

**DRAFT** Town of Fairfax Planning Commission Minutes  
Fairfax Women's Club  
Thursday, August 23, 2012

**Call to Order/Roll Call:**

**COMMISSIONERS PRESENT:** Shelly Hamilton (Chair)  
Shelby LaMotte (Vice-Chair)  
Laura Kehrlein  
Brannon Ketcham

**COMMISSIONERS ABSENT:** Morgan Hall  
Barbara Coler  
Peter Lacques

**STAFF PRESENT:** Jim Moore, Planning Director

Chair Hamilton called the meeting to order at 7.03 p.m.

**APPROVAL OF AGENDA**

M/S, Ketcham/LaMotte, Motion to approve the agenda:

AYES: All

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

No one from the public came forward to speak.

**CONSENT ITEMS**

1. 135 Bolinas Road: Application #12-22

Use permit and Parking Variance to operate a combined retail/wholesale commercial establishment in the Central Commercial CC Zone District; Assessor's Parcel No. 002-104-24; Louise Loeber, owner; James Normandi, applicant; CEQA categorically exempt, §15303(c).

M/S, Ketcham/LaMotte, Motion to approve Consent:

AYES: All

Chair Hamilton read the appeal rights.

**PUBLIC HEARING ITEMS**

None

**PLANNING DIRECTOR'S REPORT**

None.

**COMMISSIONER COMMENTS AND REQUESTS**

None.

**ADJOURNMENT**

A motion was made, seconded and unanimously passed to adjourn the meeting at 7:04 p.m.

Respectfully submitted,

Jim Moore, Planning Director (acting Minutes-Secretary)

**DRAFT** Town of Fairfax Planning Commission Minutes  
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Thursday September 20, 2012

**ROLL CALL**

**COMMISSIONERS PRESENT:** Barbara Coler  
Morgan Hall  
Laura Kehrlein  
Brannon Ketcham  
Peter Lacques  
Chair Shelly Hamilton

**COMMISSIONERS ABSENT:** Vice Chair, Shelby LaMotte

**STAFF PRESENT:** Jim Moore, Director of Planning and Building Services  
Linda Neal, Senior Planner

**STAFF MEMBERS ABSENT:** Joanne O' Hehir, Minutes Clerk

**APPROVAL OF AGENDA**

**Consent Calendar**

**Resolution No. 12-02, 711 Center Boulevard, Fair-Anselm Creek Bank Restoration, Initial Study and Mitigated Negative Declaration; Application # 12-27**  
**Initial Study, Mitigated Negative Declaration and Creek Setback Variance to allow construction of a retaining wall and creek bank stabilization project within the required creek setback replacing an existing failing wall and stabilizing a compromised section of bank underneath Fair-Anselm Shopping Center and along the rear of the western parking lot; Assessor's Parcel No. 002-131-14; Central Commercial CC Zone District.**

Senior Planner Neal informed the Commission that the applicant's for agenda item # 4, 711 Center Boulevard, had requested a continuance until the October 18<sup>th</sup>, 2012 Commission meeting and staff recommended the Commission grant the continuance.

M/S, Coler-Hall, motioned to continue agenda item 4, 711 Center Boulevard, creek restoration project, until the October 18, 2012 meeting.

AYES: Coler, Hall, Kehrlein, Ketchan, Lacques, Chair Hamilton

**67 Park Road; Application # 12-26**

**Request for a Use Permit to construct a 167 square foot laundry room and full bath in a portion of an existing garage in an 1200 square foot single-family residence; Assessor's Parcel No. 002-012-05; Residential Multiple Family RM Zone District; Alex and Julie Witz, applicants/owners; CEQA categorically exempt, § 15301(a).**

M/S, Coler-Kehrlein, motion to approve application # 12-26 based on the findings and subject to the conditions contained in the staff report.

AYES: Coler, Hall, Kehrlein, Ketchan, Lacques, Chair Hamilton

#### **OPEN TIME FOR PUBLIC EXPRESSION**

Chris Lang, resident of 177 Canyon Road, informed the Commission that he is spear heading an idea to have Mot, a well known local artist, paint a mural on the concrete wall along the south wall of the Parkade along Center Boulevard. The concept was approved by the Park and Recreation Committee subject to Mr. Lang hanging a sign advising passers-by of the mural project as public outreach to obtain support for the concept. The Committee also required that the Artist in Residence be involve throughout the process and that Mr. Lang should obtain a sign permit from the Town. He finished by stating that Senior Planner Neal indicated that she would not issue a permit for the sign and Staff member Neal explained that the Park and Rec Committee had the authority to approve the temporary sign on public property.

#### **PUBLIC HEARING ITEMS**

##### **40 Forrest Terrace: Application # 12-21**

**Request for a Use Permit and a Variance to legalize an in ground Spa; Assessor's Parcel No. 002-091-01; Residential RD 5.5-7 Zone; Harold; Julien and Martha Pearl, applicants/owners; CEQA categorically exempt, § 15303(e).**

Senior Planner Neal gave the staff report.

Commissioner Coler indicated that she would like to discuss limiting the spa pump hours as requested by the neighbors.

Commissioner Lacques pointed out that if the Commission sets hours for the pump to run and then new neighbors move in the Commission will have to review the Use Permit to change the hours. He also pointed out that the spa is quite a distance from the property line and if the parcel were only wider, no discretionary permits would be required from the Commission. He asked staff if they knew how long the pump needs to run each day but staff did not know and neither did the applicant.

