

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

MAY 18, 2021 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Chair 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, Marsha Lasky, Nena Hart, Claire Slaymaker, Larry Stoehr and Ashley Johnson. Absent: Pat Carapiet. 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.

Matina Serematis asked about the last minute removal of Item 12 from the Agenda.

Chair Mark replied that this item has been removed from tonight's Agenda for further consideration. Proper notice will be given if the item is to be agendized in the future.

C. REPORTS

There were no Reports.

D. 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 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.

Chair Mark announced that Item 6 is to be continued to a future meeting. Item 12 has been removed from the Agenda.

Commissioner Stoehr asked that Item 2 be removed from the Consent Calendar for revisions. He read the changes which will be incorporated into the record.

MOTION: To approve the Consent Calendar for Items 1,3,4, 5, 7,8, and 9 as agendized below.

MOVED BY: Nena Hart seconded by Claire Slaymaker

VOTE: AYES: Marsha Lasky, Claire Slaymaker, Larry Stoehr, Nena Hart,
 Ashley Johnson
 NOES: None
 ABSTAIN: None
 RECUSED: Johnson (Item 5, Mark Item 8)
 ABSENT: Pat Carapiet

1. Draft **Minutes of the April 20, 2021** regular meeting of the Planning Commission.
2. Draft **Minutes of the April 28, 2021** special meeting of the Planning Commission, as amended.
3. Consideration of Historical Designation of property at **304 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant & Property Owners: The Jody A. Harris and Robert C. Harris Jr. Revocable Trust. *Staff recommends that the Commission forwards a favorable recommendation of approval to the City Council.*
4. Consideration of Historical Designation of property at **428 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant & Property Owners: Shawn and Debbie Bennett/Bennet Family Rev. Trust. *Staff recommends that the Commission forwards a favorable recommendation of approval to the City Council.*
5. Demolition & Design Review for improvements to the property at **209 San Rafael Avenue**. The project proposal includes the demolition of an existing shed at the rear of the property and design review for new decking at rear of property, a new equipment shed structure and new fenced in area for an outdoor shower. A new 4' high concrete retaining wall is also proposed in the area of the new decking. ***(Recused Commissioner Johnson)***. *Staff recommends approval of the requested applications.*
7. Design Review to paint the exterior of the existing home at **108 Golden Gate Avenue** a shade of white, "Tibetan Jasmine". Property Owners/Applicants: Benjamin and Allison Paull. *Staff recommends approval of the requested applications.*
8. Design Review to paint the exterior of the existing home at **126 Madrona Avenue** a shade of black, Benjamin Moore "Black Panther". Property Owner/Applicant Julie Wainwright. ***(Recused Chair Mark)***. *Staff recommends approval of the requested applications.*
9. **General Plan Annual Progress and Annual Housing** 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. *Staff recommends that the Commission accept the annual report.*

E. PUBLIC HEARINGS

6. Design Review application for a boat lift for the property located at **12 West Shore Road**. The boat lift would be located adjacent to the existing floating dock. Applicant: Tim Murison (Clausen Engineers). Property Owner: Nick Ahmadi. (Recused Commissioner Johnson). ***ITEM TO BE CONTINUED TO FUTURE MEETING***

MOTION: To continue Item 6 to a future Planning Commission meeting.

MOVED BY: Nena Hart seconded by Claire Slaymaker

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

10. Demolition and Design Review and Variance for modifications to approved plans for an addition/remodel at **345 Golden Gate Avenue**. The project proposal includes the demolition of the existing detached pool house, existing pool and pool terrace. Alterations to approved site stairs and planting areas and the addition of a new greenhouse are proposed. The applicant proposes the construction of a new pool house, pool terrace and a new pergola. A Variance is required for the height of the hedge. Additionally, modifications/alterations to approved plans are proposed for the main residence. Applicant: Carl Baker, Architect: Ike Kligerman Barkley. Property Owners: 345 Golden Gate LLC. Staff recommends approval of the requested applications.

Director Borba presented the staff report.

Project team members Robert Truskowski and Claudia Kath presented modifications to the prior submittal. A slide show of the plans accompanied their remarks.

Commissioners received clarifications of revisions to lighting, plant species and heights of hedges at various locations on the property.

Open public hearing.

Mike Rowe 1 Pine Avenue discussed proposed tree removals at the frontage of the applicants' property that are adjacent to his property. He asked about possible retention of the trees T45 and T46 for screening. He also requested that a green construction fence be installed as a part of the construction project for dust control and privacy.

Close public hearing.

Commissioners discussed the revised project. There was general consensus that the project was improved. The lighting plan is better, except downlights in trees should be deleted. A construction fence would be a benefit for the neighbor. Saving or replacing the vine on the garage was requested. Major tree removals T45 and T46 as requested by the Tiburon Fire Protection District need to be discussed with the TFPD to see if there could be any modifications to the requirement such as pruning or thinning.

The requested Variance for hedge height was discussed at length. Many Commissioners did not support the tunnel-like effect of continuous tall hedges along the perimeter of the property adjacent to the road. There was some support for some areas of the hedges to be taller where this would benefit neighbors and owners' privacy. The draft Variance was not supported by most Commissioners as it specifies approval of a hedge height up to 15 feet which they felt was too high. They requested that the hedges have variations in heights and continuity which would mitigate the effect of a having a living fence.

Open public hearing.

Dan McMurtrie, owner, responded that he appreciated the Commissioner's comments. He clarified that some of the trees shown on plans for removal are dead, or have already been removed, having previously been so approved, but there will be plenty of screening remaining, supplemented by the new plantings and hedges.

Carl Baker, project architect, stated that the hedge heights may vary, as some are being planted inside low walls on slopes and may not appear as tall as they may measure. There are variations in some of the types of hedge plants. The intent is to provide requested privacy for some of the neighbors who requested it, as well as for the owners.

Close public hearing.

Commissioners further discussed the project. Findings could be made for Demolition, No Historical Resource, and Design Review, conditioned that final landscape and lighting plan be reviewed by the Chair and Director of Planning and Building per the comments at tonight's meeting.

MOTION: To adopt a Resolution of No Historical Resource for the property located at **345 Golden Gate Avenue.**

MOVED BY: Nena Hart seconded by Claire Slaymaker

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

MOTION: To adopt a Resolution granting a Demolition Permit for the property located at **345 Golden Gate Avenue.**

MOVED BY: Nena Hart seconded by Claire Slaymaker

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

MOTION: To adopt a Resolution granting Design Review for the property located at **345 Golden Gate Avenue** as conditioned.

MOVED BY: Nena Hart seconded by Claire Slaymaker

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

MOTION: To adopt a Resolution granting a Variance for a hedge along the property boundary to exceed the height of 8' as allowed per the Belvedere Municipal Code for the property located at **345 Golden Gate Avenue**.

MOVED BY: Nena Hart seconded by Claire Slaymaker

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

The Motion for the Variance request for a 15;' hedge did not pass; the Variance was denied.

11. Design Review for a 167 square foot first floor addition and a 593 square foot second story addition and remodel to the existing home at **28 Windward Road**. Applicant: Mohamad Sadrieh; Property Owners: Gloria and Fernando Cruz. Staff recommends approval of the requested applications.

Senior Planner Markwick presented the staff report. A slideshow presentation accompanied her remarks.¹ She stated that subsequent to the issuance of this report it became apparent that a Variance will be required to approve a 2.5 foot eave encroachment. A Variance resolution can be brought back to a future meeting. Two letters of support have been received and distributed to the Planning Commission.

Open public hearing.

Mohammad Sadrieh, project architect presented the project.

Commissioner Stoehr expressed concern about interior light spillover on the rear of the home due to the large amount of proposed glazing.

Mr. Sadrieh replied that they can consider possible mitigations as to the types and locations of fixtures.

Open public hearing.

Commissioners discussed the proposed project which they applauded for a good design and they appreciated that the scale of the addition was modest and appropriate to the home and the

¹ The presentation is archived with the record of the hearing.

neighborhood. Suggestions were made to revisit the window sill heights at the front dormers, to add a second tree in the rear yard. All Commissioners stated they could make the findings for Design Review with the required Variance to come back at the next meeting.

MOTION: To adopt a Resolution granting Design Review for a remodel and an addition to the existing single-family residence located at **28 Windward Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

12. Consideration of **Ordinance Amendments to Title 19, Zoning**, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units” including ADU Restricted Areas for Public Safety. *Staff recommends that the Commission forwards a favorable recommendation of approval to the City Council.*
ITEM REMOVED FROM AGENDA.

13. Consideration of **Administrative Policy Amendments**, Part 15, Planning Department Policies, Policy 15.6 Appropriate Colors and Materials and adding Policy 16, Rear Yard Setbacks in the R-1L (Lagoon Zoning). Staff recommends that the Commission forwards a favorable recommendation of approval to the City Council.

Senior Planner Markwick presented the staff report. There are two changes being recommended to the Administrative Policy Manual.

Commissioner Stoehr asked if this change to a DRE level of review would mean that the neighbors farther away than 100 feet would not be noticed of proposed color and materials changes?

Director Borba replied that staff already notifies impacted properties beyond 100 feet when necessary.

Commissioner Lasky expressed concern that the light/white paint colors that are currently being proposed may be too bright so that these applications still need to be reviewed by the Planning Commission.

Chair Mark stated that this policy change would lessen the workload for staff and Commissioners. When necessary, applications can still be brought to the Commission for review as such administrative applications require approval of the Chair, City Manager and staff.

Commissioner Johnson asked for reason as to why white and black colors require extra review?

Commissioner Lasky replied that the idea is that the home would not stand out or call attention to itself. This is mainly an issue with white colors, not so much with the black colors. The general Design Review color concept is to have earthtones and wood tones that blend in to nature.

Commissioner Slaymaker stated that on the Lagoon, white houses really stand out.

Chair Mark stated that overall the General Plan will need some adjustment but this is a good evolution of the Administrative Policy, providing more flexibility for projects that are not of great impact. Currently all such applications are required to go to the Commission.

Commissioner Hart stated she agrees with Commissioner Lasky, as white homes are now becoming the norm. The policy change provides for options for staff with the Chair to apply the brakes as needed.

Commissioner Stoehr stated that this change is worth trying.

Open public hearing.

There was no one who wished to speak.

Close public hearing.

The discussion continued on to the second proposed amendment to the APM regarding the definition of rear yard setbacks in the R-1L (Lagoon) zone.

Commissioners discussed circumstances where the proposed policy change might require some exceptions that were not captured in this language. It was also asked whether policies are appealable.

City Attorney Longfellow said one solution would be to amend the policy language to cover those issues, or, the language can remain as proposed and then unusual situations might need to be addressed individually.

Commissioner Stoehr responded that a survey of the property and summer high tide line might be useful for property owners, especially where there has been some deterioration or loss of the original bulkhead that might have caused some of the lot to subside.

MOTION: To adopt a resolution recommending City Council amendment of Belvedere Administrative Policy Manual Policy 15.6 "Appropriate Colors and Materials" regarding earth tone colors, and adding Policy 16 regarding rear setbacks in the lagoon zone.

MOVED BY: Peter Mark, seconded by Larry Stoehr

VOTE:

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

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on June 15, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:



Peter Mark, Planning Commission

ATTEST: Beth Haener

Beth Haener, City Clerk