

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**MEETING HELD VIA ZOOM**

**JUNE 15, 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, Pat Carapiet, Marsha Lasky, Nena Hart, Claire Slaymaker, and Larry Stoehr. .Absent: Ashley Johnson. 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.*

No one wished to speak.

**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](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 asked that Items 3 and 4 be removed from the Consent Calendar.

MOTION: To approve the Consent Calendar for Items 1, 2, 5, and 6 as agendized below:

MOVED BY: Nena Hart, seconded by Claire Slaymaker

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

1. Draft **Minutes of the May 18, 2021** regular meeting of the Planning Commission as corrected.
2. Design Review to paint the exterior of the existing home at **11 Leeward Road** a shade of white. Property Owners: Watson Family Trust UDT. Applicants: Marshall Schneider (architect). *Staff recommends approval of the requested application.*
5. Design Review and Exception to Total Floor Area for an addition to the existing home located at **78 Bayview Avenue**. Applicant: John Ware, Ware Associates; Property Owners: Ari and Nicole Kliensky. *Staff recommends approval of the requested applications.*
6. Design Review and Exception to Total Floor Area for a carport located at **21 Oak Place**. The project consists of construction of a carport over the existing driveway and a new hot tub and bike storage. Applicant: Holscher Architects; Property Owner: Rob Rieders. *Staff recommends approval of the requested applications*

#### **E. PUBLIC HEARINGS**

3. Variance application for a rear yard addition located at **28 Windward Road**. The proposed roof eave will encroach 2.5 feet into the right-side yard setback. Applicant: Mohamad Sadrieh; Property Owners: Fernando and Gloria Cruz. Staff recommends approval of the requested applications.

Commissioner Stoehr stated that he needs clarification on the requested Variance. The plans and his own field measurements are inconsistent with a 2.5 foot encroachment into the setback.

Senior Planner Markwick stated when the construction drawings are submitted the measurement of 2.5 feet will be confirmed with the approved Variance. If a different application is submitted it would be subject to subsequent Design Review.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners discussed the processes available to affirm conformance with the approval of the requested Variance.

**MOTION:** To approve a Variance for the property at **28 Windward Road**.

**MOVED BY:** Marsha Lasky. seconded by Claire Slaymaker

**VOTE:**

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

3. Design Review for an addition/remodel and other site improvements including a hot tub and landscaping at **29 Windward Road**. A Revocable License is required for improvements in the city right-of-way. Applicant: Hachman Construction. Property Owners: Michael & Renee Child- Trustees of Child Family Trust. *Staff recommends approval of the requested applications.*

Commissioner Stoehr stated he pulled the item because there is not a clear survey of the property line and which is needed for the proper consideration of the item. Commissioner Stoehr stated the survey is unclear as to the location of the summer high water mark.

Steve Johnson, Hachman Construction, stated that there is a survey in the submittal. The dock will not be changed. The footing would remain. He agrees that the water line was not shown.

Vice-Chair Carapiet stated that overall there is a lack of detail in the plans. Commissioners need to know what exactly they are approving. The siding change is unclear; the actual light fixtures are not called out (although the locations are shown). Colors for the sunroom are not detailed. The landscaping plans show wall lights on the wall by the deck but the heights are unclear. An area of compacted grade needs clarification as to whether it is on dry land or under water.

Michael Child, property owner, stated that the existing cement stairs are being replaced. The dock is not being changed. The old wooden bulkhead will be repaired or replaced with sheeting either as part of this project or as a future project. The bulkhead is about half way back under the dock.

Commissioner Lasky asked how the planting bed near the fireplace would be protected. Would the sunroom roof be the same height and material (tar and gravel) as the house.

Mr. Johnson stated it that the planting area would be a number of feet away from the fireplace. The sunroom roof height would match the house and have the same roofing material as the house.

Commissioner Hart asked could the hot tub be sunken into the grade instead of sitting on top. Is the barbeque clearance adequate if it is indoors or the 3-sided sunroom.

Chair Mark stated that the Building Official and Tiburon Fire would review the proposal for Code compliance.

Vice-Chair Carapiet asked what kind of siding is proposed.

Mr. Johnson stated it would be wood or cement board. He will obtain a sample.

Vice-Chair Carapiet stated that the 360 degree type path light may need to be changed to a different fixture.

Chair Mark asked what tree is proposed in the planter in the land facing the lagoon.

Mr. Johnson replied that the trees in the Lagoon planter would include an Olive tree. An updated plant list was forwarded to the Commission yesterday.

Commissioner Stoehr asked whether the lights on the wall at the dock could be removed or be put on a separate circuit.

Open public hearing.

Mr. Childs stated they could limit the lights to only those that provide for safety, to be shielded and on a separate circuit for minimal impacts on neighbors.

Close public hearing.

Vice-Chair Carapiet stated that some added landscaping to filter some of the light spillover from the sunroom would be beneficial.

Commissioner Slaymaker stated she would feel better in her decision making if there were more specifics provided in the plans.

Commissioner Hart stated she would like to see the proposal clarified with the changes and details discussed to be incorporated into the plans.

Commissioner Stoehr stated that he would concur with his fellow Commissioners. He would like to see the deletion of the 360-degree lights, confirmation of the bulkhead location and that improvements only be landward of that line, and that the dock lights be lowered on the dock walls.

Commissioner Lasky would agree with her fellow Commissioners. There are many loose ends that need more clarity. She would support a continuance with a complete submittal for consideration.

Vice-Chair Carapiet would agree with a continuance for submittal of a more complete set of plans.

Chair Mark stated that the project is well-conceived but there are enough questions that would benefit from a more defined survey, material samples, lighting clarifications, and landscaping for screening on the Lagoon side of the property, with the other requested and suggested items from Commissioners.

MOTION: To continue the item at **29 Windward Road** to a future Planning Commission meeting.

MOVED BY: Pat Carapiet seconded by Marsha Lasky.

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr, Nena Hart, and Pat Carapiet.

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Ashley Johnson.

7. 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). *Staff recommends approval of the requested applications.*

Director Borba presented the staff report. A slide show presentation accompanied her remarks.<sup>1</sup> The requested boat lift would be on the applicant's project adjacent to an existing shared pier and dock. A survey and private use agreement between the owner and the neighbor were provided to the Commission after the staff reports were issued. The attorneys for both the applicants and the neighbors are present to speak.

Commissioner Stoehr stated that the role of the Planning Commission needs to be clarified.

City Attorney Longfellow stated that the staff recommendation tonight is that the Commission hear from the parties. Staff suggests that no final decision be made tonight but that it be continued by the Commission for further analysis.

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

Open public hearing.

Nick Ahmadi, property owner, stated that the proposed lift would be free standing and entirely on his own property and would be similar to what many other properties in the zone already have.

Tim Murison, Clausen Engineers, stated that this lift is designed to be as far away from the neighbor's view as much as possible. The height of the boat on the lift is consistent with the provisions of the Belvedere Municipal Code. Access to the lift will be via the part of the pier that is on the applicant's own property.

Hussein Saffouri, attorney for Mr. Ahmadi, stated that the arrears status of the city dock lease is unrelated to this boat lift. Access to the proposed lift would be from Mr. Ahmadi's property. The rent arrearage for the City dock lease is subject to correction processes that the City may pursue, and Mr. Ahmadi may have the opportunity to cure the dock payments in arrears. The agreement between the parties governs access in perpetuity.

Len Rifkind, attorney for Ms. Karin Hakanson, owner of 11 West Shore Road, opposes the Design Review approval for the requested boat lift. He stated it is unsightly, blocks views, violates the private dock use agreement, violates the City dock lease and Design Review findings cannot be made. His client has seen a survey that is different from what was submitted. He requested that the City research their records to locate this survey document if it is in their possession. The City lease does not specify in allowed uses to have a lift or hoist. Design Review findings cannot be made for several reasons.

Karin Hakanson, 11 West Shore Road, believes that the proposed boat lift would be unsightly and an unnecessary obstruction. She is also concerned about the liability implications. The survey she recalls seeing shows that there is a greater portion of the dock on her property than the one submitted by the applicant.

Close public hearing.

Commissioner Lasky stated that she understands the need for a boat lift for the safety of the boat and the property owners. These are common on West Shore Road. Each home does not own a view in every direction. The owner of 11 West Shore Road would still have beautiful views from her own property. She can make the findings for Design Review.

Commissioner Stoehr stated that he does not know if there is a preferred side of the house to add a boat lift. Could the owner of 12 West Shore Road build his own dock on the other side of his property and get his own dock lease? A request for a boat lift is normal for West Shore Road. The issue is muddled by the legal issues.

Senior Planner Markwick stated that staff would recommend a continuance to provide for further study of the leases and agreements.

City Attorney Longfellow stated that given the late submittal of pertinent information they wanted to go ahead to allow the public hearing to hear from the applicant's team and the neighbor's team. Staff would recommend a continuance for more analysis.

MOTION: To continue the item at **12 West Shore Road** for additional analysis.

MOVED BY: Peter Mark seconded by Pat Carapiet.

VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Larry Stoehr, Nena Hart, and Pat Carapiet.  
NOES: None

ABSTAIN: None  
RECUSED: Ashley Johnson.  
ABSENT: Ashley Johnson.

8. Design Review for an addition and remodel to the existing home at **129 Bayview Avenue**. The project proposal includes an update to all doors and windows, a main level interior remodel, new stairs and new lower floor addition for new bedrooms and bathroom. The project proposal includes an Exception to Total Floor Area and Variances for encroachments into the setback, lot coverage and for parking. Additionally, a Revocable License is required for improvements into the city right-of-way. Applicant: Holscher Architects. Property Owners: William Newland. *Staff recommends approval of the requested applications.*

Director Borba presented the staff report. A slide show presentation accompanied her remarks.<sup>2</sup>

Phoebe Holscher, Holscher Architects, presented the project. A slide show presentation accompanied her remarks.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners had visited the property and met with the applicants. There was consensus that the project is well thought out and will be sensible for the homeowner to have interior access to the rooms in the house. The minor increase in enclosed floor area and the Variances are supported as per the staff report.

MOTION: Adopt the Resolution granting Design Review for the property located at **129 Bayview Avenue**.

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

MOTION: Adopt the Resolution granting Exception to Total Floor Area approval to allow a total floor area of 2,178 SF, where 2,158 SF is permitted at **129 Bayview Avenue**.

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

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

MOTION: Adopt the Resolution for a Variance for encroachment into the setback for the property located at **129 Bayview Avenue**.

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

MOTION: Adopt the Resolution for a Variance for lot coverage for the property located at **129 Bayview Avenue**.

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

MOTION: Adopt the Resolution for a Variance for parking for the property located at **129 Bayview Avenue**.

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

MOTION: Recommend to City Council approval of a Revocable License for improvements in the Bayview Avenue right-of-way.

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

9. Design Review and Variance applications for a new car deck located at **49-51 Alcatraz Avenue**. Applicant: Hank Bruce Architects; Property Owners: Alan and Bonnie Steier. *Staff recommends approval of the requested applications.*

Senior Planner Markwick presented the staff report. A slide show presentation accompanied her remarks.<sup>3</sup>

Commissioner Lasky asked whether the lot line adjustment for this property and 53 Alcatraz Avenue required that both properties have adequate parking.

Planner Markwick replied that this is not required in the Belvedere Municipal Code. The Lot Line Adjustment for this property was approved as conforming to City requirements.

Hank Bruce, applicant, presented the project. He stated that numerous alternative proposals have been studied and have resulted in the current application. The current owners of both this property and 53 Alcatraz Avenue wish to provide separate parking at 49-51 Alcatraz Avenue because when the properties are sold to different owners, the parking at 53 Alcatraz Avenue will no longer be

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<sup>33</sup> The slide show presentation has been archived with the record of the meeting.

available to the owners of 49-51 Alcatraz Avenue. Although the project will require the removal of an Oak tree the owner will provide for replacement trees elsewhere on the property.

Commissioners asked about alternative configurations to the current proposal, in order to limit tree removals, and impacts on the neighbor and the street scape. Clarifications on lighting and guardrail design were also discussed.

Mr. Bruce replied that they are willing to work with the neighbor to assuage her concerns with acceptable landscaping installations.

Close public hearing.

Commissioner Stoehr visited the site and the neighbor's home. He saw that the new structure would be very visible to her. Some added planters and a new tree between the cottages would be helpful. He has concerns about the public street views. He can support the project with conditions.

Commissioner Lasky stated that there are 4-5 parking places for 53 Alcatraz Avenue and none for 49-51 Alcatraz Avenue. At one time when the properties were together this was sufficient for all 3 cottages. She is not in favor of the removal of the 100 year old Oak tree and there is no place to put in such a structure here. She would ask that the owner consider deeding parking spaces from 53 Alcatraz Avenue to 49-51 Alcatraz Avenue. She cannot make the findings for this project.

Commissioner Slaymaker agrees with Commissioner Lasky. She cannot make the findings for Design Review or the Variance.

Commissioner Hart stated that she cannot make the findings for a bulky pressure-treated wood construction such as this proposal. This would not fit into the parklike setting of the neighborhood surroundings. She suggested that the parking platform design at 19 Alcatraz Avenue is a good plain design that fits into the neighborhood. There are other options that could be harmonious and still save the tree.

Vice-Chair Carapiet visited the site and the neighbor's home. She agrees with Commissioners Hart, Slaymaker, and Lasky. The project is too bulky and not attractive to the neighbor, with a potentially huge impact. There could be some other better solutions. She cannot make the findings for Design Review.

Chair Mark has fewer reservations than his fellow Commissioners as there are similar structures on Corinthian Island. He would favor a continuance.

Open public hearing.

Alan Steier, property owner, stated that he is not in favor of the Commission continuing the item.

Close public hearing.

MOTION: To approve Design Review for a car deck at **49-51 Alcatraz Avenue.**

MOVED BY: Peter Mark, seconded by Marsha Lasky.

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



Meeting was adjourned at 8:15 PM.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on July 20, 2021 by the following vote:

AYES: Pat Carapiet, Marsha Lasky, Claire Slaymaker, Nena Hart

NOES: None

ABSTAIN: Ashley Johnson

ABSENT: Peter Mark, Larry Stoehr

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

Pat Carapiet, Planning Commission Vice Chair

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

Beth Haener, City Clerk