November.

In response to Commissioner Lacques, Mr. Pearl said that a low retaining wall would need to be built when they removed the deck for reasons he explained.

General discussion between staff, the applicant and Commissioners took place on the way forward. There was general agreement that the project should be denied but with the

understanding that the deck would be removed at a future date and that proceedings would not be instigated to enforce the removal if the vote carried.

M/S, Coler/Ketcham, Motion to deny Application # 11-04, a request for a variance to legalize an unpermitted deck constructed within the required minimum 5 foot side yard setback and the combined 20 foot side yard setback at 40 Forrest Terrace:

Ayes: Coler, Hall, Kehrlein, Ketcham, LaMotte

Abstention: Lacques

Vice-Chair LaMotte read the appeal rights.

2. 1789 Sir Francis Drake Boulevard; Application # 12-0: Request for a modification of an existing Use Permit to allow a 199 square foot expansion of the existing service station kiosk to accommodate the sale of snack food items; Assessor's Parcel No. 002-127-01; Highway Commercial CH Zone; Laura Kehrlein, Fred Divine and Associates, Architect; Dusty Divine, owner; CEQA categorically exempt, §15301(e)(1).

Commissioner Kehrlein recused herself because she had a professional association with the project.

Commissioner Lacques recused himself because he lived within 500 feet of the project.

Senior Planner Neal presented a brief report. She discussed the reasons that staff could support the expansion to provide snack sales, which included the reason that the alterations would not substantially modify the use of the site and would be more in keeping with what other competing stations were providing.

However, Ms. Neal noted that the upkeep of landscaping had been an issue, so staff suggested that a deposit be made to cover one year of landscaping services in the event that the landscaping on the site would not be improved and maintained.

Commissioner Hall and Ms. Neal discussed the history of the use permit for a gas station. Planning Director Moore noted that the Town Attorney suggested that the original Use Permit be amended to include the selling of snacks, since the business was not proposing to sell prepared food.

Commissioner Hall said that he was concerned that the business was not privately-owned.

In response to Commissioner Coler, Ms. Neal said that a landscaping contract could be required by the Planning Commissioners.

Ms. Neal noted that the owners did not wish to expand the hours of operation and the kiosk would not be open beyond 9 p.m., the hours of operation of the gas service.

Project architect, Fred Divine, noted that the application was straight forward. He said that other jurisdictions in Marin County did not restrict the sale of snacks and drinks at gas stations, and he confirmed there would not be a food service.

Mr. Divine acknowledged that better care of the landscaping was needed and he discussed the removal of a bathroom door to a different location, which had experienced vandalism in its current location.

Commissioner Hall and Mr. Divine discussed the gas station's ownership. Mr. Divine noted that it was independently-owned.

Vice-Chair LaMotte noted that design review had not been scheduled for discussion. However, she said that she would encourage the owners to replace the terracing on the south side, which she would discuss at the next meeting when design review discussions would take place.

Planning Director Moore noted that the south side had a high exposure and agreed it could be made more attractive. He suggested that they include a sign.

M/s, Coler/ Hall, Motion to approve a request for a modification of an existing Use Permit to allow a 199 square foot expansion of the existing service station kiosk to accommodate the sale of snack food items at 1789 Sir Francis Drake Boulevard with the added condition that a landscaping maintenance contract be taken out.

AYES: All

Vice-Chair LaMotte read the appeal rights.

APPROVAL OF MINUTES

3. Minutes from the January 19, 2012 meeting.

M/S, Lacques/Coler, Motion to continue the minutes of January 19, 2012, due to a lack of a quorum.

AYES: All

PLANNING DIRECTOR'S REPORT

Planning Director Moore provided an update on the General Plan. He noted that he and consultant Larry Kennings had been editing the Housing Element with the Department of Housing and Urban Development.

Mr. Moore noted that the Lutheran Church had issued their Request for Qualifications and Proposal (RFQP) in relation to an affordable housing project.

Mr. Moore said that he had discussed a possible grant for a predevelopment project with Habitat for Humanity.

DISCUSSION ITEMS

4. Discussion/Consideration of a permitting process to allow "parklets" (temporary sidewalk extensions turning parking spaces into pedestrian gathering spaces).

Planning Director Moore suggested that this item be continued for further discussion, but that he had wished the commissioners to think about the possibility of “parklets”, which he noted could easily be removed if they did not work.

Mr. Moore said they would need to look at different strategies of implementing parklets, following direction from the Council. He said that Council gave staff direction to research ways of charging for the use of parklets if they took up parking spaces.

In response to Vice-Chair LaMotte, Mr. Moore said that parklets were often used to soften urban landscapes and that Council Member Bragman and certain merchants had brought the subject forward.

Mr. Moore discussed the legal reasons he had not contacted the gas station owner in relation to the Town Center Plan.

COMMISSIONER COMMENTS AND REQUESTS

General discussion took place on traffic circulation in the area of the Good Earth store and the nearby intersection.

Commissioner Coler said that the Lutheran Church and offered to sell land to the Open Space Committee that they could not develop. Mr. Moore discussed a site-capacity study in relation to a future affordable housing project on the Church’s property.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8.45 p.m.

Respectfully submitted,

Joanne O’Hehir