

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, MARCH 16, 2023

Call to Order/Roll Call:

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

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

Staff Present: Daniel Hortert, Contract Planner
 Linda Neal, Principal Planner
 Kara Spencer, Assistant Planner

APPROVAL OF AGENDA

Commissioner Newton stated she is not able to attend the meeting in person and will be participating by Zoom per the "just cause" provision of the California Government Code. There is nobody in the room with her.

Chair Swift stated she wanted to switch items #2 and #1.

M/s, Fragoso/Jansen, motion to approve the agenda with the change proposed by the Chair.
AYES: Feffer, Fragoso, Jansen, Kelly, Newton, Chair Swift

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

INTRODUCTION OF CONTRACT PLANNER

Contract Planner Daniel Hortert, with 4LEAF Inc., stated he was hired to assist in the completion of the Housing Element and Safety Element.

The Commissioners welcomed Contract Planner Hortert.

PUBLIC HEARING ITEMS

- 2. 22 Wood Lane; Application #23-05
Request for a Conditional Use Permit to construct a 160 sq. ft. storage structure on a site developed with a single-family residence; APN #002-041-13; RS-6 Single-Family Zone; Daniel and Lauren Segal, applicants/owners; CEQA Categorically exempt per Section 15303(e).**

Senior Planner Neal presented the staff report. The Ross Valley Sanitary District had no comments on the project but she has not heard back from the Water District. Page 3 of the resolution should reflect that staff would need six, and not seven, sets of plans. She answered questions from the

Commission regarding whether the Ross Valley Fire Department requirement for a sprinkler system would require electrical and water to the shed; if the code limits the number of storage sheds; if there is a setback requirement for the shed.

Chair Swift opened the Public Hearing.

Mr. Daniel Segal, applicant, made the following comments:

- They have a lot of outdoor gear and need a large shed.
- They have no garage.

Chair Swift closed the Public Hearing.

Commissioner Newton provided the following comment:

- She is in favor of the shed.

M/s, Fragoso/Kelly, motion to adopt Resolution No.2023-05 with the following change in the Resolution: Page 3 of the resolution should reflect that staff would need six, and not seven, sets of plans.

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

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

- 1. 67 Tamalpais Road; Application #22-29
Request for a Hill Area Residential Development Permit, Excavation Permit, Design Review, Tree Removal Permit, Revocable Encroachment Permit, Retaining Wall Height Variance, Combined Side Yard Setback Variance, Combined Front/Rear Setback Variance, and Driveway Width Variance to construct a 2,205 sq. ft. single-family residence which includes a 485 sq. ft. attached junior accessory dwelling unit and a 256 sq. ft. attached, 1-car garage; APN #001-123-03; RS-6 Single-Family Zone; Ron Kappe, Architects, applicant; Stephen Altman, owner; CEQA Categorically exempt per Section 15303(a).**

Senior Planner Neal presented the staff report. She noted the following corrections to the staff report: 1) The proposed FAR is 39% with the garage; 2) The allowed height is 28.5' and three stories; 3) The lot coverage is 30%. She suggested the following change to the resolution: 1) The Driveway Width Variance and the list of all Variances should be included in the title. She answered questions from the Commission regarding whether the setbacks listed on Table 4 of the staff report were correct; the Marin Water regulation that conflicts with the standard Planning Commission conditions requiring water service prior to issuance of the building permit vs the Water Districts requirement that a building permit be issued before they will approve water service.

Commissioner Newton stated she was not able to access the plans on the Town Website. She will not be taking action on this application.

Chair Swift opened the Public Hearing.

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

- The two parking decks on the property benefit the other neighbors.
- His two lots are helping three other houses.
- He not a developer or speculator.
- He is doing everything possible to be compliant.

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

- He and the owner listened to the Commission's comments and this is a responsive redesign.
- They centered the house on the lot; created a larger foyer entrance; created a porch above the garage; oriented the largest gable roof east/west and set it back further up the hill; added a deck above the kitchen/living room area; took down a lot of flatwork going on behind the building; lowered the upper roof height by about three feet; set the recycling area back from the entrance.
- Not much of the third floor will be seen from the street level.
- They reduced the site impacts quite a bit.
- They adjusted the story poles.
- They would like a favorable decision tonight.

Commissioner Kelly asked Mr. Altman if he was happy with the new design. Mr. Altman stated "yes".

Chair Swift asked if moving the building over changed any tree removal issues. Mr. Kappe stated "no". Chair Swift asked how the windows had changed. Mr. Kappe stated there is one window on the west side that is obscure glass. The other side has clear glass.

Commissioner Kelly noted there is a drafting error in the elevations with respect to the windows.

Mr. Andrew Land, Scenic Road, made the following comments:

- They are trying to shoe-horn the project onto this lot.
- It is a very steep lot.
- Three stories are way too much.
- They are asking for too many variances.
- The excavation will cause a problem.

Mr. George Pickering, Tamalpais Road, made the following comments:

- He has the easement at the top of the lot.
- There is a large tree between his easement and the proposed house.
- This is a relatively unstable hill and he is concerned the development may undermine his parking area.

Senior Planner read the Town Engineer's conditions regarding shoring of the hillside.

Chair Swift closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- There are extensive requirements with respect to stabilizing the hillside.
- She appreciates the applicant's response to the Commissioner comments.
- She likes the design and the way it incorporates the design and character of the adjacent properties.
- The project will be a lovely addition to the neighborhood.

Commissioner Jansen provided the following comments:

- He appreciates the efforts put into addressing the Commission comments.
- This is well done.
- This is a small lot.
- Movement of the house was important.

Commissioner Kelly provided the following comments:

- The design changed more than he expected.
- If the house could be move another five feet- this would be better for the neighborhood.
- The scale and proportion mirrors the carriage house.

- He hoped the detailing is modern and elegant.
- The project will be a fine addition to the neighborhood.

Commissioner Newton provided the following comment:

- The resolution should include the date the new plans were received.

M/s, Fragoso/Jansen, motion to adopt Resolution No.2022-37 with the following revisions: 1) The Driveway Width Variance and the list of all Variances should be included in the title and on page 12 under the “Now, Therefore be it resolved” Section; 2) On page 12, Condition #59, the last sentence shall read: “A copy of the recorded drainage system maintenance agreement shall be provided to the Town ...”; 3) The resolution should include the date the new plans were received by staff.

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

ABSTAIN: Newton

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

3. 129 Lansdale Avenue; Application #23-03

Continued consideration of a request for Design Review Permit and Compact Parking Space and Setback Variances for an interior/exterior residential remodel and site renovation providing additional parking; AP #002-201-36; RD 5.5-7 Residential Zone; Andrew Davis, Fluid Studios, applicant; Kate MacLaughlin and Sampson Goff, owners; CEQA categorically exempt per Section 15301(a).

Associate Planner Spencer presented the staff report. She answered questions from the Commission regarding setback and height for a fence for a corner lot; if the existing fence along Baywood was built with a permit; if staff received any comments from neighbors; if the fence on the side is in front of or behind the parking; if the seven foot high fence goes all the way to the corner; reasons for maintaining a longer the front setback variance aside from sight lines.

Chair Swift opened the Public Hearing.

Mr. Sampson Goff, owner, made the following comments:

- The fence that goes along Baywood is six foot tall with a one foot picture window. It stops at the front part of the house.
- The low fence on the corner facing Lansdale is three foot high.
- The back fence is seven feet high.
- The front entryway design and front porch help the house design fit in better with the community.
- They tried various solutions on how to fit two extra parking spaces on the lot.
- The fence in the front yard will be three feet tall.
- The front porch is one foot ten inches into the setback. Same with the rear deck.

Mr. Andrew Davis, representing Fluid Studios, made the following comments:

- The owners are doing a ton of work on the house.
- Many of the systems are at the end of their service life.
- The new building systems will be fire resistant and energy efficient.

Commissioner Kelly referred to the pervious/impervious surface drawings and asked what was changing. Mr. Davis stated the paving bricks and concrete pad in the back yard would be removed and replaced with greenery growing between flat concrete pieces.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- This is a lovely design and he likes the project.

- The minor encroachment on the porch is logical.
- He has a problem with the fence being too tall along the street/side property line.
- He does not support a six foot fence along the right-of-way. Senior Planner Neal stated that it is typical for the Commission to grant fence height variances for corner properties so that at least a portion of their yards can be private.
- He asked if approval of this application would make the fence legal or would it be considered noncompliant. Senior Planner Neal stated it would be considered existing noncompliant. The Commission could ask that it be lowered to four feet at a certain point.
- He did not want to set a precedent.
- There are two possibilities- either this is not part of this application (not approved or disapproved) and it is left alone or it is part of the application and the Commission finds a reason why it is acceptable or modify what it looks like by changing the design.

Commissioner Newton provided the following comment:

- The first “Whereas” on page 3 of the resolution states “the “seven-foot-high fence shall be reduced to a maximum of six feet in height as specified in Condition #32”.

Commissioner Kelly provided the following comments:

- This is an important issue for a pedestrian and visually friendly Town.
- He asked if the project included replacing this fence. Associate Planner Spencer stated “no”.
- The project would be better for the neighborhood without the tall fence.

Mr. Sampson Goff, owner, made the following comments:

- The fence along Baywood is six foot tall with a one foot trellis on top that acts like a picture window.
- The fence goes up to the front of the house which faces Baywood and it is fifteen feet back from Baywood.
- There is a substantial sight line already.
- He wanted to make sure the pool was safe for animals and neighbors and not accessible.

Mr. Andrew Davis made the following comments:

- If they are trending towards lowering the fence for the entire Baywood side he would like them to consider pool safety.

Chair Swift asked the applicants if they would be willing to have the fence along Baywood two heights. Mr. Goff stated he would prefer to leave it as is.

Commissioner Fragoso provided the following comments:

- If she had a pool she would like a seven foot fence.
- They have done a good job creating a welcoming front of the house.
- This is a lovely design.
- The architectural work is excellent.
- The parking on the side is a good idea.
- She is glad they are parking a car in the garage.
- She does not have a problem with the fact that the fence is seven feet high up to the corner of the house.
- The project does not include the fence.

Commissioner Newton provided the following comments:

- She asked if Mr. Goff’s is describing a six or seven foot fence. Senior Planner Neal stated he is describing a seven foot high fence. It is a legal nonconforming situation.

- On page 3 of the resolution, under the “Whereas”, #1, the word “existing” should be added prior to the words “seven-foot-high fence”, the last sentence should be deleted. Condition of Approval #32 should be deleted.

Commissioner Jansen provided the following comments:

- He reiterated his concern about setting a precedent.
- He supported Commissioner Newton’s suggestion.

Commissioner Kelly provided the following comment:

- The landscape plan for the Baywood side is not descriptive and he asked what was happening to the north of the door and the entryway. Mr. Goff stated they have a rose garden, grass, flowers, etc.
- The project and design are great.
- The fence is a detriment to the neighborhood.
- It would be better if the gate slid to the south back down to the door
- It is a design issue but he does not recommend that anything be done with the existing fence.

M/s, Jansen/Newton, motion to adopt Resolution No.2023-03 with the following changes: 1) On page 3 of the resolution, under the “Whereas”, #1, the word “existing” should be added prior to the words “seven-foot-high fence”, and the last sentence should be deleted; 2) Condition of Approval #32 should be deleted.

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

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

4. 139 Forrest Avenue; Application #23-04

Request for a Conditional Use Permit, Revocable Encroachment Permit, Tree Removal Permit, Front Setback Variance and a Minimum/Combined Side Setback Variance for the remodel with minor exterior changes of an existing single-family residence and to construct a two-car garage; APN #002-192-51; RS-6 Single-Family Zone; Kent Matheson, designer/owner; CEQA Categorically exempt per Section 15301(e), 15303(e), 15305(a)&(b).

Commissioner Jansen stated he is recusing himself from this item due to the proximity of his house to the project site.

Senior Planner Neal presented the staff report. She noted the Encroachment Permit would not be needed since the wall is going to be flush with the front property line. Any reference to the Encroachment Permit in the resolution should be eliminated. She answered questions from the Commission regarding what would be projecting into the right-of-way; the Fire Department requirements; where the 20’ X 40’ space would be located and if it impacts the neighbor’s driveway.

Chair Swift opened the Public Hearing.

Mr. Kent Matheson, owner, made the following comments:

- They are bringing an empty house back to life.
- They are creating a livable, comfortable, and useful home for the family.

Chair Swift closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- She likes the project very much.
- It is straightforward.

M/s, Feffer/Fragoso, motion to adopt Resolution No.2023-04 with the elimination of any reference to an Encroachment Permit.

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

RECUSED: Jansen

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

Commissioner Jansen returned to the meeting.

5. 64 Mt. View Road; Application No. 23-08

Request for a Hill Area Residential Development Permit, Design Review Permit, Revocable Encroachment Permit and Compact Parking Space Variance, Driveway Width Variance, and Minimum and Combined Side Yard Setback Variance for a 50% remodel/expansion of an existing 521 sq. ft., 1 bedroom, 1 bathroom, single-family residence into a 1,318 sq. ft., 2-bedroom, 2 ½ bathroom residence. Project includes legalization and expansion of the unpermitted first floor of the residence and the unpermitted parking along the parking frontage; Assessor's Parcel No. 002-011-31; RS-6 Single-Family Residential Zone; Dennis Ludlow, applicant/designer; Lydia Lerrigo, owner; CEQA categorically exempt per Section 15301(e)(1), and 15305(a) & (b).

Senior Planner Neal presented the staff report. Shen noted the following corrections to the resolution: On page 7, Conditions #31 and #32 should be eliminated. There were no questions from the Commission.

Chair Swift opened the Public Hearing.

Ms. Lydia Lerrigo, owner, made the following comments:

- She is trying to maintain the small character of the Town in the design.
- This is a very dilapidated structure.
- She is going "by the book".

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He likes the project.
- He supports the project as is.

Commissioner Fragoso provided the following comment:

- She agreed with Commissioner Jansen.

Commissioner Kelly provided the following comments:

- He is familiar with the house- it is notable.
- He appreciated the owner's efforts.
- He supports the project.

M/s, Jansen/Newton, motion to adopt Resolution No.2023-06 with the following changes: On page 7, Conditions #31 and #32 should be eliminated

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

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

Minutes

6. Review and approval of the minutes from the October 27, 2022 and the January 26, 2023

Meeting

M/s, Newton/Feffer, motion to approve the October 27, 2022 minutes and the January 26, 2023 minutes as corrected.

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

Planning Director's Report

There was no report.

Commissioner Comments and Requests

There were none.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:32 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary