

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, OCTOBER 19, 2017

Call to Order/Roll Call:

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

Commissioners Present: Bruce Ackerman
 Norma Fragoso (Chair)
 Esther Gonzalez-Parber (arrived at 7:15 p.m.)
 Philip Green
 Laura Kehrlein
 Mimi Newton
 Cindy Swift

Staff Present: Ben Berto, Planning Director
 Linda Neal, Principal Planner
 Michelle Levenson, Assistant Planner

APPROVAL OF AGENDA

M/s, Newton/Ackerman, motion to approve the agenda.

AYES: Ackerman, Green, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Gonzalez-Parber

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PRESENTATION

1. Historical Significance presentation and discussion of buildings and structures in the downtown corridor led by Cassidy DeBaker

Ms. Cassidy DeBaker discussed the historical significance of the downtown in terms of its built environment, the need to develop an inventory and a local program, and perhaps develop a set of historic preservation design guidelines. She distributed a hand-out to the Commission.

Commissioner Ackerman pointed out this idea comes out of a number of programs that are in the General Plan. He supports moving forward with the implementation of this idea.

Commissioner Green stated he is very supportive of this idea. These buildings need to be registered on the California Register of Historical Resources inventory list. Ms. DeBaker stated this was a rigorous process. She suggested they start by looking at the fabric of the downtown and working with property owners- keeping it local for now. The goal of any historic preservation list is to

be included in the California Register of Historic Resources list and the National Register of Historic Places list. Chair Fragoso noted creating the inventory and getting the designations take a bit of time. Ms. DeBaker agreed and stated she would take the lead in the inventory.

Commissioner Swift stated she would like more information on the pros and cons of being included in each of the registers.

Commissioner Gonzalez-Parber arrived at the meeting.

Commissioner Newton asked if the General Plan was specific or vague about how to move forward. Ms. DeBaker stated it was vague. She was thinking of creating an Advisory Committee to the Commission to do the inventory. Commissioner Newton discussed the need to maintain not only the external but also the internal historic resources of structures.

Planning Director Berto stated they need to come up with a program that is a “fit for Fairfax”. Commissioner Ackerman agreed- it should be “locally grown”. Developing an inventory is the first step.

Chair Fragoso asked Ms. DeBaker if the Fairfax Historical Society had a database that she could use. Ms. DeBaker stated “yes”. They have an incredible amount of archival information and photographs.

Chair Fragoso asked staff to find out about the steps that need to be taken to form an Advisory Committee.

PUBLIC HEARING ITEMS

2. 74 Cypress Drive.; Applicant #17-36

Request for a Conditional Use Permit and a Side Setback Variance to legalize the conversion of a 479 square-foot garage to living space, and construct a 417 square-foot carport within the side setback on a site containing a 1,997 square-foot, 3-bedroom, 2.5 bathroom single family residence. Assessor’s Parcel No. 003-201-25; Residential RS 6 Zone; Graham Irwin, Applicant; Gregor and Kristen Stewart, Owners; CEQA categorically exempt per Section 15301(a) and 15303(e)

Assistant Planner Levenson presented a staff report.

Commissioner Newton asked Assistant Planner Levenson to respond to the late correspondence that the Commission received. Assistant Planner Levenson discussed the findings that need to be made and noted there was an alternative location for the carport.

Commissioner Green stated the staff report notes another possible location for the carport- on the western most parking space. Principal Planner Neal stated another option would be to convert the garage to its original use. Commissioner Swift asked how that could be accomplished. Assistant Planner Levenson stated a garage door would need to be installed, the wood flooring, baseboards and trim would need to be removed, and the lighting would need to be changed.

Chair Fragoso asked about the staff’s proposed location for the carport. Assistant Planner Levenson referred to Sheet A1.0, and stated it was the first parking space that is shaded (next to the residence). It would be out of the side setback (but still in the combined setback).

Commissioner Ackerman asked about the rationale for the covered parking requirement. Principal Planner Neal stated she has heard different reasons over the years, including protection for vehicles.

Commissioner Kehrlein had questions about the Conditional Use Permit requirements and the required lot width. Assistant Planner Levenson stated the width requirement was 62 feet- the lot is 58 feet.

Chair Fragoso opened the Public Hearing.

Mr. Graham Irwin, architect, made the following comments:

- Staff's proposed location for the carport would not work- it would be adjacent to bedrooms and would shade the windows. Cars would be pulling in next to the bedrooms. This is a long, narrow driveway and the pillars supporting the east side of the carport would pose a problem when backing out. It would be very tall, near the front of the house, and have a "tacked-on look". It would be a nuisance to the owners and the neighbors.
- He did not want the zoning regulations to result in "awkward looking architecture".
- The proposed carport would have a trellis and achieve some screening for the neighbors.
- The applicants want to legalize the converted garage as a bedroom and then convert it to a Junior Second Unit.
- They would be willing to forgo the carport completely if the bedroom could be legalized.
- There is a lot of work proposed- this is not a modest proposal.

Commissioner Swift asked if the Commission could waive the covered parking requirement. Assistant Planner Levenson stated the Commission could grant a variance to the covered parking if the findings could be made. The applicant did not request a variance to the covered parking requirement so this would need to be re-noticed.

Commissioner Kehrlein stated it looks like the chimney would impede moving the carport over too far towards the house but she would like to find a way to increase the setback to the east side.

Chair Fragoso asked about the width of the area between the edge of the house and the new fence. Mr. Irwin stated it was less than 9 feet.

Commissioner Gonzalez-Parber had questions about the parking requirements for a Junior Second Unit. Chair Fragoso questioned whether or not this was a Junior Second Unit or an accessory dwelling unit. The Junior Second Unit must be an integral part of the house. Principal Planner Neal stated the garage is now part of the single-family house.

Assistant Planner Levenson stated the current location of the carport could be moved to maintain the required minimum five foot setback but they would have to request a variance for a compact space (8' X 16'). They would then meet the minimum side setback.

Mr. John Fitzpatrick, Hickory Avenue, made the following comment:

- He supported the project.

Ms. Anne Lamott, the neighbor, made the following comments:

- The project looks great.
- It is doable, plain, and makes sense.
- She would be pleased to have the applicant's mother as her neighbor.
- She would gladly give them 2 feet of her property if she could.
- There must be some wiggle-room.

Commissioner Gonzalez-Parber asked Ms. Lamott about the room in the back (next to her property). Ms. Lamott stated it was a kitchen nook with space for a small table off of the kitchen.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- One of the photographs submitted by the applicant depicts a car parked along the fence in the “white” parking space. The parking space next to it would be more feasible- it would keep it off of the road and out of the setback.
- He is concerned about setting a precedent.
- Properties change hands, other neighbors move in, etc. and new neighbors may not be so accepting of a carport so close to their house.
- He could support the creation of a compact space for the proposed covered carport.
- Maintaining the minimum setback and the combined setback was extremely important.
- He would hate to see them have to remove the bedroom conversion.

Commissioner Ackerman provided the following comments:

- He finds it hard to justify requiring a garage that has been turned into a living space to be turned back into a garage.
- The roof of a carport could be an issue for the neighboring house. He suggested that the roof be made narrower so the carport poles come out from the roof rather than being directly under it.
- The carport could be made a compact size.
- There are options.

Commissioner Newton provided the following comments:

- She was not sure how many options the applicants have if the findings cannot be made.
- She empathized with the bedroom being next to a covered carport.
- The applicant could agree to an extension of time and come back with a proposal for the economy sized carport variance at whatever location they thought was appropriate.

Commissioner Swift provided the following comments:

- She agreed with Commissioner Newton.
- She could support an uncovered, compact sized carport (where the current carport is proposed).

Principle Planner Neal noted there was more chance that the findings could be made if the structure is at least out of the minimum side-yard setback (5 feet). She reiterated there are a number of alternatives- the site is not that small.

Chair Fragoso provided the following comments:

- There are many options available and they have picked the least legal option.
- She would like to see the applicant agree to an extension and go back and take a look at other design options.

Commissioner Gonzalez-Parber provided the following comments:

- She had concerns about future property owners and setting a precedent.
- They are talking about legalizing an existing unit but it is different to introduce a new structure.
- She would hate to have to back out of that long driveway.
- Kudos to the applicants for trying to legalize this new living space.
- She could not approve the setback variance because it would set a precedent.
- They should explore options.

Commissioner Ackerman provided the following comments:

- Commissioner Newton's comments were reasonable.
- He could support a continuation.
- He could support the carport in more or less the proposed location with a compact parking space thereby meeting the minimum setbacks.

Mr. Irwin stated they would like to request a continuance and bring back another design.

M/s, Newton/Green, motion to continue application #17-36, 74 Cypress Drive, for 60 days upon the agreement of the applicant.

AYES: Ackerman, Gonzalez-Parber, Green, Kehrlein, Newton, Swift, Chair Fragoso

3. 61 Bolinas Road; Application #17-37

Request for a Sign Permit to erect a new 41 square-foot business identification sign on an existing commercial building; Assessor's Parcel No. 002-122-31; Central Commercial CC Zone; Nicole DeLecce, Applicant/Owner; CEQA categorically exempt per Section 15301(g)

Principal Planner Neal presented a staff report. She noted Commissioner Kehrlein was not the architect for this project as stated in the staff report.

