

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, OCTOBER 27, 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
Philip Green
Robert Jansen
Brett Kelly
Mimi Newton
Cindy Swift

Commissioners Absent

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

APPROVAL OF AGENDA

M/s, Newton/Swift, motion to approve the agenda placing the Commissioner Requests after the Planning Director's report in the agenda order.

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

ABSENT:

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

1. Setting the regular meeting dates for the November and December 2022 Planning Commission meetings as November 17, 2022 and December 15, 2022

M/s, Swift/Feffer, motion to reschedule the regular November and December Planning Commission meeting dates for November 17, 2022 and December 15, 2022.

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

PUBLIC HEARING ITEMS

1. **35 Wreden Avenue.; Application #2022-21
Request for a Conditional Use Permit, Combined Side-yard Setback Variance and Parking Variance for a Remodel/expansion of an existing 1,182 s.f., single-family Residence. Project includes reconstruction/reorientation of the front entry stairs; APN # 002-014-10; RS-6 Single-Family Residential Zone; Christopher Arnold, applicant; Christopher and Kristin Arnold, owners; CEQA categorically exempt per Section 15301(e)(1).**

Principal Planner Neal presented the staff report

Chair Fragoso opened the Public Hearing.

Kristin Arnold, the owner and applicant, explained the purpose of the remodel project.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen indicated that he believes the parking within the public right-of-way along the property frontage meets the requirements for the guest parking stall and that the staff is incorrect in requiring a parking variance to validate the existence of a guest parking stall in the driveway.

M/s, Jansen/Kelly, motion to adopt Resolution No. 2022-29 with the elimination of any language referencing the parking variance or the guest parking space being located within the driveway.

AYES: Jansen, Newton, Swift, Chair Fragoso

ABSENT: Green, Kelly

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

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2. 54 Bolinas Rd.; Application #22-20

Request for a Conditional Use Permit for an existing commercial space that will combine both retail and service activities in one business location in accordance with Town Code Section 17.100.050(F); APN #002-111-15; Central Commercial Zone; Holly Brandborg and Emma Sheldon, applicants; Doug Yee, owner; CEQA Categorically exempt per Section 15301(a)

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding whether the restrooms meet ADA codes; what triggers ADA requirements.

Chair Fragoso opened the Public Hearing.

Ms. Holly Brandborg made the following comments:

- The space is beautiful but too big for her hair styling business.
- She reached out to Ms. Sheldon.

Ms. Emma Sheldon made the following comments:

- She will run the retail portion of the space.
- This is an expansion of her business.

Mr. Todd Greenberg made the following comments:

- He lives across the street on Bolinas.
- He is in favor of the proposal- it will be a good addition.
- He is concerned about the increased luminescence of the lighting. It should be on the dimmest setting.

Chair Fragoso closed the Public Hearing.

Commissioner Swift provided the following comments:

- She asked staff to look at the interior lighting- the amount and timing.
- She likes the application and could approve it.

Commissioner Newton provided the following comment:

- She would like to see the ADA requirements upheld.

Principal Planner Neal referred to the Resolution and suggested the following modification: On page 2, under the first Whereas, #2, add to the last sentence: "...Chapter 8.32, and the Americans with Disabilities Act (*if the Building Official determines that the work that has been done triggers compliance*).” Interim Planning Director Woltering recommended leaving the language as is.

M/s, Swift/Jansen, motion to adopt Resolution No. 2022-24 with the following changes: 1) On page 1, the first “Whereas”, the word April should be deleted; 2) On page 2, Condition #5, capitalize Dark Sky.

AYES: Jansen, Newton, Swift, Chair Fragoso

ABSENT: Green, Kelly

Chair Fragoso stated there was a 10 day appeal period.

3. 6 Walsh Lane.; Application #20-08

Modification of a previously approved Hill Area Residential Development Permit for a remodel and expansion of a single-family residence; APN # 003-192-20; Residential Single Family RS 6 Zone; Laura Kehrlein, applicant/architect; Tom and Anne Engel, owners; CEQA categorically exempt per Section 15301(e)(a)(2).

Principal Planner Neal presented the staff report. She noted there were changes to the staff report to reflect the following: 1) A reduction in the number and size of exterior decks; 2) Window changes; 3) Changes in the number and location of exterior lighting; 4) The addition of skylights to the roof; 5) A change to the exterior siding material and deck railing caps. The only change to the floor elevations is the garage floor elevation came up. She noted the following changes to the Resolution:: 1) On page 4, Condition of Approval #6, should read: “Modifications...approved by the *Planning Commission* or Planning Director.”; 2) On page 6, Condition #22, “or” should be “of”; 3) On page 7, Condition #30 should be deleted. She answered questions from the Commission regarding the color scheme; the appeal of the original application.

Chair Fragoso opened the Public Hearing.

Ms. Laura Kehrlein, architect, made the following comment:

- The owners want to remodel the house and make it their own.
- The siding will be gray.
- The side deck on the south adjacent to the driveway has been eliminated.
- The windows on the north side have been removed except for a small one in the lower floor bathroom.
- The owners were proactive in meeting with the neighbors.

Commissioner Jansen referred to the west elevation, Page A3.2, and asked Ms. Kehrlein what was going on above the main window area. Ms. Kehrlein stated that would be siding (the hatch was omitted from the plans). Commissioner Jansen referred to the two large windows on the south elevation and asked if they were different sizes. Ms. Engle stated the top one is aligned and the bottom is driven by the interior and was pulled a bit higher for privacy.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The original color scheme had two colors- this is an architectural tool for making a large volume look smaller.
- Currently the entire volume is a single color.

- There is a significant difference in how one would read the architecture.

Commissioner Swift provided the following comments:

- The current color scheme and materials make the house look smaller and blend in more.
- She is happy the south side has been totally redone in terms of the number of windows.
- She referred to the Resolution and suggested the following changes: 1) On page 6, Condition #26, “if” should be “in”.

Commissioner Newton provided the following comments:

- The completely solid gray color scheme is pleasing.
- She appreciated the changes made and the efforts to mitigate the neighbor’s concerns.
- She supports the project.

Chair Fragoso provided the following comments:

- The internal layout has been rearranged and is much more user-friendly.
- She likes the redesign.
- She likes the new color scheme.
- She likes the original south elevation windows.
- She likes the treatment of the garage doors.
- The interior redesign results in a better living space.
- She supports the project.

M/s, Newton/Swift, motion to adopt Resolution No. 2022- with the following changes: 1) On page 4, Condition of Approval #6, should read: “Modifications...approved by the *Planning Commission* or Planning Director.”; 2) On page 6, Condition #22, “or” should be “of”; 3) On page 7, Condition #30 should be deleted; 4) On page 6, Condition #26, “if” should be “in”.

AYES: Jansen, Newton, Swift, Chair Fragoso

ABSENT: Green, Kelly

Chair Fragoso stated there was a 10 day appeal period.

MINUTES

4. Minutes from the August 25, 2022, and August 31, 2022 meetings

M/s, Newton/Swift, motion to approve the August 25, 2022 minutes as corrected.

AYES: Jansen, Newton, Swift, Chair Fragoso

ABSENT: Green, Kelly

M/s, Swift/Jansen, motion to approve the August 31, 2022 minutes as corrected.

AYES: Jansen, Newton, Swift

ABSENT: Green, Kelly

ABSTAIN: Chair Fragoso

Commissioner Comments and Requests

Chair Fragoso asked if the Commission should send staff their comments about the Objective Development and Design Standards (ODDS) document. Interim Director Woltering stated “yes”.

Planning Director’s Report

Interim Director Woltering stated there is a Special Commission Meeting scheduled for September 28th at 7:00 p.m. to discuss the ODDS. The meeting will be Zoom only and include an overview of the memorandum and the ODDS document. Staff will come back to the Commission with a revised

document for recommendation to the Council. He discussed the September 7th Town Council meeting which including action taken on the Parklet Program, expiration of the temporary parklets and the standards checklist, and rent stabilization and just cause protections. He discussed upcoming Commission meeting dates and asked the Commission to check their calendars.

Chair Fragoso commented on outdoor eating parklets, the ODDS, SB 9 requirements, and the Draft Housing Element.

Commissioner Swift stated the Commission provided feedback on the existing Housing Element Policies and Programs but has not done any work on the updated Housing Element.

Commissioner Jansen asked if there is a plan or timeframe for looking at revising the Zoning Code. Interim Director Woltering stated the Housing Element is the priority- the Commission has a lot on its plate!

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT 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)
Peter 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 Wolford 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.
- She does not have a problem with the design.

- The project seems significantly larger than the neighboring properties.
- She massing of the house is 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 4th Thursday to the 3rd 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 4th Thursday to the 3rd 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