

FAIRFAX PLANNING COMMISSION MEETING MINUTES  
WOMEN'S CLUB, 46 PARK ROAD  
AND VIA TELECONFERENCE  
THURSDAY, AUGUST 17, 2023

Call to Order/Roll Call:

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

Commissioners Present:                   John Bela  
  Philip Feffer  
  Robert Jansen  
  Brett Kelly  
  Mimi Newton (attending remotely)  
  Cindy Swift (Chair)

Staff Present:                             Jeffrey Beiswenger, Planning Director  
  Linda Neal, Principal Planner  
  Kara Spencer, Assistant Planner

**APPROVAL OF AGENDA**

Principal Planner Neal recommended the continuation of item #1 to the September 14<sup>th</sup> Commission meeting.

M/s, Jansen/Kelly, motion to approve the agenda with the continuation of item #1  
AYES: Bella, Feffer, Jansen, Kelly, Newton, Chair Swift

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no comments.

**CONSENT CALENDAR**

There were no Consent Calendar items.

**INTRODUCTION OF NEW DIRECTOR OF PLANNING AND BUILDING SERVICES JEFFREY BEISWENGER**

The Commission welcomed Planning Director Beiswenger.

Planning Director Beiswenger discussed his education and background and stated he looks forward to working in Fairfax.

**OPEN TIME FOR PUBLIC EXPRESSION**

Ms. Christy Delman, Oak Manor Drive, discussed the 1991 Fairfax Hills Settlement Agreement. She is concerned about drainage issues and slope stability.

**PUBLIC HEARING ITEMS**

- 1. Discussion/consideration for recommendation to the Town Council of the following:  
A resolution of the Fairfax Planning Commission recommending the Town Council adopt an ordinance concerning inclusionary housing requirements, approve a resolution**

**adopting affordable housing in-lieu fees and commercial/non-residential linkage fees in the master schedule; and approve a resolution adopting affordable housing requirements and program regulations.**

Chair Swift noted this item was continued to the September 14, 2023 Commission meeting.

**2. 34 Hill Avenue; Application #23-18**

**Continued consideration of a request for a project that has been redesigned since the July 20, 2023 meeting for a Conditional Use Permit, Design Review Permit, Variance, Excavation Permit, and a Tree Removal Permit to construct s 1,318 sq. ft. 2-bedroom, 2 ½ bath, single family residence with a 317 sq. ft., one car garage on a 3,309 sq. ft. site. APN 002-214-01; RD 5.5-7 Residential Zone; John Simenic, owner/applicant; CEQA categorically exempt per Section 15303(a) and 15305(a)**

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the whether the only Variance required is for parking in the side setback; if construction would start prior to the survey issue being resolved; if the project would make the drainage better.

Chair Swift opened the Public Hearing.

Mr. John Simenic, owner/applicant/architect, made the following comments:

- He will work with his neighbor to resolve the property line issue.
- He redesigned the project to comply with the setback on the east side.
- He would be happy to discuss a new color.

Mr. Aaron O'Brien made the following comments:

- He owns the adjacent house.
- He has concerns about the drainage, the survey the Town is using, the seasonal creek on the property, the location of the off-street parking and driveway, the wall that will block their sunlight, the color, the proximity of the front of the house to the street, and the second floor balcony.
- The second story should be set back.
- The design does not fit the character of the neighborhood.

Ms. Diane Nichols, Oak Knoll Avenue, made the following comment:

- She is concerned about the color palette- it is too dark.

Colton and Ivy Christiansen made the following comment:

- They support the project.

Ms. Kelly O'Brien made the following comments:

- She lives next door.
- The drainage situation has not been adequately addressed.

Ms. Patricia Silva made the following comment:

- She is concerned about the drainage on Belle Avenue.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The color would not reflect light but the applicant was willing to discuss a change.
- He understood the drainage concerns but it would probably get better with the development.
- He liked the changes made by the applicant that were based on prior comments.

Commissioner Kelly provided the following comments:

- He is not confident that the drainage would get better. He would like to add a condition that the Building Permit application shall be subject to review and approval of the Town Engineer to

ensure that the increased hardscape will not increase the speed or amount of the water leaving the site prior to issuance of the Building Permit.

- This will be a handsome building and provide some diversity in the neighborhood.
- He is generally in favor of the aesthetics.

Commissioner Feffer provided the following comments:

- He was in favor of the project at the last meeting.
- These funky lots should be developable.

Commissioner Newton provided the following comments:

- She agreed with the comments made by Commissioner Jansen.
- She supported the condition suggested by Commissioner Kelly.

Chair Swift provided the following comments:

- She submitted some corrections to the Resolution to staff.
- She appreciated the story poles.
- The design and height of the house is not a fit from a Design Review perspective for that lot.
- She cannot make the Design Review Findings.

M/s, Kelly/Newton, motion to adopt Resolution 2023-16 with the corrections submitted by Chair Swift and the following additional conditions: 1) The condition recommended by Commissioner Kelly; 2) The Planning Director shall have discretion to approve a lighter color palette proposed by the applicant.

AYES: Bella, Feffer, Jansen, Kelly, Newton

NOES: Chair Swift

Chair Swift stated there is a 10-day appeal period.

### **3. 299 Bolinas Rd. Application #23-21**

**Request for a Conditional Use Permit to construct an approximately 129 sq. ft. wooden deck with a metal railing and wooden access stairway on a detached Accessory Dwelling Unit (ADU); APN 002-033-01; RS 5.5-7 Residential Zone; Cottage Technologies, Inc., applicant; John Boldrick, owner; CEQA categorically exempt per section 15301(a)**

Assistant Planner Spencer presented the staff report. There were no questions from the Commission.

Chair Swift opened the Public Hearing.

Mr. Cole Stevens, representing Cottage Technologies, Inc. made the following comments:

- The owners have agreed to partially remove the existing non-conforming deck near the creek to meet the combined setback requirements.
- They are willing to work with the neighbors.

Chair Swift closed the Public Hearing.

There were no comments from the Commission.

M/s, Jansen/Kelly, motion to adopt Resolution No. 2023-18.

AYES: Bella, Feffer, Jansen, Kelly, Newton, Chair Swift

Chair Swift stated there is a 10-day appeal period.

### **4. 128 Dominga Ave.; Application #23-22**

**Request for a Variance to construct a second driveway and parking area; APN 002-023-30; RD 5.5-7 Zone; Stephen LaDyne, applicant; Katherine Johnson, owner; CEQA**

**categorically exempt per Section 15301(C)**

Assistant Planner Spencer presented the staff report. She answered questions from the Commission regarding traffic near the cul-de-sac; if this additional parking would impact the sidewalk; the height of the fence and if it would be lowered.

Chair Swift opened the Public Hearing.

Ms. Katherine Johnson made the following comments:

- They are adding a parking space voluntarily.
- There is an existing red zone so there would be no loss of street parking.
- They have letters of support from the neighbors.

Chair Swift closed the Public Hearing.

Commissioner Bella provided the following comments:

- He was concerned about additional curb cuts on Dominga Avenue- one of the few walkable streets in downtown.
- He asked if there was a real demand for that additional space.

Commissioner Jansen provided the following comments:

- This is not a continuous curb and the parking is not adjacent to each other.
- This is the best solution and it makes sense.

M/s, Newton/Feffer, motion to adopt Resolution 2023-19.

AYES: Bella, Feffer, Jansen, Kelly, Newton, Chair Swift

Chair Swift stated there is a 10-day appeal period.

**5. 7 Valley Rd.; Application #23-23**

**Request for a Conditional Use Permit and Variance to reconstruct/expand an existing carport, build a front entry arbor and legalize conversion of an existing storage shed to office space on an existing single-family residence site; APN 003-191-30; RS 6, Single Family Residential Zone; Brooks McDonald, architect; Kyle Miller and Jessie Curtner, owners; CEQA categorically exempt per Section 15301(a), 15303(e)**

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the side setbacks; when the accessory structure was constructed.

Chair Swift opened the Public Hearing.

Mr. Brooks McDonald, applicant, made the following comments:

- He discussed the dimension of the columns and the required setbacks.
- Valley Road is very tight.
- They are adding a second parking space which would remove a car from the street.
- The project results in a reduction in lot coverage.
- The owners were told that the outbuilding in the back had permits. It will be legalized and remain as an office.
- The exterior lighting on the office structure would be downward directed, shielded, and on a photo-sensor.

Chair Swift closed the Public Hearing.

Chair Swift provided the following comment:

- She referred to the resolution, page 2, #1 under the "Whereas" and stated the reference to the project should be deleted.

M/s, Newton/Jansen, motion to adopt Resolution No. 2023-20 as amended by Chair Swift and the addition of Condition #8, the standard Dark Sky compliant lighting condition.

AYES: Bella, Feffer, Jansen, Kelly, Newton, Chair Swift

**6. 771 Center Blvd.; Application #23-24**

**Request for a Conditional Use Permit to operate an alternative healing center featuring cold plunge pool baths with infrared saunas, red light therapy, cryotherapy and various muscle recovery tools, from an existing commercial space in the Fair-Anselm Plaza; APN 002-131-14; CH Highway Commercial Zone; Colin Russel, applicant; Rich Hall, Magna Real Estate, owner; CEQA categorically exempt per Section 15301(a)**

Commissioner Newton recused herself from this item due to the proximity of her residence. She left the meeting at 8:30 p.m.

Principal Planner Neal presented the staff report. There were no questions from the Commission.

Chair Swift opened the Public Hearing.

Mr. Joseph Drummer made the following comments:

- He discussed the services and benefits that will be offered.
- They are adding two showers.
- The expected number of customers on any given day would be 30% to 40% occupancy during the weekdays and 60% to 70% of available appointments on weekends. There would be 80 to 90 appointments max per week and maybe 10 per day.
- The number of employees on site would be three.

Mr. Rich Hall, managing partner for Fairfax Plaza, made the following comments:

- The previous use had approval for 107 patrons simultaneously.
- The amount of traffic would be significantly reduced.

Tanya, Zoom Master, made the following comment:

- She would be happy to sacrifice herself and try out the treatments.

Chair Swift closed the Public Hearing.

Commissioner Jensen provided the following comments:

- This is straightforward.
- This type of use was not envisioned when the codes were written.

M/s, Jensen/Bella, motion to adopt Resolution 2023-21.

AYES: Bella, Feffer, Jansen, Kelly, Chair Swift

RECUSED: Newton

Chair Swift stated there was a 10-day appeal period.

**Discussion Items**

**7. Continued discussion of proposed changes in the minutes taking protocol to comply with previous Town Council Resolution No. 2460**

Principal Planner Neal presented the staff report. There were no questions from the Commission.

It was the consensus of the Commission to adopt the recommendation of staff.

**Minutes**

8. Review and approval of the minutes from the May 18, 2023 and the July 20, 2023 meetings

M/s, Jensen/Bella, motion to approve the May 18, 2023 minutes as submitted and the July 20, 2023 minutes as corrected.

AYES: Bella, Feffer, Jansen, Kelly

ABSENT: Newton

ABSTAIN: Chair Swift

### **Commissioner Comments and Requests**

Commissioner Feffer asked for an update on the Housing Element at the next meeting.

### **Planning Director's Report**

Principal Planner Neal stated staff is scheduling a second Public Hearing in the months of September, October, and November- it will be held on the second Thursday of the month.

### **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary