

FAIRFAX PLANNING COMMISSION MEETING MINUTES  
WOMEN'S CLUB, 46 PARK ROAD  
AND VIA TELECONFERENCE  
THURSDAY, DECEMBER 15, 2022

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso (Chair)  
Philip Feffer  
Robert Jansen  
Brett Kelly  
Mimi Newton  
Cindy Swift

Commissioners Absent: Philip Green

Staff Present: David Woltering, Interim Planning Director  
Linda Neal, Principal Planner  
Kara Spencer, Assistant Planner

#### **APPROVAL OF AGENDA**

M/s, Kelly/Jansen, motion to approve the agenda with the continuation of item #1 and the October 27, 2022, minutes.

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

ABSENT: Green

#### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no comments.

#### **CONSENT CALENDAR**

There are no Consent Calendar items.

#### **PUBLIC HEARING ITEMS**

- 1. 197 Bothin Road.; Application #22-28**  
Request for a Conditional Use Permit and Design Review Permit for an expansion and 50% remodel of a 1,425 s.f. single family residence; conversion of the existing 392 s.f. attached garage into a 392 s.f. JADU; construction of a new 302 s.f. detached one car garage; RS-6 Single-family Zone; John Clarke Architects, applicant; Mike Tzortzis and Shannon Snyder, owners; CEQA categorically exempt per Section 15301(e)(1) and 15303(e).

Chair Fragoso stated this item has been continued to the January 27, 2023 meeting.

- 2. 43 San Gabriel Drive.; Application #22-27**  
Request for a Conditional Use Permit and a Combined Side Yard Setback Variance for

**a forty-six s.f. laundry room addition to a 1,491 s.f. single-family residence; APN #001-261-08; RS 7.5 Single-family Zone; Kitchen Works, applicant; Marsha Jones and Kevin Shine, owners; CEQA Categorically exempt per Section 15301(e)(1).**

Principal Planner Neal presented the staff report. She answered a question from the Commission regarding the conditions from the outside agencies.

Chair Fragoso opened the Public Hearing.

Ms. Kevin Shine, owner, made the following comments:

- The laundry room will be 6' X 8' and will not change the roof line of the home. It will be a flat roof.
- The 10% slope is deceptive- it includes the roadway.
- The lot is flat.

Commissioner Jansen stated the plans show a hip roof and the elevations show a shed roof. Mr. Shine stated they originally submitted two sets of plans and scratched the larger plan that had a change to the roof structure. Mr. Shine took a look at the plans that were submitted and acknowledged it would be a sloped roof.

Planning Director Woltering noted Plan Sheets A3 and A4 of the roof plans represent what the architect and owner intended.

Chair Fragoso closed the Public Hearing.

Chair Fragoso provided the following comments:

- This is a straightforward project and she understood the need for a functional laundry room.
- The location makes sense.
- She supports the project.

Commissioner Kelly provided the following comments:

- The building does not encroach into the side yard setback any further than the existing house.
- The project will not impact the neighbors or impede any sight lines.

M/s, Newton/Kelly, motion to adopt Resolution No. 2022-35 with language specifying Plan Sheets A3 and A4 with respect to the roof inserted into the first "Whereas" on page 2.

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

ABSENT: Green

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

**3. 67 Tamalpais Road; Application No. 22-29  
Request for a Hill Area Residential Development Permit, Excavation Permit, Design Review Permit, Tree Removal Permit, Encroachment Permit and Retaining Wall Height Variance and Combined Front/Rear Side Yard Setback Variance to construct a 1,772 s.f. single-family residence with a 497 s.f. attached junior accessory dwelling unit and a 315 s.f. attached 1-car garage; Assessor's Parcel No. 001-123-03; RS-6 Single-Family Residential Zone; Ron Kappe, architect/applicant; Stephen Altman, owner; CEQA categorically exempt per Section 15303(a).**

Principal Planner Neal presented the staff report. She noted the application was not properly noticed for the Combined Side Yard Setback for the parking and she recommended a continuance. The Commission could then also review the Driveway Width Variance. She answered a question from the Commission regarding whether or not the story poles were installed; the table on page 2

and page 6; the parking pads and easements; if the garage would be used to park a car; the tandem parking; if the property owner would live in the subject project and rent out his other house.

