

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

JULY 20, 2021 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Vice Chair Pat Carapiet called the regular meeting to order at 6:30 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Pat Carapiet, Marsha Lasky, Nena Hart, Claire Slaymaker and Ashley Johnson. Absent: Peter Mark, and Larry Stoehr. 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 agendaized for further discussion at a later meeting.

No one wished to speak.

C. REPORTS

Director Irene Borba reported on upcoming informational meetings and projects. Recent Planning activities included that the RHNA appeal letter was sent to ABAG/MTC on July 9, as one of 28 Bay Area jurisdictions who did the same. The anticipated hearing will be in late September or early October by these agencies. The letter is posted on the City website.

RFPs for consultants to assist with the preparation of updates to the Housing and Safety Elements of the General Plan were sent out to 90 parties; 2 responses have been received and are to be reviewed shortly. These updates need to be completed by 2023.

The Mallard Pointe project application has been received and an incompleteness letter sent to the applicants: these have been posted on the City website.

The Planning Commission meetings may return to a hybrid in-person and remote meeting in September.

There were no public comments.

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.

Commissioner Hart requested that Item 2 (**29 Windward Road**) be removed from the Consent Calendar.

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

MOVED BY: Nena Hart, seconded by Claire Slaymaker

VOTE: AYES: Marsha Lasky, Claire Slaymaker, ~~Larry Stoehr~~, Nena Hart, and Pat Carapiet.
NOES: None
ABSTAIN: Ashley Johnson (due to absence from June 15 meeting.)
RECUSED: None
ABSENT: Peter Mark, Larry Stoehr.

1. Draft **Minutes of the June 15, 2021** regular meeting of the Planning Commission.

E. PUBLIC HEARINGS

2. Design Review for 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 and Renee Child-Trustees of Child Family Trust. *Staff recommends approval of the requested applications.*

Commissioners asked the applicant for clarifications of some of the project details in the plans.

Steve Johnson, Hachman Construction, responded with the clarifications.

Open public hearing.

No one wished to speak.

Close public hearing.

MOTION: To approve the Resolution for Design Review for the property at **29 Windward Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

MOTION: To recommend approval of a Revocable License for the property at **29 Windward Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

3. Design Review and Exception to Total Floor Area for the property located at **82 Alcatraz Avenue**. The proposal includes the conversion of storage space (1,145 SF) to conditioned space. The addition of windows to the east façade and a new door on the north façade. A new door is proposed on the south façade for access to the bottom floor patio. Minor landscaping improvements on the east facing slope of the property. An Exception to Total Floor Area is required as the proposal will exceed the allowable floor area requirements. Applicant: Marshall Schneider (Architect). Property Owners: Uri and Karen Sarid. *Staff recommends that the Commission review and consider the requested applications and provide staff and the applicant with direction.*

Director Borba presented the staff report. She stated that the property history was provided in the staff report. Similar requests have previously come before the Planning Commission and the City Council. At this time staff has analyzed the current applications relative to the Belvedere Municipal Code as outlined in the staff report. Staff seeks guidance from the Planning Commission for the requested project.

Commissioners had no questions for staff.

Marshall Schneider, project architect, introduced property owner Uri Sarid.

Uri Sarid, property owner, described his family's purchase of the property one-year prior from the estate of the second owner. They learned of the potential 'room' at the lower level during the tour of the property prior to their purchase. After buying the property they later received records that went back 20 years to when the home was built and others since then up to the current time. The family hopes to develop the existing unconditioned space to enlarge adjacent rooms and to accommodate a bedroom and office space. His 90-year-old mother in law would be able to move in to the property and have access to that area via the existing elevator that leads to this level. He believes the impact of conditioning the existing space would not be impactful on others.

Marshall Schneider, project architect, described the project and how this request differs from earlier requests in 2002 and 2004. The original developer was granted approval and praised at that time for presenting a project for a new home that conformed to the R1-C zoning requirements. Two years later, during construction, he returned to the Commission to request the additional floor area. The request was not approved since it was felt it should have been considered as a part of the original project application. Now, twenty years later the current new owner is before the Commission to request to convert this space to conditioned living space. Per the staff report the findings for the Design Review (p.7) and Exception to Total Floor Area (p.10) can be made. Windows, exterior stairs and landscaping are also considered acceptable requests.

Commissioner Lasky asked whether Mr. Sarid was aware of a signed letter from the original developer that this space could never be converted to living space?

Mr. Sarid stated he never heard of this letter.

Open public hearing.

No one wished to speak

Close public hearing.

Commissioner Hart stated she recalls the history of the project. She is torn in considering this project because she does not believe that there is anything different in this application from the 2004 application. She would like to hear comments from her fellow Commissioners before making final comment.

Commissioner Slaymaker stated she understands the comments of Commissioner Hart, but she also understands these are new owners who did not create this situation. The circumstances have changed. She would be concerned about this creating a basis for others in the future to ask to exceed the allowed floor area. She would like to hear the comments of her fellow Commissioners.

Director Borba stated that the Commission is to consider each project on its own merits, as to whether it can meet the findings for approval of Design Review and/or Exception to Total Floor Area. This is the basis for Commission approval or denial of the current project.

Commissioner Lasky recalled the original situation and that the floor area came into existence in a different way and not by the current owner. She also understands that this is a new owner who has bought this home with existing floor area. This project will have no increase in the footprint of the house. While not wanting to set a precedent, she does not think the current owner should be penalized for something that happened 18 years ago. She can be persuaded to make the findings to approve the project. She would like to hear from her fellow Commissioners.

Commissioner Johnson stated she appreciates the detailed history of the property. She agrees with the prior comments of the Commissioners. She believes that prior denials were partly based on the way that this situation came before them. She also agrees with Commissioner Lasky that the current owner should not be punished for the way the past owner brought this to the Commission. Looking at this project with fresh eyes she cannot see why this existing space cannot become usable living space. It would meet the findings for an Exception to Total Floor Area -- it is of little impact to neighbors, and already inside the building footprint.

Vice-Chair Carapiet stated that the staff report reflects that there have been repetitive denials of requests to expand into this created space. There should have been some checking as to the possibility of developing this space during the recent purchase process. In any case, this is a fresh application, and it does ask for a large amount of floor area. This is a fresh application and just because one applicant is granted something does not mean that the next applicant might be able to get the same. Having heard from her fellow Commissioners she can agree to the Exception to Total Floor Area.

Commissioner Hart stated that she has heard nothing that changes the situation that was heard twice by the prior Planning Commissions and the City Councils. Because there are no concrete changes in this application, she cannot make the findings this time. Only time and the new owner have changed.

Director Borba stated that the Commission must review and consider the findings for Design Review and Exception to Total Floor Area for this specific application. The provided history is an important element, but comments should be relative to the findings for this specific project.

Commissioner Hart asked what is different now. The findings then are identical now.

City Attorney Longfellow that this is an administrative quasi-judicial decision on the Commission's part for the current application. The Commission is not bound by prior findings of other Commissions. The Commission can look at this application and make those same findings now, notwithstanding the non-binding history. What the Commission is looking at now is by independent analysis of what is now before them. If those findings are the same as before, that is fine, but the comment should be on the application today.

Commissioner Hart stated that this very large square-footage was made available without approvals and would that not have bearing on today's findings.

Ms. Longfellow stated the Commission should follow the current Code language to consider and determine if those findings can be made for this project.

Vice-Chair Carapiet asked the reason for including the detailed property history in the staff report.

Director Borba replied the history of the property is always included in the staff reports.

Commissioner Slaymaker stated she can make the findings for the project.

Open public hearing.

Mr. Schneider stated that he wanted to address the findings for the Exception to Total Floor Area. Based on the FAR chart from the staff report he highlighted 4 properties with lots over 10,000 SF and with approved FAR exceptions. The current application is only asking for 33% which is smaller than the others that have been approved, and which fits into the pattern of development for Corinthian Island.

Close public hearing.

Commissioner Hart asked whether setting a precedent is a problem.

City Attorney Longfellow the Commission has the discretion to consider a new application on its own merits without that concern, as this is its regular practice.

Vice-Chair Carapiet asked what is the next step.

Director Borba stated from the discussion she believes the majority direction from the Commission to staff is to come back with Resolutions of approval to be on the agenda at the next meeting.

4. Design Review, Demolition, and Variance applications to demolish the existing home and construct a new single-family dwelling at **43 Cliff Road**. The Variance application is required for the roof eave to encroach into the side yard setback. The project also includes new landscaping throughout the property. Applicant: Mark Swanson; Property Owners: Quinta Properties. Staff recommends approval of the requested applications.

Senior Planner Rebecca Markwick presented the staff report. Two letters from neighbors in support have been received. One other neighbor expressed concern about the landscaping at the uphill side of the road, and the proposed Olive trees at the front. Another neighbor is concerned about privacy and glazing.

Open public hearing.

Miles Berger, project architect, presented the project and described the elements that were considered in the design. A slide show presentation accompanied his remarks.

Mark Swanson, applicant and contractor for the project described the efficiency of building this home at the same time as 46 Cliff Road both of which have the same owners. 43 Cliff Road will require less excavation because of existing site work and foundations already in place from the existing home.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners discussed the project benefits. There was consensus that the design is very attractive and will be a great improvement over the existing home, fits well into the steep slope,

and uses appropriate materials and colors. The green roof on the studio at the lowest level was well liked. Consideration for placement and types of glazing were discussed in terms of impacts on other properties. Concerns expressed included a request for fewer light fixtures in general. It was requested that more mature trees be added to the landscaping design, especially between neighbor properties. Commissioners would like to see the existing Oak tree (#10) to remain by a redesign of the downhill stairway route. The Olive trees were supported, if kept properly pruned and windowed.

Measures for protection of the private roadway were discussed and are generally incorporated as a regular part of the Building Permitting process. Road restoration repairs are required and usually a deposit is required.

Director Borba stated that reference to specific concerns can be included in the final Resolutions of approval and in the final landscape and lighting plans.

MOTION: To approve the Resolution granting Demolition of the existing home at **43 Cliff Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

MOTION: To approve the Resolution granting No Historical or Tribal Cultural resource per CEQA at **43 Cliff Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

MOTION: To approve the Resolution granting Design Review at **43 Cliff Road** as conditioned.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

MOTION: To approve the Resolution granting a Variance for the roof eave to encroach in the side yard setback for the property located at **43 Cliff Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