Chair Fragoso asked Principal Planner Neal if additional signs would be allowed on the property. Principal Planner Neal stated they are over the minimum square footage and any additional signs would need to come to the Commission.

Commissioner Swift asked if the Commission could address building colors only when there was a structural change. Principal Planner Neal stated "yes".

Chair Fragoso opened the Public Hearing.

Ms. Nicole Delecce, owner, made the following comments:

- She has designed everything for the store.
- The new location will be better for business.
- They will not be using the hanging sign.

Commissioner Green asked Ms. Delecce if they had another business in another location. Ms. Delecce stated they have another store in San Francisco. Commissioner Green asked if it was the same color. Ms. Delecce stated "yes, it is exactly the same".

Commissioner Gonzalez-Parber asked if the color of the side of the building was going to be white. Ms. Delecce stated "yes".

Commissioner Kehrlein stated she was concerned that the white color on the side of the building would be bright and she asked Ms. Delecce if she would consider wrapping the blue around the side. Ms. Delecce stated she was hoping to give the side a nice clean look.

Mr. John Fitzpatrick made the following comments:

- It is exciting seeing that building being taken over by somebody who lives in Fairfax.
- The sign looks great.

Commissioner Newton asked Ms. Cassidy DeBaker to comment on the sign.

Ms. DeBaker made the following comments:

- It is painted and not lit up.
- It is oriented in a place where one would typically find historic signage (on the front of the building).
- It enhances the architecture of the building.

Commissioner Kehrlein asked how the sign would be lit. Principal Planner Neal stated the sign would not be illuminated.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- The light blue of the building almost matches the sky.
- He liked the sign.
- This does not appear to be a formula business.

Commissioner Ackerman provided the following comment:

- He is fine with the application.

Commissioner Newton provided the following comments:

- She was initially concerned about the sign- it did not give off a “western downtown” feel of the General Store.
- She could approve the sign.

Commissioner Kehrlein provided the following comments:

- She initially had concerns about the size of the sign.
- She supports the application as long as the sign is not any larger than the previous sign.

Commissioner Gonzalez-Parber provided the following comments:

- She liked the sign.
- The previous sign was longer.
- She could support the application.

Chair Fragoso provided the following comments:

- She is delighted that the business is expanding and staying in town.
- She likes the sign and the colors.

M/s, Green/Swift, motion to approve Sign Permit Application #17-37, 61 Bolinas Road.

AYES: Ackerman, Gonzalez-Parber, Green, Kehrlein, Newton, Swift, Chair Fragoso

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

4. 22 Sequoia Road; Application #17-28

Request for a Use Permit and a Parking Variance to construct a 300 square-foot, second story, studio/office addition over the garage of an existing 1,368 square-foot, 2 bedroom, 2 bathroom, single-family residence; Assessor’s Parcel No. 001-144-10; Residential Single-family RS 6 Zone; Eric and Rolanda Ebert, Applicants/Owners; CEQA Categorically exempt per Section 15301(e)(1)

Principal Planner Neal presented a staff report. She pointed out a correction to the resolution- it should say “Chair Fragoso” and not “Chair Kehrlein”.

Commissioner Swift asked about the Condition of Approval regarding the sidewalk. Principle Planner Neal stated sidewalk improvement was a standard requirement and the County standards would apply.

Chair Fragoso opened the Public Hearing.

Ms. Rolanda Ebert, applicant, made the following comments:

- They planted a Coast Live Oak over 30 years ago and have been very respectful of the tree.
- The roots of the tree are close to the surface.
- The tree is drought-stressed.
- She was concerned that tree roots would be cut when they put in the sidewalk.

Principal Planner Neal stated the condition could include review by an ISA Certified Arborist. If it is found that the work would negatively impact the tree then the condition could be waived by the Public Works Department.

Chair Fragoso closed the Public Hearing.

Commissioner Newton provided the following comment:

- She does not have any concerns.

Commissioner Green provided the following comments:

- He would like to see an arborist report.
- He supported the idea of giving the Public Works Department some flexibility with respect to the sidewalk.

Commissioner Ackerman provided the following comments:

- He liked the proposal.
- He supported the condition suggested by Principle Planner Neal.

M/s, Newton/Swift, motion to adopt Resolution No. 17-36, 22 Sequoia Road, with the addition of Condition #10: If the applicants wish to request a waiver of the requirement to install a sidewalk that they obtain the report of an ISA Certified Arborist and provide that to the Public Works Department. AYES: Ackerman, Gonzalez-Parber, Green, Kehrlein, Newton, Swift, Chair Fragoso

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

**5. 208 Ridgeway Avenue; Application #17-29
Request for a Use Permit for a 148 square-foot remodel/expansion of a 1,598 square-foot, 3-bedroom, 1-bathroom, single-family residence, resulting in a 1,746 square-foot, 3-bedroom, 2-bathroom residence; Residential RD 5.5-7 Zone; Assessor's Parcel No. 001-231-19; Laura Kehrlein, Architect; Mary Wells, Owner; CEQA categorically exempt per Section 15301(e)(1)**

Commissioner Kehrlein recused herself from this item.

Principal Planner Neal presented a staff report.

Commissioner Green asked Principle Planner Neal to point out the location of Sadie Lane.

Chair Fragoso opened the Public Hearing.

Ms. Mary Wells, owner, made the following comments:

- This is her family home.
- Sadie Lane is a foot path.

Mr. Fred Divine, architect, made the following comments:

- The staff report was excellent.
- This is a straight-forward project.
- The foundation is being repaired, ceiling heights improved, and kitchen expanded.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- The project is terrific.
- This is a simple addition.
- Repairing the foundation is a very good idea.
- He has no issues.

M/s, Gonzalez-Parber/Ackerman, motion to adopt Resolution No. 17-37, 208 Ridgeway Avenue.

AYES: Ackerman, Gonzalez-Parber, Green, Newton, Swift, Chair Fragoso

RECUSED: Kehrlin

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

The Commission took a 10-minute break at 9:45 p.m.

GENERAL PLAN MATRIX REVIEW/UPDATE

6. Director report on the status of the General Plan Matrix and its relationship to the Planning Commission's Zoning Ordinance update list

Planning Director Berto presented the staff report. He recommended the Commission schedule a workshop to discuss these issues.

Commissioner Swift had a question about an abbreviation in the "Comments" section of the matrix. Principle Planner Neal stated she was not sure what the "n" stood for. Commissioner Swift asked if the comments in the matrix came from staff or the General Plan Implementation Committee (GPIC). Commissioner Ackerman state the comments came from the GPIC.

Chair Fragoso stated some of the items listed have been discussed to some extent.

Commissioner Green stated he would like to get more specific with respect to fire safety. Commissioner Swift stated neighborhoods could do this on their own now with CERT training, "Get Ready" classes, etc. Commissioner Green stated he would like the Commission to help foster this.

Commissioner Swift stated she would like each Commissioner to start prioritizing the list and meet in a workshop setting.

Planning Director Berto stated that was a good idea and suggested appointing a sub-committee of two members.

Commissioner Ackerman stated he would like to categorize the items on the list- put all the fire safety items in one "bucket", all the "historical inventory/designations" items in another "bucket", etc.

Commissioner Green volunteered to be on the sub-committee.

Planning Director Berto asked the Commission to submit his or her list of priorities to staff in the next couple of weeks.

Planning Director Berto discussed the holiday schedule and asked the Commission to check his or her calendars about the following date: December 14th. He would also like to schedule a Commissioner's workshop/retreat on a Saturday in mid January

Planning Director Berto reported the Town Council waived the first reading and introduced the Accessory Dwelling Units Ordinance and the Electric Vehicle Charging Station Ordinance. The Council will be considering some Proposition 64 related regulations.

Commissioner Swift asked if streets could be identified in the Zoning Maps. Planning Director Berto stated "yes- but one of the challenges has to do with scale".

COMMISSIONER COMMENTS AND REQUESTS

7. Comments and requests from the Planning Commission

Commissioner Swift asked if the General Plan Maps were updated. Planning Director Berto stated staff was looking into what updating them with require. Commissioner Swift stated the maps in the Safety Element should be current. Commissioner Newton stated they should at least have a list of the maps that need to be updated periodically. Commissioner Ackerman noted these maps come from different sources and vary in quality, scale, etc.

Commissioner Swift asked if the Town has ever done a count or assessment of unapproved second units. Principle Planner Neal stated "yes" but she is not sure about its accuracy.

Commissioner Swift asked why the "audio only" recording of meetings is not posted on the Website. Principle Planner Neal stated she would find out.

Commissioner Newton asked staff to reach out to Diane Causey about partnering with some of the colleges in the area for planning interns that could help staff with its workload.

Commissioner Green asked about the status of the Java Hut and the restroom issue. Principle Planner Neal stated the owner provided staff with letters from several businesses that would be willing to provide access to their bathrooms. The business owners are still dealing with the Health Department.

MINUTES

8. Minutes from the September 21, 2017 Planning Commission meeting

M/s, Ackerman/Swift, motion to approve the September 21, 2017 Planning Commission minutes as corrected.

AYES: Ackerman, Newton, Swift, Chair Fragoso

ABSTAIN: Green, Gonzalez-Parber

ABSENT: Kehrlein

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:45 p.m.
Respectfully submitted,

Toni DeFrancis,
Recording Secretary