

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, MAY 18, 2023

Call to Order/Roll Call:

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

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

Staff Present: Linda Neal, Principal Planner
Kara Spencer, Assistant Planner

Chair Swift noted Commissioner Fragoso was attending remotely.

M/s, Newton/Kelly, motion to accept Commissioner Fragoso's attendance remotely.
AYES: Feffer, Fragoso, Jansen, Kelly, Newton, Chair Swift

Commissioner Newton announced she is participating remotely.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PRESENTATION OF RESOLUTION OF APPRECIATION TO PHIL GREEN

Chair Swift read the Resolution.

M/s, Newton/Jansen, motion to adopt the Resolution of Appreciation to Phil Green.
AYES: Feffer, Fragoso, Jansen, Kelly, Newton, Chair Swift

Former Commissioner Phil Green stated it was a pleasure to serve nine years on the Commission.

PUBLIC HEARING ITEMS

- 1. 20 Willow Avenue and 76 Manor Road; Application #23-11
Continued consideration of a request for Encroachment Permits to install at grade battery**

backup cabinets in the public right-of-way to house emergency back-up battery systems for existing Comcast power sources mounted on existing utility poles in compliance with California Public Utilities Commission regulations requiring communication emergency back-up systems providing 72-hour service emergency service after natural disasters/ weather events. APN #'s 001-235-03 (20 Willow Avenue) and 001-113-08 (76 Manor-cabinet proposed on Acacia Rd.) RD 5.5-7 Zones; Comcast, applicant. CEQA Categorically exempt per Sections 15301(b) and 15302(c).

Commissioner Feffer recused himself from this item due to a professional conflict of interest. He left the Council Chambers.

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the driveway locations for 18 and 20 Willow Avenue; the decision by Comcast to move the cabinet on Willow Avenue across the street; an illegal encroachment on Willow Avenue; Encroachment Permit Findings; when staff approval for modifications would be required; who is included in “involved parties”; location of cabinets in relation to the pole box on Plan A0; the service area for the pole and the box.

Chair Swift opened the Public Hearing.

Mr. Brian Bottari and Mr. Billy Glisson, representing Comcast, made the following comments:

- The CPUC mandate is for 72 hours of backup. It does not specify battery.
- They have made some improvements since the launch of the project.
- They have increased some wire sizes.
- They do not need a pole box because the conduits come up underneath and go right into the cabinet.

Commissioner Jansen referred to 18 and 20 Willow Avenue and asked about distance from the cabinet to the driveway. Mr. Glisson stated he did not do the drafting. Principal Planner Neal stated it was at least ten feet for the 18 Willow property. Mr. Bottari stated they would be willing to place the cabinet anywhere between the two driveways.

Chair Swift had a question about the pole box depicted on Sheet A0. Mr. Glisson stated this should be a reference to a water main meter.

Ms. Hailey Mallon made the following comments:

- She did not want the structure to be located in front of 20 Willow.
- It will be an eyesore.
- She does not want to pay for the upkeep of the landscaping.
- She is requesting that other locations be considered.

Mr. Mallon made the following comments:

- He sent a letter to the Commission.
- He wanted to know about the function of a “power box” and why it cannot be moved to another pole.

Chair Swift closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- The reality does not match the drawings.
- The east side of the street has sidewalks.
- Walking on the west side of the street is difficult.
- It is unfortunate that everything has to go on the walkable side of the street.

- This location should be continued.

Commissioner Jansen provided the following comments:

- The application is incomplete and they are wasting their time.
- The plans do not include the driveway locations.
- It is not possible to make a judgement.

Commissioner Kelly provided the following comments:

- He agreed with Commissioner Jansen- it is not possible to evaluate the project.
- The applicants did not provide the requested information.
- The cabinet should move towards the curb.
- It is silly to not get a survey before a decision is made.
- He would like to see an engineering explanation for why they cannot put the box more than 100 feet away.
- A location at 9 Willow Avenue is a “no-brainer”.
- He wants to see documentation about what it would take to move the power supply to the southern pole.
- The public has a right to know where the cabinets will be located.

Commissioner Newton provided the following comments:

- She had a hard time figuring out the driveway locations for 18 and 20 Willow Avenue.
- She appreciated the photographs.
- The cabinet location might need to be moved if they prepare a survey.
- Moving the cabinet in front of 18 Willow seems like a convenient solution.
- There is a lot of uncertainty.

Chair Swift provided the following comments:

- There is a desire by the property owner of 20 Willow to not have the cabinet on her property.
- The cabinet would be located 6 ½ feet from the water main box which would put it totally in front of 18 Willow Avenue.
- She suggested putting the cabinet between the two planter locations.

The Commission discussed continuing the application for this location.

Mr. Brian Bottari and Mr. Billy Glisson, representing Comcast, made the following comments:

- The location is flexible.
- There is a 100 foot radius within which they can put the boxes.
- These issues can be troubleshot in real time.
- They would like a decision tonight.

Chair Swift asked for questions or comments on the 76 Manor Road location.

Principal Planner Neal answered a question from the Commission regarding the possible loss of public parking.

Chair Swift opened the Public Hearing.

There were no comments.

Chair Swift closed the Public Hearing.

Commissioner Kelly provided the following comments:

- There was a previous discussion about adding bollards to protect the box- there are none on the plans.
- He did not see an analysis about the possible loss of parking.
- He did not see a better location.

Mr. Glisson stated he did not remember the discussion about bollards or the loss of parking
Principal Planner Neal stated the Building Department made the recommendation for bollards.
There will be a loss of a parking space.

Commissioner Fragoso provided the following comment:

- There are unanswered questions and both locations should be sent to staff for review.

Commissioner Jansen provided the following comments:

- The box is pushed close to the corner and the width of that strip of land is 5'6". It is not a parking space.
- The proposed location of the box, from a parking standpoint, is the best location.

Commissioner Newton provided the following comment:

- The resolution should refer to a "pair of cabinets".

Chair Swift provided the following comment:

- Placing the box perpendicular to the road could provide more room for parking and save a foot or two.

M/s, Newton/Jansen, motion to adopt the Resolution No. 2023-11 with the following changes: 1) The resolution should refer to a "pair of cabinets"; 2) Condition #4, shall read: "The pair of cabinets along the 20 Willow Avenue frontage shall be determined by the Building Official and Public Works Director in consultation with the applicant and with the guidance from the Planning Commission as to be located between two water meters in front of 20 Willow and 18 Willow and as close to the curb as possible and that upon a decision as to the final location of the pair of cabinets the residents of 20 Willow and 18 Willow would be advised of that decision and their rights to appeal it and after that decision has been made the applicant must also include landscaping and/or other options to ensure the location is aesthetically pleasing to both the neighbors at 20 Willow and 18 Willow or if an agreement cannot be reached as to that landscaping or other option by those neighbors the final design of those enhancements will be approved by the Planning Director or the Public Works Director; 3) The reference to Willow Avenue shall be "18-20 Willow Avenue".

AYES: Fragoso, Jansen, Newton, Chair Swift

NOES: Kelly

RECUSED: Feffer

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

The Commission took a 5-minute break.

Commissioner Feffer returned to the dais.

**2. 54 and 56 Bolinas Road; Application #23-12
Request for a Design Review Permit for an exterior color change to the existing commercial building front façade; AP #002-115-16; CC (Central Commercial) Zone
Doug Yee, owner, Holly Brandborg, Emma Sheldon, and Padma Yoga Studio,
applicants; proposed work does not constitute a project under CEQA**

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the standards for letter sizes and illumination; the address on the building.

Chair Swift opened the Public Hearing.

Ms. Susan Brandborg made the following comments:

- She asked if all stores need to have numbers posted.
- The applicants want to paint the building white to distinguish it from the other buildings.

Chair Swift closed the Public Hearing.

Chair Swift provided the following comments:

- She was curious about the Fire Department requirements for numbering for commercial properties.
- The hanging sign they have makes it hard for the business to be seen from the road. It is a black sign with small white lettering and is hard to see.

Commissioner Jansen provided the following comment:

- Fresh paint is always nice- do it!

Commissioner Kelly provided the following comments:

- It looks great and will be an improvement to the streetscape.
- He supports the application.

Commissioner Fragoso provided the following comments:

- She understood the rationale for painting the building white but it would not solve the problem of identifying what business is where.
- A more effective strategy might be the installation of blade signs.

M/s, Jansen/Feffer, motion to adopt the Resolution No. 2023-10 with the following change: 1) The following sentence shall be added to Condition #1: "The size of the lettering and any lighting requirements must be acceptable to the other Fairfax agencies".

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

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

3. 142 Tamalpais Road; Application #23-14

Request for a Conditional Use Permit and Variance to construct a 213 sq. ft. deck onto the north side of the existing single-family residence; AP #001-121-25; RS 6, Single Family Zone; Arrow Deck and Construction, applicant John Nolan, owner CEQA categorically exempt per section 15301(a)

Assistant Planner Spencer presented the staff report. She noted an error in the plans and suggested an amendment to the resolution regarding the fence under the deck. She answered questions from the Commission regarding the deck off of bedroom #2; if the right of way path/trail continues; who would maintain the stone stairway that is the access to the public path; if there is access to the public pathway other than using the stone steps; recording of the revocable Encroachment Permit; if the concrete steps were covered by an Encroachment Permit.

Chair Swift opened the Public Hearing.

Mr. John Nolan, applicant/owner, made the following comments:

- They are trying to build a small deck on the front of the house.
- They are trying to bring the house up to code.
- They are happy to keep the pathway open.

Commissioner Jansen referred to the additional small stair up the hill to the left and asked- Where is that going? Mr. Nolan stated it leads to the back yard.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The location of the deck is not visible from Tamalpais and the corner that clips the setback line is small.
- It would be silly to pull the deck back because of that tiny corner.
- The combined setback is exceeded on the other side of the deck but that is due to the house.
- Trying to get the deck to comply would not bring about a useful result. It would look odd.
- The way the deck is attached to the house is logical and would look good.
- Keeping the public trail open is very important.
- He could approve the application.

Commissioner Newton provided the following comment:

- Public access to that trail needs to be preserved.

Commissioner Kelly provided the following comments:

- The stone stairs replaced wooden stairs and there was no public access.
- The owner rebuilt the stairs.
- This trail is used a lot by residents.

Commissioner Feffer provided the following comments:

- He suggested a Condition of Approval prohibiting blocking public access to the remainder of the trail.
- They should be silent with respect to the stone steps.

M/s, Jansen/Newton, motion to adopt the Resolution No. 2023-12 with the following changes: 1) On page 1, the first Whereas is misspelled; 2) The addition of Condition #12 stating that the property is within ¼ mile of a Norther Spotted Owl nest and construction is prohibited from February 1st through July 31st; 3) The addition of Condition #13: The existing access to the public right-of-way on the west side of the property must be maintained; 4) The addition of Condition #14: The Revocable Encroachment Permit shall be recorded at the County and a copy shall be provided to the Town.
AYES: Feffer, Fragoso, Jansen, Kelly, Newton, Chair Swift

Chair Swift stated there is a 10-day appeal period

4. 74 Woodland Road; Application #23-15

Request for a Conditional Use Permit, Variances, and Revocable Encroachment Permit for the repair and reinforcement of existing retaining walls; construction of new retaining walls, entry stairs, concrete driveway, deck with two paved parking spaces below; and installation of new parking pad for four parking spaces; AP #003-082-04; Residential Single Family Zone RS-6; Briar Horn, applicant; Haley and Briar Horn, owners CEQA categorically exempt per Section 15301(d) and 15303(d)

Assistant Planner Spencer presented the staff report. She did not receive any comments from the Fire Department of the Sanitary District. She answered questions from the Commission regarding whether the sewer pump on Sheet A.101 is existing or part of the application; if the deck would be accessible from inside the house and if there is any exterior lighting.

Chair Swift opened the Public Hearing.

Mr. Horn, applicant/owner, made the following comments:

- There is access to the deck through double doors. There is lighting on the outside.
- The replacement deck will be smaller in size.

Chair Swift closed the Public Hearing.

M/s, Jansen/Newton, motion to adopt the Resolution No. 2023-13 with the following changes: 1) The addition of Condition #14: The Revocable Encroachment Permit shall be recorded at the County and a copy shall be provided to the Town; 2) Acknowledgement that there were no comments from the Fire Department, Water District, or Sanitary District.

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

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

Discussion Items

There were no Discussion Items

Minutes

3. Review and approval of the minutes from the April 20, 2023 meeting

M/s, Newton/Feffer, motion to approve the April 20, 2023 minutes as corrected.

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

ABSTAIN: Fragoso

Commissioner Comments and Requests

There were no comments.

Planning Director's Report

There was no report.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:30 p.m.
Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, JULY 20, 2023

Call to Order/Roll Call:

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

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

Staff Present: Linda Neal, Principal Planner
Kara Spencer, Assistant Planner

Commissioner Newton announced she is participating remotely.

APPROVAL OF AGENDA

M/s, Jansen/Kelly, motion to approve the agenda as submitted.
AYES: Feffer, Jansen, Kelly, Newton, Chair Swift

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PRESENTATION OF RESOLUTION OF APPRECIATION TO NORMA FRAGOSO

Chair Swift read the Resolution.

Chair Swift opened the meeting to public comments.

The Webmaster thanked former Commissioner Fragoso for connecting her with the Commission.

Chair Swift closed the meeting to public comments.

The Commission thanked former Commissioner Fragoso for her years of service.

M/s, Newton/Jansen, motion to adopt the Resolution of Appreciation to Norma Fragoso
AYES: Feffer, Jansen, Kelly, Newton, Chair Swift

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

PUBLIC HEARING ITEMS

1. 109 Broadway; Application #22-22

Continued consideration of a request for a Fence Height Variance, Design Review Permit, Tree Removal Permit and an Encroachment Permit to erect an 8-foot tall fence along approximately 350 linear feet of the rear property line along Spruce Road and install a planting buffer within the Spruce Road right-of-way; APN #'s 001-148-13 Service Commercial CS Zone; Fairfax Lumber and Hardware, applicant; San Rafael Lumber Company, owner; CEQA categorically exempt per Sections 15303(e)

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding whether the green zones outside of the fence will include plantings; the additional language pertaining to maintenance of the fence; the options with respect to the trees; if the Tree Committee recommendation (one-to-one replacement) is part of the plan.

Chair Swift opened the Public Hearing.

Mr. Gary Roth, landscape architect, made the following comments:

- The plan is simple from a design perspective but complicated due to the constraints.
- Clearance between tree crowns is necessary.
- There is 10-foot horizontal clearance requirement from the edge of the road.
- The one-to-one replacement ratio would be difficult.
- A metal fence is proposed for fire safety reasons.

Mr. Roth answered questions from the Commission regarding the selection of the metal color from a design perspective; if the fence could jog around several of the trees so they could be retained; if there were species of trees that would not grow into the canopy of other trees; if it were possible to “green-up” the outside of the fence given its current lay-out and property lines; what he would do to accommodate the recommended one-to-one plantings.

Mr. Peter Scott, Spruce Road, made the following comment:

- The fence is not a solution for the dust which is causing health problems.

Ms. Susie Bergen, Spruce Road, made the following comments:

- This is about the dust- the fence does not prevent the dust from entering her home.
- The trees give some recourse for the dust.

Mr. Brian Bergen, Spruce Road, made the following comments:

- There are three issues- the fence, the dust, and the noise.
- The idea of a wooden fence as a fire hazard is a “red herring”.

Ms. Hillary Whitman, Spruce Road, made the following comments:

- Huge plums of dust come over onto her property.
- She asked the Commission to uphold the Tree Committee’s recommendations or require some other form of remediation such as paving the yard.

Ms. Billie Horn, Spruce Road, made the following comments:

- Property values are affected due to the dust and the visual blight.
- More discussion needs to happen.

Mr. Dave Smadbeck, Executive Director of the Chamber of Commerce, made the following comment:

- He spoke in support of Fairfax Lumber.

Mr. Frank Egger, Meadow Way, made the following comments:

- An 8-foot fence would provide screening.
- It could be a combination corrugated metal/wood panel fence.

Ms. Kendra Scott, Spruce Road, made the following comments:

- She would like Fairfax Lumber to take some reasonable measures to make the street livable.
- It now suffers from toxic dust and they need the trees as a filter.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- There are three intermingled issues.
- They need to take one step at a time.
- A fence would help a bit with the dust problem.

Commissioner Feffer provided the following comments:

- The dust is the major concern and should be addressed.
- He would defer to the arborist with respect to the trees.

Commissioner Kelly provided the following comments:

- The Commission should honor the Tree Committee's recommendation.
- The fence needs a redesign.
- The location of the fence needs to be considered.

Commissioner Newton provided the following comments:

- She likes the design of the fence with the metal and the wood.
- She is leaning towards approving with the Resolution as recommended by staff with some additional Conditions of Approval.

Chair Swift provided the following comments:

- She respected the arborist's report.
- The metal fence supports the concerns about fire.
- She could approve the application tonight.

Senior Planner Neal stated the Commission must take action tonight on the application due to the Permit Streamlining Act or get written approval from the applicant for a continuance of no more than 90 days.

