

# **BELVEDERE PLANNING COMMISSION**

## **MINUTES**

### **REGULAR MEETING**

### **MEETING HELD VIA ZOOM**

**August 17, 2021 6:30 P.M.**

#### **A. CALL TO ORDER OF THE REGULAR MEETING**

Chair Peter Mark called the regular meeting to order at 6:30 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Peter Mark, Pat Carapiet, Marsha Lasky, Nena Hart, Claire Slaymaker, Ashley Johnson, and Larry Stoehr. Absent: None. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, City Attorney Emily Longfellow, and Permit Technician Nancy Miller.

#### **B. OPEN FORUM**

*This is an opportunity for any citizen to briefly address the Planning Commission on any matter that does not appear on this agenda. Upon being recognized by the Chair, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more-lengthy presentation or Commission consideration will be agendized for further discussion at a later meeting.*

Jill Barnett asked for an update on the ODDS project.

#### **C. REPORTS**

Chair Mark reported on the recent meeting of the Subcommittee of the Planning Commission and staff regarding the ODDS project. The goal was to recognize that an Objective Design Development Standards (ODDS) document being added to the Municipal Code would be designed to cover projects that are exempt for discretionary review. The document would be as consistent as is possible with our current Code recognizing that it is a change to our current approach to how these projects are governed. We are hoping to submit an edited version back to the consultants and then bring the final draft back to the Planning Commission probably in October, and then on to the City Council.

#### **CONSENT CALENDAR**

*The Consent Calendar consists of items that the Planning Commission considers to be non-controversial. Unless any item is specifically removed by any member of the Planning Commission, staff, or audience, the Consent Calendar will be adopted by one motion. Items removed will be considered in the sequence as they appear below. If any member of the audience wishes to have an item removed, follow the remote meeting procedures referenced above, state your name in the "chat" section of the remote meeting platform, and indicate the item. If you do not have access to the Zoom meeting platform, please email the Director of Planning and Building, Irene Borba at [iborba@cityofbelvedere.org](mailto:iborba@cityofbelvedere.org) and indicate that you would like to remove a consent calendar item and identify the item. After removing the item, the City will call for comment at the appropriate time.*

Commissioner Stoehr requested that Item 2 (**82 Alcatraz Avenue**) be removed from the Consent Calendar.

Commissioner Lasky asked for a correction to be made to the Minutes from July 20 on page 6.

MOTION: To approve the Consent Calendar for Item 1 and 3 as agendized below:

MOVED BY: Marsha Lasky, seconded by Nena Hart.





Commissioner Lasky stated she agrees with her fellow Commissioners. She never understood the original allowance for the lots to be split given the CCNR's and the court responses. The only reasonable solution to the situation is to return the property to its former size and use as there would never be another house built given the history, and the existing deed restrictions. She would agree that the owner be allowed to merge the two lots.

Vice-Chair Carapiet stated she also originally agreed with the staff decision. She is still concerned that the City does not give the impression they are taking a potential housing site off the list but she understands that the comments of Mr. McCaskill are special circumstances. She agrees with him and her fellow Commissioners that the lots should be merged.

MOTION: To grant the appeal for **11 Crest Road** based on the reasons stated at the meeting.

MOVED BY: Larry Stoehr, seconded by Claire Slaymaker.

VOTE: AYES: Marsha Lasky, Claire Slaymaker, Pat Carapiet, Larry Stoehr,  
Ashley Johnson, Nena Hart.  
NOES: None  
ABSTAIN: None  
RECUSED: Peter Mark  
ABSENT: None

Chair Mark returned to the meeting and presided over the remaining public hearing.

Commissioner Hart stated she is recused for Items 5 and 6 due to owning property within 500 feet of the subject property. She departed for the remainder of the meeting.

5. Appeal of an approved Design Review Exception to widen the driveway and move the existing retaining wall located at **36 Golden Gate Avenue**. Appellant: Terrie Di Gangi; Property Owner: Bryant Kowalczyk. *Staff recommends the Commission deny the appeal.* Recused: Commissioner Hart.

Senior Planner Markwick presented the staff report. A slide show presentation accompanied her remarks.<sup>1</sup>

Commissioner Stoehr asked if the Planning Commission can consider the project itself or is the consideration only to approve or deny the appeal.

City Attorney Longfellow replied the project may be considered as a *de novo* Design Review.

Commissioner Slaymaker asked where the water goes from the dissipator.

Chair Mark replied that his understanding is that this is a retention system that captures and dissipates the water over time.

Terrie Di Gangi, appellant, is appealing the location of the drainage system and the depth of the parking space. Referencing her correspondence of August 15 she described her concerns that water discharge will go onto her property. The proposed expanded parking area is very close to her active indoor and outdoor living area, including light, fumes, and noise. She requests that the drainage system be relocated away from her property and discharged away from her home and that the depth of the parking spot be shortened by 3 feet. She would like to see final plans be specific and final prior to approval.

Commissioner Johnson asked what is currently happening with water at 36 Golden Gate Avenue.

Ms. Di Gangi replied she is not aware of any past issues with water from the 36 Golden Gate Avenue property. She believes there is a small grate system in front of their garage. A considerable amount of water does come down the street.

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<sup>1</sup> The slide show presentation is archived with the record of the meeting.

Bryant Kowalczyk, owner, 36 Golden Gate Avenue, stated that he is willing to discuss some of the requests with his neighbor. Currently there is a storm drain outlet that drains down to Buckeye Road. The proposed parking space would benefit from relocation to accommodate safe egress and exit to Golden Gate Avenue. The overflow provision for the drainage for City compliance can be modified to take all drainage away from the direction towards 40 Golden Gate Avenue. He is amenable to cutting back the parking area 3 feet.

Commissioners asked about the area for parking, whether there is a retaining wall proposed at the end and could the dissipator be relocated to drain to the back of the property. They asked if there any water issues coming from Golden Gate Avenue.

Mr. Kowalczyk replied there is an existing one foot to three inch tall lava rock wall at the end of the parking area. No alteration is requested and no new retaining wall is proposed in that location. There is an existing retaining wall on the side to remain. If needed for some protection from car lights for the neighbor, some more landscaping or a trash enclosure could be placed at the end of the parking area. The length of the parking area is not intended for two car tandem parking and can be adjusted if needed. The increased width for turnaround for his vehicles is the main request. The dissipator could be located in the rear and he has no current issue with water intrusion from the street.

Ms. Di Gangi appreciates the applicant's willingness to accommodate her requests. She continues to request specific plans in advance of construction without any conventions for determinations in the field. In any case she requests that any drainage to be directed away from her home and towards the downhill direction below her level. She would like to know the intended parking dimensions and area. A reduction of 3 feet depth of the parking area would be appreciated. She stated that there is water draining from the street onto her property to be considered.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioner Lasky appreciates the applicant's willingness to modify the drainage to be directed towards Buckeye Road and to reconfigure the parking space. She believes that these considerations are reasonable. She would deny the appeal.

Chair Mark stated that it is very consistent that final determinations for drainage are made in the field at this level of review. A more detailed Civil Engineering plan will be reviewed prior to the Building Permit issuance.

Vice-Chair Carapiet stated that the applicant's offer to reduce the parking by 3 feet and relocate the drainage/dissipator would be sufficient to approve the application and resolve the appellant's concerns. She would deny the appeal and approve the project with these conditions.

Commissioner Slaymaker agrees with Commissioners Lasky and Carapiet. She would approve a conditioned Design Review Exception for the project.

Commissioner Johnson agrees with her fellow Commissioners. The applicant's request is very sensible for a turnout space. It sounds like the applicant is open to modifications to the drainage and parking area. She would deny the appeal.

Commissioner Stoehr said a 3-5-foot tall fence at the end of the parking should be sufficient to address the neighbors' concerns. The relocation of the drainage system to the rear to direct the water down to Buckeye Road would be appropriate as agreed to by the applicant. He would vote to approve the project with conditions and deny the appeal.

Chair Mark agrees with all the comments of his fellow Commissioners. He is hearing that the applicant and the appellant are consistent. The conditions would be that the outflow from the water-retaining planter is to be tied into or located down property to drain towards Buckeye Road. This would still allow for field

modifications during construction. A second condition would be to reduce the parking area by 3 feet. There would be no requirement for any additional retaining walls.

Further discussion was held as to how the dissipator works. There was consensus that the design of the drainage would be to direct the water downhill towards Buckeye Road.

Open public hearing.

Mr. Kowalczyk stated that they will look at the best design to direct the water towards Buckeye Road. The exact location of the dissipator might not be in the rear yard.

Close public hearing.

City Attorney Longfellow stated that the conditions of approval in the final resolution may reflect that they are subject to review and approval of the Planning staff and the Chair of the Commission.

MOTION: Adopt a Resolution denying the appeal and upholding the Design Review Exception approval at **36 Golden Gate Avenue** as conditioned per the discussion at the hearing.

MOVED BY: Peter Mark, seconded by Claire Slaymaker.

VOTE:

AYES:	Peter Mark, Marsha Lasky, Claire Slaymaker, Pat Carapiet, Larry Stoehr, Ashley Johnson.
NOES:	None
ABSTAIN:	None
RECUSED:	Nena Hart
ABSENT:	None

6. Design Review, Exception to Total Floor Area, applications for an addition and remodel for the property located at **2 Cliff Road**. An Exception to Total Floor Area is required because the project proposes a 4,567 square foot addition. The addition includes adding on at the upper floor, filling in the space underneath the existing promenade, as well as renovation to the existing pool equipment structure and a new spa building. Property Owner: Cliff Partners LLC; Project Applicant: Shawn Wood. *Staff recommends approval of the requested applications.* Recused: Commissioner Hart.

Senior Planner Markwick presented the staff report. A slide show accompanied her remarks.<sup>2</sup>

There was a short discussion regarding the existing fence on Belvedere Avenue relative to a prior project application. The owners currently already have a Revocable License for the fence to remain in the right of way. That fence is not a part of the current application. The City Attorney advised that there would need to be a nexus demonstrated between the current application and that fence for this to be considered at this meeting.

The applicants' team presented the project to the Commission. Shawn Wood, project manager introduced architect Richard Beard. Also present were Marissa Tucci, lighting designer and Patrick Brennan, landscape architect. Mr. Beard described the concept regarding preserving the integrity of the original home and landscape respecting the designs of architect Peter Stanton and landscape architect Samuel Newsom.

Commissioners asked for clarifications regarding the landscape and lighting plans. The final landscape plans should provide information on existing trees to remain, as well as any existing trees/plants that are proposed to be removed, including at least two small Japanese maples and a grove of 6 small Redwood trees at the property line with 6 Cliff Road. More detail on the final lighting plans was also requested. Selected fixtures were verified to be down pointing or just to be lighting some of the walking surfaces. The location of the ADU was clarified (not a part of this application). Quantity of cut and fill was not yet available. Clarification was made of the proposed stairs on the left side of the property going down from the street to the promenade level: the section in the setback is on grade. The detail in the plans for the lower

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<sup>2</sup> The slide show presentation is archived with the record of the meeting.

level cantilevered deck and retaining wall needs correction in the final plans. It was requested that the applicant might consider moving the fence along Belvedere Avenue back onto the private property.

Open public hearing.

Steve Block, 213 Golden Gate Avenue, stated his is not in favor of the large amount of new floor area; almost 5,000 sf is requested for a house that is already almost double the allowed floor area. He stated this makes a mockery of the FAR Ordinance. He disagrees with finding c) "...that the structure is appropriate for the parcel and neighborhood". Although the new area is largely within the building envelope there will be also be a large increase in gas and electric usage.

City Attorney Longfellow noted that Mr. Block is speaking as a private citizen (he is a member of the City Council).

Close public hearing.

Commissioner Stoehr stated he can support the project. He finds the design to be beautiful for such a great location. The additional floor area will be well hidden. Window placements and skylights appear to be unobtrusive and would have little impact on neighbors. He is concerned with the cut needed to create the sauna area. He is not sure that lights on the dock and gangway should be approved. He does not recall that the Commission has been approving lights on other docks. He would like to see the fence on Belvedere Avenue moved back onto the private property. He is in agreement with staff's finding for the Exception to Total Floor Area.

Commissioner Johnson appreciates the efforts to preserve an iconic and beautiful home. The proposed addition and details and materials are in keeping with the existing home. Although the requested additional floor area looks like a large number on paper, in her site visit she saw how the space under the gallery is already there, and can nicely become conditioned living space. She can make all the findings for the Exception to Total Floor Area. She appreciates the spa with the garden roof sunk into the hillside. She agrees that the lighting plans could be clearer. She counted over 100 lights which seems excessive. She is also concerned with lights on the dock and spot lights on the columns. She can make all the findings for the applications.

Commissioner Slaymaker believes the additional rooms will improve the balance of the property overall. She commends the architects and owners for respecting the spectacular open space of the property in the design. The colors and materials work well with the home and topography. The new glazing system is in character with existing shoji screens. The entry wall and garden improvements at the entry and master area are very inviting. The new sauna building steps into the property and the green roof is very attractive and ties it into the site. There is a nice combination of lighting fixtures and the railing downlighting is nice. However the dock lights need to be reduced as they currently resemble a runway. A clearer landscaping plan would be appreciated. She can make all the findings for the project.

Commissioner Lasky stated this is a tasteful and refined treatment of a wonderful house while being respectful of the property. The details are beautiful. The new floor area is under existing space and fits in well with the hillside and existing architecture. Materials are beautiful. It is nice that the new sauna is separate from the home and is taking advantage of the huge lot. When the landscape plan returns for final approval it needs more clarity. She can make the findings for Design Review and Exception to Total Floor Area.

Vice-Chair Carapiet understands Mr. Block's concern about the square-footage. However, in this particular house and the way it is situated, the conversion of existing unconditioned space into conditioned space will be hardly noticeable. She can make the findings for the Exception to Total Floor Area. She also has concerns about the landscape plan. Lighting is a more serious concern. Approvals for docks at 121 and 135 Belvedere Avenue have no lights on their approved docks. The dark sky is what most people like on Belvedere Island. Spotlights should be replaced with something different, and a reduced overall number of lights should be submitted. She can make the findings for Design Review with the condition that the lighting is deleted from the dock and pier.

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Chair Mark stated that he believes the current request for an Exception to Total Floor Area is very consistent with the context of the FAR regulation in this zone. Given the very large size of the lot it is probably one of the lowest FARs on Belvedere Island at .22. The question to be considered is how the added conditioned space is used in the context of this property. He agrees with his fellow Commissioners that the applicant's team have done a very good job of incorporating the additions into the property. A condition of approval for review and approval of a final landscape and a final lighting plan need to be added to the draft resolutions.

MOTION: To adopt the Resolution granting Design Review for the property located at 2 Cliff Road as conditioned.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Pat Carapiet,  
Larry Stoehr, Ashley Johnson.  
NOES: None  
ABSTAIN: None  
RECUSED: Nena Hart  
ABSENT: None

MOTION: To adopt the Resolution granting an Exception to Floor Area for the property located at 2 Cliff Road.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Pat Carapiet,  
Larry Stoehr, Ashley Johnson.  
NOES: None  
ABSTAIN: None  
RECUSED: Nena Hart  
ABSENT: None

Meeting was adjourned at 9:15 PM.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on September 21, 2021 by the following vote:

AYES: Peter Mark, Pat Carapiet, Claire Slaymaker, Larry Stoehr, Ashley Johnson  
NOES: None  
ABSTAIN: None  
ABSENT: Nena Hart, Marsha Lasky,

APPROVED: \_\_\_\_\_

  
Peter Mark, Planning Commission Chair

ATTEST: \_\_\_\_\_

  
Beth Haener, City Clerk