

FAIRFAX PLANNING COMMISSION SPECIAL MEETING MINUTES  
FAIRFAX WOMENS CLUB  
THURSDAY, DECEMBER 14, 2017

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso (Chair)  
Philip Green  
Laura Kehrlein  
Mimi Newton  
Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber

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

#### APPROVAL OF AGENDA

M/s, Swift/Green, motion to approve the agenda with the addition item number 5 to the agenda“ Commissioners’ Comments and Requests”.

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

#### PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

#### PUBLIC HEARING ITEM

##### 1. 74 Cypress Drive; Application #17-36

**Continued consideration of a 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 335-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 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 Swift had a question about the numbering for Resolutions No. 17-31 and No. 17-35. Principal Planner Neal stated the City Clerk does not assign numbers for resolutions until after action was taken- the number is not that crucial and she recommended the Commission reference No. 17-37.

Commissioner Swift referred to the condition about the junior second unit receiving “staff approval” and asked for clarification on this process. Associate Planner Levenson stated this is a ministerial permit if the applicant complies with all the Accessory Dwelling Unit code requirements.

Commissioner Green referred to page 3 of the staff report, "Combined Side Yard Setback Variance, Finding (A)" and asked that language regarding the average lot size be incorporated. He did not want it to appear that the applicants are being granted special privileges. Planning Director Berto stated they could add language about the lot width.

Chair Fragoso opened the Public Hearing.

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

- The process has improved the project.
- This is the best solution for the owners and the community.
- The system is working.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comment:

- He thanked the applicant for making the requested adjustments to the plans.
- He referred to the resolution and stated he would like to see the words "junior accessory unit" instead of "junior second unit" for consistency.

Commissioner Kehrlein provided the following comments:

- She appreciated the revisions which have brought the project closer into conformance with the Town Codes.
- This is an example of the struggle the Commission has with respect to the covered parking requirement.

Chair Fragoso provided the following comment:

- She was glad the applicant was able to satisfy the neighbors.

Commissioner Newton provided the following comments:

- She appreciated the revisions and the revised plan fits nicely overall in that area of the driveway.
- She referred to Resolution No. 17-37 and suggested the correction of several typographical errors and several amendments.

M/s, Newton/Green, motion to adopt Resolution No.17-37, 74 Cypress Drive.

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

ABSENT: Gonzalez-Parber

Chair Fragoso advised the audience that there was a 10-day appeal period.

## **2. 17 Wreden; Applicant #17-43**

**Request for a Conditional Use Permit to rebuild existing entry stairs and enlarge a deck on a site containing a 1,626-square-foot single family residence; Assessor's Parcel No. 002-011-44; Single-family Residential RS 6 Zone; David Ostiller, Applicant and Owner; CEQA categorically exempt per Section 15301(a).**

Assistant Planner Levenson presented the staff report. She noted an error in the staff report; on page 4, under Recommendation; #3 should read: "Move to *approve* Application No. 17-43...".

Commissioner Kehrlein asked how the side yard setbacks were determined. She was not sure they are ten feet as indicated on the plans. She asked how much the new deck was encroaching on the setback on the west side- it was not clear on the drawing. Assistant Planner Levenson stated the

decks were not changing on the east side. There is a five foot setback called out on the southwest portion. Commissioner Kehrlein asked if they were calling the setback ten feet on the east side and five feet on the carport side. Principal Planner Neal stated the Code allowed decks to encroach two feet into the required setback. The property owner can choose which side will be considered as maintaining the minimum the five foot side setback. The combined setback is twenty feet because the property has over a 15% slope.

Commissioner Kehrlein asked if the applicant had considered moving the deck closer to the east or if this is the original proposal. Assistant Planner Levenson stated this is the original proposal. The intent was to improve the circulation and fill in that open space.

Chair Fragoso asked if this was an “after the fact” permit. Principal Planner Neal stated “no”.

