



**City of Belvedere
Planning Commission Regular Meeting
Minutes**

May 21, 2024 6:30 PM

City Council Chambers City Hall- 450 San Rafael Avenue, Belvedere CA- Phone 415.435.3838
City of Belvedere Internet Address: <https://www.cityofbelvedere.org>

A. CALL TO ORDER OF REGULAR MEETING OF THE PLANNING COMMISSION

Chair Pat Carapiet called the regular meeting to order at 6:30 p.m. in the Council Chambers. The meeting was also available via Zoom webinar. Commissioners present: Pat Carapiet, Ashley Johnson, Marsha Lasky, Kevin Burke and Alex Seidel. Commissioners Absent: Nena Hart, Claire Slaymaker. Staff present: Director of Planning and Building Rebecca Markwick, City Attorney Andrew Shen, Associate Planner Samie Malakiman.

B. OPEN FORUM

No one wished to speak.

C. REPORTS

Chair Carapiet reported that the new Tree Ordinance Subcommittee held a meeting. They will report back when they have recommendations for several policies.

Chair Carapiet stated that Item 5 **228 Beach Road** will be the next item that is heard tonight.

E. PUBLIC HEARINGS

5. Design Review, Variance, and Revocable License applications for the property located at **228 Beach Road** (APN: 060-213-13) to replace and construct new stair access leading to an existing dock. The project requests a Variance from BMC Section 19.48.190.B, to allow the stairs to exceed four feet above existing grade in the rear yard setback. The project requests a Revocable License for private improvements located on the City owned tide lot "The Strip" (APN: 060-213-11). Staff recommends that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(l)(1) Existing Facilities. Applicant: Roger Hartley; Property Owner: Daniel B. Murray Revocable Trust

Associate Planner Malakiman presented the staff report. A slide show accompanied his remarks.¹ This is a discussion item tonight.

Commissioners asked questions about the property including the status of a landslide in the project area, the status of an existing dock lease, and the restrictions included in the original deed of the Strip to the City, the City's responsibility for maintaining the Strip as a public park.

Open public hearing.

Roger Hartly, C.E. for the property owners, described the site and the proposed project. A slide show accompanied his remarks². Some slide mitigation is included in the scope as well as the new stair project. The rerouted location of the new path and stairs will avoid some of the existing slide areas.

Commissioners asked questions regarding the slide areas, public access on the strip, the footprint of the stairs, whether there would be additional landscaping, stabilizing the hillside and the existing geotechnical report. The applicant provided responses.

¹ The staff slide show presentation is archived with the record of the meeting.

² The applicants' slide show presentation is archived with the record of the meeting.

Open Public Hearing:

Burt Richards, 266 Beach Road, spoke in favor of the proposal as both mitigation to site issues and the repair of the stairs. He does not see any access issues for use of the Strip in this location. His own Revocable License only covers the actual area of the improvements below his property in the Strip.

Claire McAuliffe, 229 Beach Road, spoke in favor of the proposal for safety and access for the property owners and their guests.

The property owner asked for approval especially for emergency use in light of the recent garage fire.

No one from the public or Zoom wished to speak.

Close public hearing.

Commissioners supported the project but suggested that more slope stabilization, perhaps with netting, and landscaping, might be incorporated into the project. Continued access to the dock that is being leased by the applicants should be allowed and is not in conflict with the original intent of the 1896 deed of the Strip. How the Revocable License may be viewed by the City Council is yet to be determined.

Director Markwick stated that the item can be returned with Resolutions at the next meeting.

CONSENT CALENDAR

Commissioner Burke stated he must recuse himself from Item 2 (**215 Golden Gate Avenue**) because he owns property within 500 feet of the subject property. He departed from the meeting room.

Chair Carapiet asked for one clarification on Item 3 (**Annual General Plan & Housing Progress Report**).

Director Markwick reported that there were no requests for public comment from the meeting room or on Zoom.

MOTION: To adopt the Consent Calendar consisting of the following items:

1. **Draft Minutes of the March 19, 2024** meeting of the Planning Commission.
2. Extension of Design Review approval application for the property located at **215 Golden Gate Avenue** (APN: 060-182-18). The project received Planning Commission approval on March 15, 2022 for a residential addition, remodel, and Accessory Dwelling Unit. This approval does not propose to modify the approved plans. Staff recommends that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(l)(1) Existing Facilities. Applicant: John Pollak; Property Owner: John Howard Pollak Revocable Trust. (Commissioner Burke recused)
3. **Annual General Plan & Housing Progress Report** pursuant to Government Code Section 65400 and 65700 mandates that all cities and counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research and the Housing and Community Development and pursuant to California Government Code Section 65400(a)(2) on implementation of the existing City Belvedere Housing Element.

MOVED BY: Ashley Johnson, seconded by Marsha Lasky

VOTE: AYES: Pat Carapiet, Ashley Johnson, Alex Seidel, and Marsha Lasky
ABSENT: Nena Hart, Claire Slaymaker
RECUSED: Kevin Burke

D. PUBLIC HEARINGS

4. Amendments to the City's Zoning Ordinance ("Zoning Amendments") **amending Chapter 19.79 regarding Accessory Dwelling Units and Junior Accessory Dwelling Units**. The proposed amendments would allow for larger accessory dwelling units, if they are deed-restricted for low-income households.

Director Markwick presented the staff report.

Open public hearing.

No one wished to speak from the meeting room or on Zoom.

Close public hearing.

Commissioners discussed the proposed amendments to allow a 1,000 and 1,200 square foot ADU if the unit was deed restricted to low income. They also discussed the number of ADU's and JADU's allowed on one property.

MOTION: To adopt Planning Commission Resolution recommending the City Council adopt the draft zoning amendments, Chapter 19.79, Accessory Dwelling Units and Junior Accessory Dwelling Units as amended.

MOVED BY: Kevin Burke, seconded by Alex Seidel.

VOTE:
AYES: Pat Carapiet, Ashley Johnson, Marsha Lasky, Kevin Burke, Alex Seidel
NOES: None
ABSENT: Nena Hart, Claire Slaymaker

The meeting was adjourned at 8:10 PM

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on June 18, 2024 by the following vote:


VOTE
AYES: Pat Carapiet, Marsha Lasky, Alex Seidel, Kevin Burke, Nena Hart
Claire Slaymaker
NOES: None
ABSTAIN: None
ABSENT: Ashley Johnson

APPROVED:



Pat Carapiet, Planning Commission Chair

ATTEST:



Beth Haener, City Clerk