Commissioner Ketcham noted that there is a finding relating to noise that mirrors the condition relating to noise attenuation so if the noise is not adequately mitigated, the Use Permit can be reviewed by the Commission.

Chair Hamilton suggested that the following condition # 8 be added as follows: Mitigation measures shall be put in place to provide sound attenuation for the spa equipment to mitigate the impact of the project on the neighbors.

Commissioner Hall questioned whether an approval such as this one might set a precedent for other applicants trying to place structures or other uses that could impact neighbors within the required setback.

Commissioner Lacques stated that the unique facts about this request is that the structure (spa) is in the ground, has a greater than the minimum setback, the equipment will be soundproofed and the recommended findings include that this site is narrow.

M/S, Ketcham-Lacques, motion to approve application # 12-21 based on the findings and conditions contained in the staff report including the additional finding # 8 as follows:

Mitigation measures shall be put in place to provide sound attenuation for the spa equipment to mitigate the impact of the project on the neighbors.

AYES: Coler, Hall, Kehrlein, Ketchan, Lacques, Chair Hamilton

Commissioner Hall recused himself at 7:45 PM because he has a conflict of interest with the next project since he is the applicant's architect.

**31 Bolinas Road; Application # 12-28**

**Design Review of proposed exterior changes to a commercially zoned property to accommodate an outdoor eating area previous approved by Use Permit on July 21, 2011; Assessor's Parcel No. 002-122-01, 02 and 34; Central Commercial CC Zone District; Morgan Hall, architect/applicant; Peter Ammerall, business owner; Brad Schwann, property owner; CEQA categorically exempt, 15301(a).**

Senior Planner Neal gave the staff report.

Surane Gunasekara introduced himself, the project and the business owner, Peter Ammerall to the Commission, and made himself available for questions.

Commissioner Lacques asked the business owner to tell the Commission about what type of food he plans to serve after verifying with staff that the original Use Permit conditions of approval still apply to the property and to the new business.

Mr. Ammerall informed the Commission that he is a resident and the food will be similar to that served by Lydia's Lovin foods, vegan meals using local produce and products that will help achieve his environmental and sustainable goals for the restaurant. He indicated the hours will be from 10 AM to 10 PM and the restaurant will be closed on Mondays and that he has traveled extensively and has a lot of experience with vegan cuisine.

Commissioner Kehrlein verified that the project includes relocating the front entry as part of the deck design and that a new window will replace the existing front door because it is shown on the elevation but not on the floor plans.

Mr. Gunasekara verified the existing front door will be replaced with a new window.

Commissioner Ketcham stated that the newly relocated front door on the side of the building might be difficult for diners to find.

Senior Planner Neal explained that the new entry will have an extended canopy over it with a menu board on the wall adjacent to the swinging doors with lighting to draw attention to it.

Commissioner Coler remembered that the hours of operation for the outdoor eating area were supposed to end at 9 PM and she asked the owner how his plan to operate Tuesday through Sunday from 10 AM to 10 PM would work with this condition.

Mr. Ammerall stated that the outdoor eating area would have to be closed by 10 PM.

Commissioner Kehrlein informed the applicant that she appreciates that the new design includes benches for the public to use along the property frontage.

Mr. Gunasekara agreed and stated that the new wooden benches will be in harmony with the new design of the outdoor patio unlike the existing adobe bench.

M/S, Coler-Kehrlein, moved to approve application # 12-28 based on the findings and subject to the conditions contained in the staff report.

AYES: Coler, Kehrlein, Ketcham, Lacques, Chair Hamilton

### **APPROVAL OF MINUTES**

M/S, Kehrlein-Hamilton, moved to approve the August 16, 2012 meeting minutes with the following correction:

At the bottom of page two, "Commissioner Moore" should be changed to "Planning Director Moore".

AYES: Hall, Kehrlein, Lacques, Chair Hamilton

Commissioners Coler and Ketcham abstained because they had not been present at the meeting.

The minutes from the August 23, 2012 meeting were continued until the October 18, 2012 meeting because there is not a quorum of Commissioners present to take action on them.

### **TREE COMMITTEE**

The Commission tabled this item until the October meeting when all the Commissioners are present.

### **DIRECTOR'S REPORT**

Director Moore passed out copies of the 2010 to 2030 Fairfax General Plan; described a successful combination meeting between the General Plan Implementation Committee (GPIC) and the Affordable Housing Committee which included a presentation by the Community Church regarding their future site development by the developer, ????. He indicated that he would be getting his Town Council staff report out to Commissioner Coler and Commissioner Hall for their review since they are on the parklette committee.

Commissioner Coler informed the Commission that she had attended the Streets for People event and while the parklette demonstration was interesting it did not really represent a parklette because Bolinas Road was closed to traffic. She asked the Planning Director if there was going to be another meeting of

the Committee and David Smadbeck, Chamber of Commerce Member before the Town Council presentation.

Director Moore stated that the meeting she described will be occurring simultaneously with his report to the Town Council which will be requesting authorization to start implementing the parkletter program.

Chair Hamilton asked staff to give the Commission a sense of what is going on with the old Fairfax Gas gas station and Director Moore advised the Commission that staff will be filing a formal easement document at the County Recorder's Office to alert future buyers to the existence of the easement.

Chair Hamilton adjourned the meeting at 8:30 PM.

Respectfully submitted,

Linda Neal  
Senior Planner