Commissioner Green stated the setback issue brought up by Commissioner Kehrlein was important- they have to be careful about setting a precedent. He asked if there was any thought given to making the deck shorter towards the east. Chair Fragoso stated it would then fall short of the edge of the existing carport. Commissioner Green stated that would be the special circumstance. Principal Planner Neal stated the deck was only 219 square feet in size.

Chair Fragoso opened the Public Hearing.

Mr. David Ostiller, applicant, made the following comments:

- The idea was just to get the deck to the edge of the carport.
- There is nothing underneath it.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- This appears to be a long needed repair of a dilapidated staircase.
- The deck needs to be the proposed size.
- This repair is not a big deal. He wondered if something like this even needs to come to the Commission.

Commissioner Kehrlein provided the following comments:

- She noted the proposal needs a Use Permit.

Commissioner Green provided the following comment:

- This appears to be a long needed repair of a dilapidated staircase.

M/s, Green/Swift, motion to approve Resolution No. 17-41, 70 Wreden Avenue, with corrections made to the application number.

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

ABSENT: Gonzalez-Parber

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

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

Planning Director Berto reported there might not be any complete applications for the Regular Commission meeting in January. He encouraged the Commission to continue to submit comments regarding the General Plan Implementation matrix. This will give staff the chance to do the necessary organization prior to the Commission workshop. The four potential workshop dates are:

Saturday, January 20<sup>th</sup>, Sunday, January 21<sup>st</sup>, Saturday, January 27<sup>th</sup>, and Sunday, January 28<sup>th</sup>. Staff has published the Electric Vehicle Charging Station Ordinance on-line along with the checklist. SB 35 and other housing mandates will be discussed at the upcoming workshop. The Cannabis Workshop was well attended which included a panel discussion. Staff met with the Marinda Heights applicant and realized there was a divergence in how the square footage of the various residences was counted. Staff asked the applicant to revise the plans. Information on the application will be posted on the Town Website. Commissioner Newton encouraged staff to refer to the project as the Marinda Heights, a.k.a. Wall Property, project. Planning Director stated the project is going through an Environmental Impact Report process which would extend timelines and provide a lengthy opportunity for additional public participation.

Commissioner Swift asked if the Cannabis Workshop PowerPoint presentations were posted to the Town Website. Planning Director Berto stated they will be included as an attachment to the video. Commissioner Swift stated it would be a good idea to discuss the new housing related laws at a regular meeting. Planning Director Berto agreed.

Commissioner Swift asked if there were any updates on the maps. Planning Director Berto stated staff posted an updated, corrected Zoning Map on the wall in the front lobby. Staff will also post an electronic version.

## **MINUTES**

### **4. Minutes from the November 16, 2017 Planning Commission meeting**

M/s, Newton/Green, motion to approve the November 16, 2017 Planning Commission minutes as corrected.

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

ABSENT: Gonzalez-Parber

### **Commissioners Comments**

5. Commissioner Swift asked when the last annual Housing Element review and annual report to the State was done. She asked if the Commission could have a copy. Planning Director Berto stated he would find out and report back to the Commission.

Commissioner Swift stated the next Planning Commissioners Academy would be held in April in Monterey. She would like to attend. Planning Director Berto stated he would look into this.

Chair Fragoso discussed the General Plan Implementation matrix and noted there was some overlapping and duplicity. She would like to shift the format of the categories- the current formatting is unmanageable and not practical. An "Administrative" category would include at least half of the items.

### **Election of Chair, Vice Chair and Member to Serve on the Fairfax Tree Advisory Committee**

M/s, Fragoso/Green, motion to elect Vice-Chair Newton as Chair.

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

ABSENT: Gonzalez-Parber

M/s, Kehrlein/Newton, motion to elect Commissioner Swift as Vice-Chair.

AYES: Green, Kehrlein, Newton, Swift

NOES: Chair Fragoso

ABSENT: Gonzalez-Parber

Chair Fragoso stated the election of the member to serve on the Fairfax Tree Advisory Committee would be continued.

**ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary