

FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, OCTOBER 19, 2023

Call to Order/Roll Call:

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

Commissioners Present: John Bela
Robert Jansen
Mimi Newton
Cindy Swift (Chair)

Commissioners Absent: Philip Feffer
Brett Kelly

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

APPROVAL OF AGENDA

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

AYES: Bela, Jansen, Newton, Chair Swift

ABSENT: Feffer, Kelly

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. 40 Manzanita: Application #23-29
Request for a Variance to construct a second driveway and parking area
AP# 002-011-08; RS 6, Single-Family Residential Zone; Selander Architects, architect;
Kathryn and Hieronymous Axelson, owners; CEQA categorically exempt per Section
15301(a)**

Assistant Planner Spencer presented the staff report. She answered questions from the Commission regarding whether staff received any written responses from the neighbors, if the construction conditions are for the paving of the driveway; if the stairs lead to another pathway; if the retaining wall existed at the time of the September 2022 application for this parcel; the "permit issued" date on the drawings; the process for a second driveway on a sloped lot; other methods for retaining walls; if the area where the cars are parked should be impermeable.

Chair Swift opened the Public Hearing.

Mr. Axelson made the following comments:

- He could leave or remove the stairway. There is a dead end at the top of the stairs.
- It would have been smart to include the parking in the first process but they did not consider the location of the JADU.
- He does not remember when the retaining wall was built. It did not require engineering.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He does not see a problem with the “after the fact” issue.
- Reworking the plan to avoid the need for a Variance would make it worse.
- This is an odd piece of property. He can make the Variance Findings.
- He could approve the project with the condition that the gravel is pushed back a bit.

Commissioner Bela provided the following comments:

- He was concerned about setting a precedent for building and excavating without pursuing the process.
- It is a benefit to have cars off the street.
- He could support the application.

Chair Swift provided the following comments:

- She does not recall seeing this retaining wall before.
- She is concerned about the permanence of the wall; the gravel coming down onto Mt. View and Manzanita; safety at that corner.
- She had trouble making the findings.

Commissioner Newton provided the following comments:

- She referred to the safety issue and stated she would not want to see any bushes behind the mailboxes.
- This is probably the best spot for the driveway.
- The drainage off of the property should not increase due to the driveway. This could be a Condition of Approval.
- She referred to the resolution, page 2, Finding #3 and stated it should be stronger.

M/s, Newton/Jansen, motion to adopt Resolution No.2023-28 with the insertion of the language in the staff report, page 3, third paragraph into Finding #3.

AYES: Bela, Jansen, Newton, Chair Swift

ABSENT: Feffer, Kelly

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

2. 91 Porteous Avenue; Application #23-31

Request for a Conditional Use Permit and Variances to legalize an unpermitted garage and expanded driveway for an existing single-family residence; AP # 002-082-18; RD 5.5-7 Residential Zone; Scott Valentino, owner/applicant; CEQA categorically exempt per Section 15301(e) and 15304(a)

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding whether smoke detectors, carbon monoxide detectors, and address numbers are required for everything; if the garage would require a sprinkler system.

Chair Swift opened the Public Hearing.

A resident made the following comments:

- He lives across the street.
- The construction is aesthetically pleasing.
- He appreciated the off-street parking.

Chair Swift closed the Public Hearing.

Commissioner Newton provided the following comments:

- She loved the effort to save the tree.
- She was sorry the work started before the “I”s were dotted and “T”s were crossed.
- There were a couple of typos in the resolution.

Commissioner Jansen provided the following comments:

- There are similar solutions along the street.
- Construction prior to obtaining permits is not a good thing.
- He could approve the project.

M/s, Jansen/Bela, motion to adopt Resolution No. 2023-30 with the corrections to the typos.

AYES: Bela, Jansen, Newton, Chair Swift

ABSENT: Feffer, Kelly

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

- 3. 16 Cascade Drive; (APN 003-202-05), 284 Forrest Avenue (APN 002-143-29); 185 Tamalpais Drive (APN 001-053-17), 1738 Sir Francis Drake Blvd. (AP#001-236-82) 1 Shemran Ct. (APN 174-111-84); Application #23-30 Encroachment Permits to install ground mounted, battery backup, cabinets in the public rights-of-way to house emergency backup systems for Comcast power sources mounted on existing utility poles in compliance with California Public Utilities Commission regulations requiring communication emergency backup systems providing 72 hour service emergency service after natural disasters/weather events. Applicant; Comcast; CEQA categorically exempt per Sections 15301(b) & 15302(c)**

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the purpose of the backup; if there are concerns about dig up the road during the winter.

Chair Swift opened the Public Hearing.

Mr. Billy Glisson, representing Comcast, made the following comment:

- They would be happy to answer questions.

Mr. Glisson and Mr. Bottari answered questions regarding removal of guide wires on poles; the PG&E meter on the Wood Lane pole; the equipment on Shemran Court.

Mr. Dane Padenoff, 16 Cypress Drive, made the following comments:

- He would like to discuss the location with Comcast.
- He sees several problems.

Principal Planner Neal cited Condition #7 that pertains to this request.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He referred to 16 Cypress Drive and noted the cabinet is pushed away from the curb.
- The way it is drawn would not work. The accessible pathway should be in the back and not on the curb side.
- The cabinet should be closer to the curb.

Commissioner Newton provided the following comment:

- She noted a typo in the resolution.

Principal Planner Neal suggested the addition of Condition of Approval #8: The cabinet on Sir Francis Drake Boulevard behind 1 Shemran Court shall be located as close to the existing equipment as possible and shall be screened by some kind of lattice or planting material, to be approved by the Planning Director..

M/s, Jansen/Bela, motion to adopt Resolution No. 2023-29 with the addition of Condition of Approval #8: The cabinet on Sir Francis Drake Boulevard behind 1 Shemran Court shall be located as close to the existing equipment as possible and shall be screened by some kind of lattice or planting material, to be approved by the Planning Director, and correction of the typo.

AYES: Bela, Jansen, Newton, Chair Swift

ABSENT: Feffer, Kelly

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

Minutes

6. Review and approval of the minutes from the August 17, 2023 and September 14, 2023 meetings

M/s, Jansen/Newton, motion to approve the August 17, 2023 as corrected and the September 14, 2023 minutes as submitted.

AYES: Bela, Jansen, Newton, Chair Swift

ABSENT: Feffer, Kelly

Planning Director's Report

Planning Director Beiswenger reported the November 16th Commission meeting includes public comment on the Draft EIR for the Housing Element, and a Study Session on the Work Force Housing Overlay,

Commissioner Comments and Requests

Chair Swift asked if the administrative zoning changes suggested by the Commission were presented to the Council.

Commissioner Newton asked the Planning Director to reach out to the Open Space Committee about the Zoning Amendments for Low Impact Clustering Residential Development.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:37 p. m.

Respectfully submitted,
Toni DeFrancis,
Recording Secretary