

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

**Call to Order/Roll Call**

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

Planning Director Moore announced that Commissioner Hall had submitted his resignation from the Planning Commission.

**COMMISSIONERS PRESENT:** Roxanne Ezzet-Lofstrom  
Laura Kehrlein  
Brannon Ketcham  
Shelby LaMotte (Vice-Chair)

**COMMISSIONERS ABSENT:** Shelly Hamilton (Chair)

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

**APPROVAL OF AGENDA**

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the agenda with the removal of 9 Broadway from the consent agenda to the first public hearing item; the continuance off calendar of 39 Wood Lane and the continuance of 130 Wood Lane to the meeting of August 15, 2013.

AYES: All

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

David Kroll, Claus Drive, addressed wild fires and the need to clear and maintain an area he thought was vulnerable to wild fires.

Chris Lang, said that he believed the banner item that he brought forward for discussion at a previous meeting should be exempt from the sign ordinance for reasons he explained. He also discussed lot line surveys in relation to decisions made by the Planning Commission.

Paul Cangis, discussed a new law introduced by Lancaster City that requires all new housing to be built with 100% solar power. He suggested that Fairfax adopt similar rules.

**CONSENT ITEMS**

1. **99 Dominga Avenue; 13-20**  
Request for a Use Permit and Creek Setback Variance to remove/replace a smaller deck adjacent to a single-family residence; Assessor's Parcel No. 002-105-09; Residential RD

5.5-7 Zone District; Linn and Ted Walsh, applicants/owners; CEQA categorically exempt, § 15302.

M/s, Ezzet-Lofstrom/Ketcham, Motion to approve the consent item:

AYES: All

Vice-Chair LaMotte announced the appeal rights.

## **PUBLIC HEARING ITEMS**

### **1. 9 Broadway; 13 -19**

Request for a modification of a previously approved Design Review Application/Sign Permit for a mural on the side of the Fairfax Theater; Assessor's Parcel No. 002-121-19; Central Commercial CC Zone District; Dave Corkill, applicant/owner; CEQA categorically exempt 15301.

Senior Planner Neal presented the staff report, when she provided background information on the project. Ms. Neal noted that a different mural had been presented and approved for the site at a previous Design Review meeting. She said that the owner was proposing another mural in the same location that incorporated features from the original design and also a streetscape. Ms. Meal said that staff believed that the design did not conflict with the town's design criteria and that staff could therefore support he project.

Kennan Brothers, Project Artist, discussed the mural in more detail, which he noted was a street view of the Town of Fairfax.

Commissioner Ketcham and Mr. Brothers discussed the mural. Commissioner Ketcham discussed his concern that the mural would be "too busy" and not appropriate for the location.

Commissioner Kehrlein discussed the reasons she did not favor a mural.

Commission Ezzet-Lofstrom said that she liked the mural, but she expressed concern that the colors might not blend in with the building.

Vice-Chair LaMotte discussed the mural in relation to the style of the building. She said that the mural had too much activity and that she thought the previous design was more in keeping with the building's art deco design.

Mr. Brothers said that the owner liked the colors, idea and concept of the mural.

Senior Planner Neal discussed options for the way forward and general discussion took place on the mural between the planning commissioners.

Mr. Brothers discussed the difficulties of changing the design and then Vice-Chair LaMotte opened the public comment period.

Ottis Guy, Ridge Road, said that he supported the application and that the mural consisted of nice landscape.

Leah Strayer, Fairfax resident and artist, previously from Seattle, said that the town where she lived had murals that were beautiful. She that she did not believe the proposed mural would conflict with the building.

Vice-Chair LaMotte closed the public comment period

Planning Director Moore discussed the mural and made some suggestions for the way forward.

Commissioner Ezzet-Lofstrom said that she would prefer the mural to have fewer figures of people and to concentrate more on the landscape. Overall, however, she said she could support the project.

Commissioner Kehrlein said that she would support a continuance and suggested a more subtle design with less color.

Commissioner Ketcham reiterated his concern that the design would not be suitable for the site.

Vice-Chair LaMotte said she would support a more simplified version of the mural.

M/s, Kehrlein/Ketcham, Motion to continue the request for a modification of a previously approved Design Review Application/Sign Permit for a mural on the side of the Fairfax Theater at 9 Broadway, with the suggestion that that the applicant revise the design in accordance with the comments made by the planning commissioners.

AYES: All

8:00 p.m.

**4. 1966 Sir Francis Drake Boulevard; 13-22**

Request for Use Permit and Design Review to convert an existing 7,200 square foot commercial building into a multiple use building including a 2,700 square foot museum, 1,800 square foot office space, 1,700 square foot wholesale/commercial kitchen and a 1,075 square foot one bedroom, second floor, residential apartment; Assessor's Parcel No. 001-221-12; Central Commercial CC Zone District; Morgan Hall, applicant/architect; Mark Squire, owner; CEQA categorically exempt, § 15301(a).

Senior Planner Neal presented the staff report. She explained that that the Applicant proposed to remodel and divide the structure into three separate commercial spaces with a living unit on the second floor. Ms. Neal discussed the reasons that this would necessitate a Lot Line adjustment, which concerned building and fire code regulations. She noted that the building's footprint would not be extended.

Ms. Neal discussed the reasons for requiring a Use Permit and noted that none of the proposed ground floor uses were listed as permitted in the Central Commercial Zone District. Ms. Neal discussed the proposed uses, which included a bicycle museum, and the hours of operation.

Ms. Neal went on to discuss the generation of traffic by the proposed new uses and she noted that the number of trips generated should be fewer than the previous use. She also discussed parking requirements that she said would be met.

Ms. Neal discussed design review, when she noted that additional windows would be added and an awning replaced at the front of the building with a metal band. Ms. Neal discussed the building's proposed colors and landscaping.

Overall, Ms. Neal explained that staff could support the project for the reasons discussed and the findings and conditions set out in the staff report, with an amendment to the building official's condition that she discussed.

Commissioner Kehrlein and Ms. Neal discussed the lot line adjustment.

Commissioner Ezzet-Lofstrom and Ms. Neal discussed the permitted uses of the zoning district in relation to the proposed museum.

Morgan Hall, Project Architect, discussed the business use in more detail. He said that the new uses would be exciting and good for the community and that the traffic impact would be reduced compared to the previous use. Mr. Hall discussed the office space in relation to the lot line and the exits from the kitchen. He said that the overall proposal would a great improvement.

Commissioner Kehlein and Mr. Hall discussed the exits from the office space. They also discussed the ceiling height in the existing rear portion of the building.

Commissioner Ketcham and Mr. Hall discussed some exterior containers.

Vice-Chair LaMotte discussed the hours of operation with Mr. Hall with particular regard to the museum.

In response to Commissioner Kehrlein, Mr. Morgan discussed the exterior changes. He noted that the building would remain largely unchanged with the exception of additional doorways and windows. Mr. Hall discussed the upgrades to the front façade and the materials and colors that were proposed.

Mr. Hall discussed the mural in relation to the project at the request of Commissioner Kehrlein.

Vice-Chair LaMotte opened the public comment period.

Derek Cole, resident, said that he was impressed with the design and that he applauded the use. However, he said that he would support the removal of the wood burning oven, and he addressed

deliveries and parking issues. He also requested that some refrigeration units be decommissioned.

Alice Ducayet, Claus Drive, requested that the large exterior storage units be removed from the parking lot. She said that she also supported the removal of the wood burning stove.

Peter Anderson, Claus Drive, discussed his concern with regard to the refrigeration units, which he said he hoped would be removed.

David Smadbeck, President of the Chamber of Commerce, said that they look forward to see something happening to the building.

Vice-Chair LaMotte closed the public comment period.

In response to Ms. Neal, the owner, Mark Squire, said that there were no plans to remove the current refrigeration unit. He said that the storage units were being used by the current kitchen occupants, and that they were blocked visually. He noted that the wood-burning oven hadn't been used since the building had been vacated and that the previous occupants had been permitted to use the oven.

Commissioner Ketcham discussed the reasons he could support the opening of the museum in a commercial space. He also discussed the project in relation to the office space, which he suggested could otherwise be used for kitchen storage space. Commissioner Ketcham said that the new proposal was a good design and that he would support major deliveries being made after 8 a.m. He discussed the outside refrigeration and storage units with staff, who noted that the Planning Commission would be approving a project based on what was in the plans.

Commissioner Ketcham discussed his concern with Mr. Hall that there might be inadequate parking space on the east side.

Commissioner Ezzet-Lofstrom said that she supported the design but that she would prefer a more creative use for the commercial space.

Commissioner Kehrlein said that she also liked the design and the proposal. She suggested that it might be easier to rent out a smaller office space.

Planning Director Moore discussed parking requirements for retail and office spaces.

Vice-Chair LaMotte said that she loved the project, that the large space would be used creatively. Furthermore, she said that the proposed project fulfilled the general plan requirements. Vice-Chair LaMotte said that she would be open to allowing retail space to allow for flexibility. However, she said that her greatest concern was the wood burning oven and she proposed conditions for its reuse.

M/s, Ketcham/Kehlein, Motion to approve a request for a Use Permit and Design Review to convert an existing 7,200 square foot commercial building into a multiple use building including a 2,700 square foot museum, 1,800 square foot office space, 1,700 square foot wholesale/commercial kitchen and a 1,075 square foot one bedroom, second floor, residential apartment at 1966 Sir Francis Drake Boulevard, with the following amendments and additional conditions of approval:

That Condition No. 1 shall be modified to read:

“Any change in any of the uses from a museum, general office space, retail space or complimentary events space and wholesale commercial kitchen use shall require the modification of the approved use permit”.

Condition No. 11 shall be modified to read:

“That the offices will operate between 9:00 a.m. and 5:00 p.m., Monday through Saturday; that the kitchen hours will be 8:00 a.m. through 6:00 p.m. Monday through Saturday; that the hours of operation of the center location used for museum events shall be limited to the museum hours; that the museum hours will operate on Monday through Wednesday and Friday through Saturday between 9:00 a.m. and 5:00 p.m.; that the museum hours of operation each Thursday will be 11:00 a.m. through 9:00 p.m.; that any change in the business hours will require a modification of the approved Use Permit”.

Condition No. 17 shall be added:

“That a User Permit modification would be required for future use of the wood burning oven”.

Condition No. 18 shall be added:

“That deliveries shall not be made before 8:00 a.m.”

The Building Official’s Condition of approval shall be amended to read:

“If the Fire Department requires a lot line adjustment, a lot line adjustment must be approved and the map recorded at the Marin County Recorder’s Office prior to issuance of any building permits for the office or the wholesale kitchen areas”.

AYES:                   Kehrlin, Ketcham, LaMotte  
ABSTENTION:       Ezzet-Lofstrom

Vice-Chair LaMotte announced the appeal rights.

9:20 p.m.

## **MINUTES**

5. Minutes from the June 20, 2013 Planning Commission meeting.

M/s Ezzet-Lofstrom/Ketcham, Motion to approve the minutes of June 20, 2013:

AYES: All

## **6. PLANNING DIRECTOR'S REPORT**

Planning Director Moore noted that the commissioners' recommended amendments to the Noise Ordinance would have the first reading at the next Council Meeting on August 7, 2013.

Mr. Moore said that Arijit Sen had completed his internship.

## **DISCUSSION ITEMS**

8. Review of the General Plan Planning Commission Implementation Program matrix items

Planning Director Moore provided a short update on the Implementation Program. He said that he would provide an e-mailed copy to the commissioners before the next meeting and that he would ask for feedback.

## **COMMISSIONER COMMENTS AND REQUESTS**

In response to Commissioner Ketcham, Planning Director Moore said that an area around a gas station had been fenced off for safety reasons and that an application for the gas station and convenience store was in the works. He noted that an excavation permit and entitlements for the convenience store would be needed.

Vice-Chair LaMotte noted she will not be available for the August meeting.

Mr. Moore said that there were two applications for the planning commission.

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:30 p.m.