Chair Fragoso opened the Public Hearing.

Mr. Stephen Altman, owner, made the following comments:

- This project will be a benefit to the community.
- This is an empty lot that has been neglected.
- He asked the architect to create a house that feels like “outdoor living”.
- They will use a lot of recycled and natural materials including cedar, limestone, and slate.
- This will be a sustainable house.
- The house would help with the Town’s RHNA goals.
- They have set back the top level, reduced the height, and reduced the amount of glass in the front.
- They want to work with staff and the Commission.

Commissioner Jansen stated the renderings do not seem accurate.

Mr. Ron Kappe, architect, made the following comments:

- The whole thing is scaled.
- They can work on the renderings.
- The upper deck is depicted on Sheet A 2.2.

Chair Fragoso asked Mr. Kappe to point out the location of the trash enclosures.

Mr. Altman made the following comments:

- They are working with a professional team.
- Once they receive approvals they will start working on the retaining wall design. They have several approaches.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The renderings do not seem accurate.
- He cannot discern the scale.
- He has a good understanding of what is going on but there are some missing details.
- The Commission needs more information on the retaining wall behind the house.

Commissioner Feffer provided the following comments:

- He got a pretty good sense of the project and the surrounding houses as he drove by the property.
- The story poles were very helpful.

Commissioner Kelly provided the following comments:

- He appreciated the renderings.
- The scale of the renderings was off and somewhat misleading.
- The images should depict the location of the adjacent neighbor’s white carriage house.

Chair Fragoso provided the following comments:

- The photographs of the adjacent houses show that many of the elements are similar.
- The main house is a structure that is confined on both sides but the upper floor deck is built out into the hillside.

- The isometric drawings do not accurately show the siting of the house or the massing. The house seems significantly larger than it is depicted in the elevations.
- The project seems significantly larger than the neighboring properties.
- The massing of the house is very large.

Commissioner Swift provided the following comment:

- She asked staff to schedule a Tree Committee Meeting as soon as possible.

Commissioner Kelly provided the following comments:

- 73 Tamalpais should be included in the revised renderings.
- These two buildings might appear very close together.

M/s, Swift/Jansen, motion to continue Resolution No. 2022-27 to the regular January meeting to allow the applicant to address the items that the Commissioner requested.

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

ABSENT: Green

### **Discussion Items**

4. Discussion of changing the regular Planning Commission meeting each month from the 4<sup>th</sup> Thursday to the 3<sup>rd</sup> Thursday

Principle Planner Neal presented a staff report.

It was the consensus of the Commission to change the Planning Commission meeting each month from the 4<sup>th</sup> Thursday to the 3<sup>rd</sup> Thursday.

### **Minutes**

5. Review and approval of the minutes from the October 27, 2022 and the November 17, 2022 Meeting

M/s, Newton/Feffer, motion to continue the October 27, 2022 minutes and approve the November 17 2022 minutes as submitted.

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

ABSENT: Green

### **Election of New Chair and Vice Chair**

M/s, Newton/Jansen, motion to select Commissioner Swift as Chair.

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

ABSENT: Green

M/s, Newton/Swift, motion to select Commissioner Jansen as Vice Chair.

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

ABSENT: Green

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

Interim Planning Director Woltering reported on work the Planning Department has been involved with including working with the new consultants on the Housing Element update; short-term rentals; parklets; Rent Stabilization and Just Cause Ordinances; the Building Code and the Fire Code; an Ordinance Prohibiting New Gas Stations. He answered questions from the Commission regarding how downtown property owners are handling the parklet issues; timing of the Housing Element

Update; the status of the Fairfax Lumber project; status of the Safety Element; status of Temporary Use Permits and the use of parking lots; if the Commission would be reviewing the ADU and JADU Ordinance; Creek Fence item on the upcoming Council agenda.

### **Commissioner Comments and Requests**

Commissioner Swift reported the Planning Commissioners' Academy will be held in March in Southern California.

### **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:21 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary