

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, April 18, 2013

Call to Order/Roll Call

Vice-Chair LaMotte called the meeting to order at 7.10 p.m.

COMMISSIONERS PRESENT: Barbara Coler
Roxanne Ezzet-Lofstrom
Morgan Hall
Laura Kehrlein
Brannon Ketcham
Shelby LaMotte (Vice-Chair)

COMMISSIONERS ABSENT: Shelly Hamilton (Chair)

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner Neal
Mark Lockaby , Building Official
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

M/s, Coler/Hall, Motion to approve the agenda with the Planning Director's Report moved to the last item on the Regular Agenda:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

1. **12 Vista Way;** Application # 13-08, Request for a variance of the Minimum and Combined Side Yard Setback and a Use Permit in order to locate a second parking space in the side yard in order to allow conversion of a portion of the existing garage and a home office into a 380 square foot third bedroom, bathroom, and laundry room; ~~Assessor's Parcel No. 001-261-23; Residential Single-family RS 7.5 Zone; Gisela Hollis, architect/applicant; Edward Scheidelman and Joanna Brook, owners; CEQA categorically exempt, § 15301(a) and 15305(a).~~

PUBLIC HEARING ITEMS

2. **17 Woodland Road;** Application # 13-1: Request for a Hill Area Residential Development Permit, Excavation Permit, Design Review and Parking Variance for a proposed 50% remodel/addition to an existing single-family residence increasing the

square footage from 936 square feet to 1,696 square feet (with two living levels that will not be internally connected; Assessor's Parcel No. 003-053-13; Residential Single-family family RS 6 Zone District; Rich Rushton, Rushton Chartock Architects, applicant; Dan May and Kim Teevan, owners; CEQA categorically exempt, § 15301(e)(1).

Senior Planner Neal presented the staff report. She explained that a Hill Area Residential Development Permit would be necessary because the lot did not meet the minimum size requirements for a 50% remodel on a slope. However, Ms. Neal noted that the project met other code requirements, including FAR and lot coverage limitations. She discussed the reasons why an excavation permit would be necessary and the reason a Parking Variance was being sought.

Ms. Neal went on to discuss design review, which she said was necessary because the project consisted of a 50% remodel, and tree removal, which had been required by the Fire Department.

Ms. Neal discussed the reasons why staff had been able to support all aspects of the project, with the exception of a parking variance, for reasons she explained that were contained in the staff report.

Commissioner Ketcham and staff discussed the parking structure in relation to the Fire Code.

Rich Rushton, Project Architect, used the plans to discuss the project. He noted that they would be remodeling and upgrading the interior of the house while maintaining the character of the exterior of the dwelling. He discussed replacement of windows, the colors and materials, the retaining walls and new concrete apron. Mr. Rushton discussed the reasons why they believed covered parking should not be a requirement and for which they sought a Parking Variance. He provided photographic materials to the Commissioners of other properties in the area that did not have covered parking.

Vice-Chair LaMotte opened the public comment period.

Michael Sturtevant, Pine Drive, said that he had needed to adhere to the town code by providing covered parking when he built two houses and that the applicant should also be required to adhere to the rules.

In response to Mr. Sturtevant, Ms. Neal discussed the requirement of a Deed Restriction and confirmed that a second kitchen had not been proposed.

Senior Planner Neal and Commissioner Hall discussed the covered parking requirements. Ms. Neal noted that she had not worked for the Town when they had been introduced.

Commissioner Kehrlein and Ms. Neal discussed the findings that would be necessary to remove the need to provide a covered parking space. Ms. Neal confirmed that staff could not make the findings.

Commissioner Ketcham described how he could make the findings to obviate the need for a Parking Variance and therefore the need to provide covered parking.

Commissioner Hall and Mr. Rich discussed changes to the design of the decking whereby an area could be created that would hide garbage cans, etc., and thereby perhaps avoid the need to provide covered parking.

Commissioner Coler discussed the reasons she could not support the Parking Variance, although she said that the area would not be visible to anyone other than the people who lived at the property. Commissioner Ezzet-Lofstrom was in agreement.

Vice-Chair LaMotte explored possible findings with Ms. Neal in an effort to grant the Parking Variance.

Commissioner Ketcham discussed his concern that related to the Fire Code requirements and suggested that the Fire Department should be consulted regarding the necessity of providing a parking structure. He expressed further concern that if the Parking Variance were not granted, the Commissioners might not be required to review the design of a new covered parking structure.

Vice-Chair LaMotte discussed with Mr. Rich and staff how the project could be moved forward while the variance issue could be discussed after input from the Fire Department. Ms. Neal discussed the problems staff could envisage if permits were issued without the covered parking requirements being met beforehand.

General consensus was reached that further information on the carport design would be necessary.

M/s, Coler/Ketcham, Motion to approve Application # 13-1, a request for a Hill Area Residential Development Permit, Excavation Permit, Design Review and Parking Variance for a proposed 50% remodel/addition to an existing single-family residence increasing the square footage from 936 square feet to 1,696 square feet (with two living levels that will not be internally connected); to continue the application for the variance for covered parking; that the building permit should not be issued until the variance is granted or a structure is approved at 17 Woodland Road.

Vice-Chair LaMotte suggested a friendly amendment, which was accepted by Commissioner Coler, that the Planning Commission review the plans for a parking structure or discuss any other proposal.

AYES: All

Vice-Chair LaMotte read the appeal rights, which she noted applied only to the aspects of the project that had been approved.

3. **720 Center Boulevard; # 13-10, Request for a Fence Height Variance and Design Review applications for minor changes to the landscaping, fencing, parking lot and exterior elevations of the building; Assessor's Parcel No. 002-131-12; Central Commercial CC Zone District; Rich Hall, Fairfax Center LLC, applicant/property owner; CEQA categorically exempt, § 15301(a) and 15303(e).**

Commissioner Hall recused himself because he owned property within 500 yards of the project and Vice-Chair LaMotte recused herself because she had a professional relationship with the property owners. Commissioner Ketcham assumed the position of Chair.

Ms. Neal presented the staff report, which she noted related mainly to exterior design changes. She said that roof equipment had been installed without previously being shown on the approved plans and that staff believed it should be screened.

Ms. Neal also discussed a fence/retaining wall that had been erected at the rear of the building, which had exceeded the permitted 6 feet in height and therefore needed a height variance. She discussed visibility of the fence.

Ms. Neal went on to discuss the installation of a rolling gate to screen the loading dock, which the applicants proposed in lieu of providing full screening of the roof equipment. She explained why staff still believed that the provision of screening would be necessary.

Ms. Neal discussed the request to withdraw the provision of bicycle air pumps on the basis that a nearby business already provided this facility. She also discussed changes to the landscaping plans, which included the replacement of on-ground planters with raised planters.

Ms. Neal went on to discuss the delivery vehicles and delivery times and the negative impacts they had on the neighborhood based on the complaints that had been received. She discussed staff's recommendations that no deliveries could be made before 6 a.m., and that restrictions on the number of trucks that could make deliveries after 6 a.m. should be removed.

Planning Director Moore discussed the temporary Certificate of Occupation that had been granted. He noted that staff could support the changes that had been made to the project, and he asked that staff be granted discretionary review of the screening plans should the commissioners agree that it was necessary. Mr. Moore then went on to discuss truck delivery times.

In response to Commissioner Ezzet-Lofstrom, Ms. Neal said that she did not believe that delivery restrictions were placed on other businesses in town.

Rich Hall, partner, discussed the issue of screening and the reasons they believed it was not necessary.

Commissioner Kehrlein discussed her concern that the roof area had not been screened adequately and ways in which that could be mitigated. Commissioner Coler was in agreement.

Chair Ketcham discussed the fence height variance with Mr. Hall with regard to the safety issues.

Al Baylacq, partner in Good Earth, discussed their need for early morning truck deliveries and the reasons why it would be difficult to abide by a 6 a.m. delivery restriction. He requested that they be allowed to continue having one delivery at 5 a.m. with the remainder after 6 a.m., and he discussed the reasons why it was so important to their business.

Mark Squire, business partner and Fairfax resident, said he wanted people to know about the impacts on the business if deliveries could not be made until 6 a.m.

Commissioner Ezzet-Loffstrom and Mr. Baylacq discussed the constraints on the business if deliveries needed to wait until 6 a.m., which related to unloading and stocking the produce before the store opened.

Commissioner Kehrlein and Mr. Baylacq discussed the number of deliveries that were needed.

Commissioner Ketcham opened the public comment period.

Bob Mellin, Willow Avenue, who represented other neighbors in the area, discussed the noise issues that had not been resolved and the reasons that a petition had not been delivered before the deadline. Mr. Mellin explained that it did not matter how many trucks made deliveries but that they needed to be made later in the morning. The early deliveries were waking the neighborhood.

In response to Chair Ketcham, Mr. Mellin said that many residents would prefer the delivery time to be no earlier than 7 a.m., but that he and others would put up with a delivery time of 6 a.m. He said that 5 a.m. was too early.

Chris Lang, Canyon, discussed the screening and the fence and also the noise issues that related to the deliveries. He suggested that additional landscaping could mitigate the noise.

Kiki La Porta, Glen Drive, Member of Chamber of Commerce, said that the delivery times were reasonable. She noted that the location had been in continual operation as a supermarket since 1966 and that the previous businesses did not have restrictions. Furthermore, she noted that the previous building had been a dilapidated eyesore, and that the current use provide employment and sales tax. She said that she and the Chamber of Commerce supported the early morning delivery.

Pamela Meigs, Cypress Drive, discussed her concern that people were not working together over the issue and that she suggested a continuance to resolve the noise problems.

Laine Sprague, Belle Avenue, said that their health had been affected and that 7 a.m. was early enough for deliveries. She discussed enforcement issues and suggested that night deliveries could solve the problem.

Ted Pugh, Rocca Drive, discussed the noise issues and deliveries. He suggested that the store was large enough to have leverage over delivery times. Mr. Pugh said that sanitary trucks were noisier.

Stephen Franks, Willow Ave, noted that everyone supported the store but that the delivery time of 5 a.m. was too early. He said that other stores worked with their neighbors over delivery times and that he would be happy to work with the store.

David Haskell, Glen Drive, discussed the roof equipment aesthetics. He also said that while noise issues needed to be mitigated, no one should proscribe how a business should be run.

Patricia Bogan, Walsh Lane, said that she supported the Good Earth's delivery needs. She said that the business was a valuable asset and should be helped in whatever ways were necessary.

Chair Ketcham closed the public comment period.

Mark Lockaby, Building Official, noted that there had been violations of deliveries before 5 a.m. and that there had been more truck deliveries than had been allowed. Commissioner Coler said that she hoped a solution could be worked out, while allowing an early morning delivery.

Planning Director Moore said that the Police Department had verified the number of trucks on site but not whether they had been idling.

Mr. Baylacq said that they had established better control over truck deliveries since November. He said there should be a fair analysis of where the noise emanated from and suggested that there were other sources of noise, such as street cleaners and buses that had stopped at the lights.

Mr. Moore suggested that the Planning Commission could move forward on all other parts of the discussion item with the exception of the noise issue.

The commissioners reached consensus that further discussion would be necessary on mitigating the noise problems once the source had been identified.

In response to Commissioner Ezzet-Lofstrom, Mr. Moore said that staff had not seen the petition. She said that she would support possible solutions to reduce the noise levels rather than solving the problem by mandating later delivery times.

Commissioner Kehrlein agreed that the store's management and neighbors needed to discuss options for reducing the noise problems.

Mr. Moore said he would investigate the noise issues and establish their root cause.

M/s, Coler/Ezzet-Lofstrom, Motion to approve a request for a Fence Height Variance and Design Review applications for minor changes to the landscaping, fencing, parking lot and exterior elevations of the building at 720 Center Boulevard, with the following changes to the recommended findings and conditions in the staff report:

Redact finding 6 under Design Review; Redact item 1 from the conditions of approval; with items 2 and 3 becoming items number 1 and 2, which shall be complied with before a final occupancy permit is issued, and that the truck delivery issue should be continued to a date within six months to allow staff to investigate and propose remedies for the noise issues concerning early morning deliveries.

A roll call was taken:

Kehrlein: AYE
Coler: AYE
Ezzet-Lofstrom: AYE
Ketcham: AYE

The motion passed unanimously and Commissioner Ketcham announced the appeal rights and then announced a 10 minute break at 9.45 p.m. Vice-Chair Lamotte and Commissioner Hall returned to the podium.

MINUTES

4. Minutes from the March 21, 2013 Planning Commission meeting.

M/s, Hall/Hall, Motion to approve the minutes with Commissioner Coler's name added to the list of absent commissioners and the correction of Commissioner Ezzet-Loftstrom's name.

AYES: All

DISCUSSION ITEMS

5. Discussion/consideration of a draft Ordinance regulating leaf blowers and/or other gasoline powered landscaping maintenance equipment. Zoning - All residential and commercial zones districts in Town; Direction originates from Town Council Resolution No. 13-3 directing the Commission to include but not be limited to: ordinance effect date, permitted times and days of operation, hardship/exemption considerations and processing, inclusion of other gasoline powered equipment and penalties.

Planning Director Moore discussed the Noise Element of the General Plan in relation to leaf blowers. He also discussed noise created by leave blowers and new information that had been presented regarding noise range. Mr. Moore summed up the discussion that had taken place at the previous meeting and suggested how the commissioners could move forward.

Commissioner Coler addressed enforcement. She also discussed information on leaf blowers from another City and possible time restrictions.

Vice-Chair LaMotte noted that information on the decibel levels of new leaf blowers was readily available.

General discussion on hours of operation and decibel levels took place.

Commissioner Hall said that he would support limiting the hours of operation. He suggested restricting the hours of commercial operators at weekend.

There was general consensus that banning commercial leaf blowing at weekends would not be supported.

Mr. Moore said that he was in a position to craft a draft amendment to the ordinance to present to the commissioners at the next meeting.

Vice-Chair LaMotte opened the public comment period.

Chris Lang, Canyon Road, commented on the current noise ordinance in relation to gas-powered tools. He also addressed decibel measurements and discussed the difficulty of enforcement.

Commissioner Hall said that he would support noise restrictions on all power tools, to which there was general consensus.

6. Discussion/consideration of Civic Engagement Through Digital Information Tools

This item was continued due to the lateness of the hour and the absence of Chair Hamilton who had proposed the discussion.

COMMISSIONER COMMENTS AND REQUESTS

There were no comments or requests.

PLANNING DIRECTOR'S REPORT

Planning Director Moore discussed the difficulties of staff shortages and the work that needed to be done in the Planning Department.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10.50 p.m.

Respectfully submitted,

Joanne O'Hehir