Augie, representing Fairfax Lumber, made the following comments:

- He would like to achieve one piece of this project- the fence.
- They are relying on an arborist and landscape architect with respect to the trees.

Commissioner Newton provided the following comment:

- She had some changes to the Resolution.

Senior Planner Neal suggested some changes to the Resolution.

M/s, Newton/Swift, motion to adopt the Resolution No. 2022-30 with the additional changes recommended by Senior Planner Neal and Commissioner Newton.

AYES: Newton, Chair Swift

NOES: Feffer, Jansen, Kelly

Chair Swift stated the application has been denied.

Augie agreed to a continuance.

Commissioner Jansen provided the following comments:

- The fence should go around the trees- the whole or parts.
- New tree locations should be identified on the property.
- The applicant should find additional trees to preserve or add more new ones.
- There should be a plan for the areas identified in green.

Commissioner Kelly provided the following comment:

- The fence could be offset from the property line a couple of feet with a two-foot strip of planting.

M/s, Newton/Kelly, motion to continue this application until the September Planning Commission meeting with the instructions to the applicant in accordance with this evening's conversation.

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

2. 30 Park Lane; Application #23-17

Request for a Hill Area Residential Development Permit, Design Review Permit, and Variances to construct/rebuild a 951 square foot residential structure with an 80 square foot addition (1,031 square feet total living space) and a new attached 200 square foot garage; AP # 001-032-12; RS-6 Single Family Residential Zone; David McNutt, owner/applicant; CEQA categorically exempt per Section 15303(a)

Assistant Planner Spencer presented the staff report. She answered questions from the Commission regarding the list of conditions that have been added; dimensions and measurements for the space inside the garage; changes required resulting from switching from an office to a bedroom; if staff received correspondence from neighbors.

Chair Swift opened the Public Hearing.

Mr. David McNutt, owner, made the following comments:

- The residence is dilapidated- walls are not plumb, etc.
- The existing foundation is adequate per his structural engineer.
- The egress windows will be 6.6 square feet.

Mr. McNutt answered questions from the Commission regarding parking; if there is a stairway leading down to Scenic.

Mr. Ray Ratta, Park Lane, made the following comments:

- He lives next door to the applicant.
- He supports the project.

Chair Swift closed the Public Hearing.

M/s, Jansen/Kelly, motion to adopt Resolution No. 2023-15.

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

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

3. 34 Hill Avenue; Application #23-18

Request for a Conditional Use Permit, Design Review Permit, Excavation Permit, Tree Removal Permit and Minimum and Combined Side-Yard Setback Variances to construct a new single-family residence; AP #002-214-01; RS 5.5-7 Residential Zone; John Simenic,

applicant/architect; CEQA categorically exempt per section 15303(a)

Principal Planner Neal presented the staff report. She stated she received a letter from the owner of 32 Hill Avenue expressing concerns about drainage. She answered questions from the Commission regarding when story poles are required; the difference in the survey lot boundary between the two neighbors; if the new lot line extends beyond the property; if this applicant has been subjected to different standards than others; if the side setback would be affected if the property line shifted three feet; drainage issues and concerns; if water is allowed to run off this site to the neighboring site; location where the street will be widened; the side setback on the east side.

Chair Swift opened the Public Hearing.

Mr. John Simenic, owner/applicant, made the following comments:

- The neighborhood consists of non-conforming parcels.
- He discussed the design and how it came together.
- He tried to address all of the neighbor's concerns.
- He is using natural materials in a modern way.

Mr. Simenic answered questions from the Commission regarding whether he spoke to the neighbor on Belle Avenue and the neighbor on Pastori Avenue; the drainage plan; uncovered parking and the fence/gate; what would be along the bump-out on 32 Hill; the bedroom windows.

Mr. Aaron O'Brien, Hill Avenue, made the following comments:

- He lives on the adjacent property.
- There are differing surveys for both properties.
- Two-story story poles should have been erected.
- He is concerned about parking during construction, the dark color of the building, and drainage.

Ms. Barbara Schindliss, Pastori Avenue, San Anselmo, made the following comments:

- She is worried about drainage onto her property.
- She does not care what the house looks like.

Mr. Frank Egger, Meadow Way, made the following comments:

- There have been drainage issues for decades in the Hill Avenue neighborhood.
- A 3-bedroom, 2 ½ bath house is large for this tiny lot.

Ms. Diane Nichols, Oak Knoll Avenue, made the following comments:

- She is concerned that the project would block her view.
- Parking in the area is difficult.
- The top part of Hill Avenue is often flooded.

Ms. Ivy Christensen, Oak Knoll Avenue, made the following comments:

- This is a beautiful and thoughtful design.
- She supports the project.

Mr. Colten Christensen made the following comment:

- He supports the project.

Mr. Riley Hurd, land use attorney, made the following comments:

- Property line issues are civil matters.
- The Town surveyor reviewed both surveys and "agreed with the Oberkamper map on file"- the one submitted by the applicant.

Chair Swift closed the Public Hearing.

Chair Swift provided the following comments:

- Story poles make it easier for the community to look at a project.
- The front of the property is not broken up as far as the design. It is kind of a block.
- Information has come forward in the last several days that might not have been accessible to the community.

Commissioner Jansen provided the following comments:

- This is a small, flat lot and the design utilizes it to the max.
- He likes the design.
- He is concerned about the side setback (east property line). He cannot find grounds for the variance. There is no hardship.

Commissioner Kelly provided the following comment:

- The value of the setback is safety as well as creating openness between structures.

Mr. John Simenic, owner/applicant, made the following comments:

- There is precedence for setback variances in this neighborhood.
- This is a trapezoidal shaped lot.

Commissioner Kelly provided the following comments:

- The living room could be longer and skinnier. The kitchen could be shorter and fatter.
- He agreed with Commission Jansen with respect to the side setback.
- He generally supports the project.

Commissioner Feffer provided the following comments:

- He is generally in support of the project.
- This is an odd shaped, small lot.
- He could support the Side-Yard Setback Variance.

Commissioner Newton provided the following comments:

- She can go either way.
- She is not opposed to the side-yard setback in this circumstance. The encroached upon neighbor is the applicant.

Chair Swift provided the following comments:

- She would like to see story poles.
- She suggested a continuance so the applicant could address the Commissions' concerns.

M/s, Swift/Kelly, motion to continue the application to the next meeting so the applicant has time to review the requirement and the need for the variance on that side from a redesign perspective to see if he really needs that, to get some story poles up, to give the community time to look at the material that has been provided and then to go in the field and find those the markers.

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

4. 10 Court Lane; Application #23-19

Request for a Conditional Use Permit, Design Review Permit, and Variance to remodel an existing single-family residence, reconstruct/remodel the front porch and access deck, replace the flat roof with a peaked roof, remodel approximately 388 sq. ft. to create a ½ bathroom and additional storage, reconstruct the rear yard pergola, and install a deck off the east side of the building; AP #002-105-01; RD 5.5-7 Zone; Talia Friedman, applicant; Talia and Alec Shuldiner, owners; CEQA categorically exempt per Section

15301(a)

Principal Planner Neal presented the staff report. She answered a question from the Commission regarding if this is a replacement “in-kind”.

Chair Swift opened the Public Hearing.

There were no comments.

Chair Swift closed the Public Hearing.

Commissioners Kelly, Jansen, and Newton provided the following comments:

- They support the project.

M/s, Jansen/Kelly, motion to adopt Resolution No. 2023-17 with one correction.

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

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

Discussion Items

5. Principal Planner will discuss proposed changes to the minutes taking protocol

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding the Council minutes; how long YouTube videos will be maintained; retention schedule for audio recordings.

Chair Swift opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, made the following comments:

- He was concerned about the presentation of a record should there be a lawsuit.
- Certain items need detailed minutes.

Mr. Todd Greenberg made the following comment:

- He suggested that the Town use a transcription service.
- He is opposed to briefer minutes and would like to see more transparency.

Webmaster Tanya made the following comment:

- There are transcripts of the meetings on Zoom- it is a “voice to type” file.

Chair Swift closed the meeting to public comments.

Commissioner Newton provided the following comments:

- The most detailed way of preserving what goes on during a meeting is through the video.
- She has no objection to shortening the minutes.

Chair Swift stated she would like to continue this item.

Minutes

6. Review and approval of the minutes from the May 20, 2023 meeting

It was the consensus of the Commission to continue the May 20, 2023 minutes to the next meeting.

Commissioner Comments and Requests

Chair Swift stated she would like an update on the Housing Element at the next meeting.

Planning Director's Report

There was no report.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:37 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary