

# BELVEDERE PLANNING COMMISSION

## MINUTES

### SPECIAL MEETING

#### MEETING HELD VIA ZOOM

APRIL 28 2021 2:00 P.M.

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

Chair Peter Mark called the special meeting to order at 2:00 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Peter Mark, Marsha Lasky, Pat Carapiet, Nena Hart, Larry Stoehr, Claire Slaymaker and Ashley Johnson. Absent: None. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, City Attorney Emily Longfellow, and Permit Technician Nancy Miller.

Presenters Present: Stefan Pellegrini and Tony Perez (Opticos)) and David Javid (Plan to Place).

#### **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.*

Susan Cluff stated that notification of the meeting and publication of the documents and staff reports last Thursday, as well as the time of day selected was not optimal for the public to review and participate, especially those who may have to work.

Chair Mark responded that this is a Study session and no actions are being taken. When actions are to be taken the meeting would have an evening time scheduled.

#### **C. REPORTS**

There were no Reports.

#### **D. PRESENTATION & DISCUSSION**

E. Planning Commission presentation and discussion regarding **Objective Design and Development Standards (ODDS)**. The City of Belvedere applied with the County of Marin and other local Marin jurisdictions for a SB 2 (Atkins) Building Jobs and Homes Act planning grant to facilitate Housing Element programs. The County and other local jurisdictions are working together to ensure that design guidelines for multifamily housing developments maintain a high quality and will be context sensitive. An effort is underway to prepare Objective Design and Development Standards (ODDS) that will result in a toolkit of standards that, when adopted, will provide a clear review and approval process. This will also ensure that design and aesthetic of developments address topics such as architectural style while accommodating current and future legislation requirements. The consultants for the project will be presenting the “draft” plan for Belvedere. *No formal action will be taken.*

Director Borba introduced the presenters and described the background of the City of Belvedere’s participation in the ODDS project. As a result of work with the consultants and the Subcommittee of the Planning Commission a draft toolkit specific to Belvedere is being developed and is the subject of this meeting. The request for this meeting is that the Planning Commission and public receive and discuss the Belvedere toolkit and ask questions of the consultants and staff. No formal action will take place at this meeting.

David Javid introduced the agenda, presentation and meeting format.

Stefan Pelligrini introduced the Belvedere toolkit. A slide show presentation accompanied his remarks.<sup>1</sup> He outlined the process that was used to create the draft Belvedere toolkit as seen tonight. The Site Specific Analysis identified approximately 7 particular sites (23 parcels) and of those they conducted Site Testing on a few of these sites to see how existing objective standards apply to those sites both as base standards or, if an applicant wanted to apply a Density Bonus to their application. Existing standards for Open Space and Lot Coverage limit the ability to reach the allowable density on those sites, leading to discussion of how these mismatches could be resolved through the application of these new Objective Design Development Standards (ODDS). The Place Types Atlas is a categorization of similar environments in the County to establish a set of parameters in a toolkit zone district approach. Belvedere shares in only a few of those environments. Key to Building Types is that Belvedere shares in what is shown as the Missing Middle Housing types. The scale of anticipated development would be in line with the existing community and will be referred to as 'House Scale.' The 12 Chapters of the toolkit are meant to provide objective zoning and design standards for projects that qualify for by-right approval (multifamily or mixed-use projects with 2/3 residential component). Belvedere will need to provide additional housing through its next RHNA cycle, and the toolkit provides for streamlined approvals of projects and the application of objective standards. This can supplement or replace what is currently in place and would be helpful to provide for acceptable Belvedere objective design and development standards in a streamlined approval process.

Tony Perez, Opticos, stated that the draft toolkit tonight is customized for Belvedere. This will become a new Title 22 when the City decides to adopt the document and would be used when applicable applications are made to the City. The content of the new chapter was narrowed down from 8 possible zoning types that for Belvedere only 3 zoning districts for Belvedere would be needed: the lowest intensity zone is the T3 Edge neighborhood (such as the Mallard Road neighborhood), then the T4 Suburban neighborhood (small) (lower Beach Road) and the T4 Main Street (small) neighborhood (like the Commercial area along Tiburon Blvd). A new architectural style was added also called "East Coast Cottage Style." Mr. Pellegrini explained what this style entails and the reasons for it in the draft document. As shown in the document the elements of this style are objectively presented for potential guidance to applicants.

Mr. Perez explained the Public Frontage Standards and how those are applied as Objective Standards. The Large Site Standards would be for sites of 2 acres or greater.

Chair Mark stated that the Countywide toolkit is a bit of a stretch to apply to Belvedere. He asked if an applicant might be able to apply these objective standards to a single-family project. How can we protect against that?

Attorney Longfellow replied this is only applicable to the by-right projects. Other discretionary standards are already in place for single family projects.

Commissioner Slaymaker asked what the City's options are if this document is adopted and then State laws change? Also, how will traffic or water usage implications be addressed?

Director Borba replied that new legislation will have to be addressed when it happens. This document is to be used as an overlay for by-right projects. For the other question there is always CEQA to be considered to evaluate environmental impacts.

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

Attorney Longfellow stated that having objective standards provides a layer of design protection for small towns if they do receive an application for a by-right project. The current subjective standards do not address this type of application.

Commissioner Stoehr stated he believes SB35 projects are exempt from CEQA. Does the City of Belvedere have an obligation to adopt this toolkit under the terms of the SB2 grant we received?

Director Borba replied that there is a timeframe to spend the grant funds, i.e. to have something adopted. She would need to check the terms of the grant.

Attorney Longfellow stated that Commissioner Stoehr is correct that some types of by-right projects are exempt from CEQA. We are aware of those, but this document is meant to provide the protections of having objective design and development standards needed for many of the types of by-right applications that may be submitted.

Vice Chair Carapiet asked how does Title 19 mesh with the new Title 22. It appears that the majority of the areas called out for this type of by-right development are in the FEMA flood zone. Comparing to Title 19 for the Lagoon zones it appears that height limits, and fence/wall height limits are substantially higher than the currently allowed heights in Title 19. Also, there are no limits set for landscaping heights, no downlighting standards, and encroachments into side and rear setbacks are allowed. The two and one half-story heights allowed are much higher than current zoning. Why have so many categories of the standard been reduced (increased) over Title 19? Why is there a 2.5 story height allowed?

Mr. Perez stated that in terms of height, they worked with staff that the lowest floor in the flood zone to be 1 foot higher than the BFE. The maximum heights in the ODDS are not exceeding what is currently allowed. Height is called out as in two ways highest eave measurement and the overall measurement (such as for a pitched roof). He believes that the maximums were not increased. If a Density Bonus is involved there is a second set of standards for what the form of the building would be. Encroachments of eaves into setbacks would depend on the selected architectural style. They will recheck that there is consistency. The maximum height of landscaping was not identified in the document, but this could be an added consideration if Belvedere would need that. They can look into the comments concerning 8-foot screening heights.

Director Borba stated that for the most part they have tried to stay within the existing parameters of the zoning districts. However, in some cases, to allow for some architectural style of architecture there may be some need to make some concessions for a different type of development. The City has a potential that a Density Bonus application might be received where more density is requested than is currently allowed in Title 19. In that case some allowance has to be made in the standards to accommodate that type of application.

Chair Mark stated on Page 42 there is allowance for 10-foot side yard fences.

Mr. Perez stated that was relative to the commercial area where higher fences might be desirable.

Chair Mark asked whether there is a process where the standards won't work?

Mr. Perez replied there is a process for adjusting some of the standards if certain findings need to be met. If that is the case the applicant might need to exit the process and enter willingly into the Design Review process.

Chair Mark asked is it the City's goal to be accommodating to by-right projects?

Director Borba stated that the City would like applicants to come in with something that would be appropriate to the community. With these ODDS in place then there is more chance to get a good project that fits into these standards.

Chair Mark stated that the potential project at Mallard Pointe is not asking to be a by-right project because of not wanting to commit to the income restrictions for some of the units. That approach comes in under current zoning parameters and would still benefit the City in production of new housing.

Attorney Longfellow stated staff is not able to guide such policy decisions. However, as the Chair has mentioned there still is a need to provide for infill development to meet RHNA allocations.

Commissioner Hart asked how a developer looks at the Zoning Map and the General Plan Land Use map that were provided with the reports?

Director Borba stated those were provided for informational background.

Commissioner Lasky stated that it seems that the State is forcing communities to become generic and all look alike. The cities would become the architects if all the standards are so strict. Architectural differences are going to be hard to achieve if there is just a limited type of styles to choose.

Commissioner Stoehr stated there is a lot of detail to go through and there has not been enough time to study the details of the document. Perhaps comments could be sent to staff for further review. He disagrees with the base assumption that Belvedere (and Tiburon) are walkable communities. In fact, Belvedere/Tiburon is surrounded by water on three sides which limits walkable access to commercial services and thus these communities are highly dependent upon automobiles to access desirable commercial sites. Because of the water boundaries there is no way to achieve the necessary density to support local commercial businesses. The walkable assumptions driving some of the ODDS may make sense for cities in open and flat areas where citizens can access commercial centers from 360 deg. To include storefronts in two of the three "types" for a Belvedere specific ODDS is problematic. Now that the zones to which this document applies have been identified, the ODDS can be made much more specific.

Vice Chair Carapiet added that we don't want to discourage applicants, but we should not make the process too easy either. If we followed more of Title 19 versus the proposal for a new Title 22 that would help a development put more into the community.

Mr. Perez wanted to respond to the question that the side yard eave encroachment is 3-foot maximum out of a 7-foot setback. So, there is 4 feet free. There is a separate side street setback for properties with a corner.

Open public hearing.

Susan Cluff, Belvedere, stated she previously submitted a letter. She has some fears that this might make it too easy for someone to apply to build something in one of only a few limited styles. This is contrary the unique nature of Belvedere. All the properties identified are very visible. For other communities, she would be interested in knowing what they are doing to encourage good design. She recommends that City be cautious about adopting a whole new Title too quickly as corrections may be needed and developers will be looking to take advantage. Does this also include an understanding that much of these areas are either graded or on landfill? Can this document encourage more parking than in the zoning, etc?

Close public hearing.

Director Borba stated that staff would be happy to receive more comments from the public and Commission. The Subcommittee can continue working to further customize this document before any scheduling of formal adoption.

### ADJOURNMENT

The meeting was adjourned at 3:30 pm.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on May 18, 2021 by the following vote:

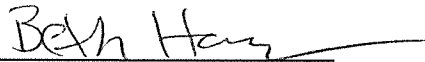
AYES: Peter Mark, Marsha Lasky, Nena Hart, Ashley Johnson, Larry Stoehr,  
Claire Slaymaker  
NOES: None  
ABSTAIN: None  
ABSENT: Pat Carapiet

**APPROVED:**



Peter Mark, Planning Commission Chair

**ATTEST:**



Beth Haener, City Clerk