

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

OCTOBER 19, 2021, 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

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

There were no reports.

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.

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

MOVED BY: Larry Stoehr, seconded by Ashley Johnson

VOTE: AYES: Peter Mark, Ashley Johnson, Larry Stoehr.
NOES: None
ABSTAIN: Nena Hart, due to absence from the September 21, 2021, meeting.
RECUSED: None
ABSENT: Pat Carapiet, Claire Slaymaker, Marsha Lasky.

1. Draft **Minutes of the September 21, 2021**, regular meeting of the Planning Commission meeting.

D. PUBLIC HEARINGS

2. Design Review for a dock extension located at **44 San Rafael Avenue**. Property owner and applicant Richard Laiderman and Jung-Wha Song. *Staff recommends that the Commission approve the proposed project.* Recused: Commissioner Carapiet.

Senior Planner Rebecca Markwick presented the staff report. A slide show accompanied her remarks.¹

Richard Laiderman, 44 San Rafael Avenue, owner and applicant, stated that he requests approval of the proposed dock extension project for better access to the Lagoon and boat storage. The project will be attractive and not inconsistent with other properties in the Lagoon Zone. He has support of two neighbors who will also speak tonight.

Open public hearing.

Bob Miller, son of property owner Lily Miller of 48 San Rafael Avenue, stated that the project will negatively impact his mother's privacy, access, and views of the water. The neighbors parallel to the applicant are not impacted but those who are perpendicular will be able to see it and will be negatively impacted. He understands that the dock extension will affect the maintenance drain servicing of the Lagoon as well. The recommendation of staff to reduce the size of the extension by 50% might be more acceptable but they would like to see this in the form of new story poles before commenting.

Commissioner Stoehr asked about the terms of the existing easement, as to what is allowed.

Mr. Laiderman replied he had sent in a copy of the easement document prior to the meeting. His understanding is that the easement is only for ingress and egress to the Lagoon. There are no other guarantees specified. The current view from 48 San Rafael Avenue is of the Lagoon outlet valve. The easement extends far out into the water and there is plenty of room for water access.

Commissioner Stoehr asked the applicant if it would be possible for Mrs. Miller to build a dock of her own in the easement under the terms of the agreement.

Mr. Laiderman stated there is already a deck so it might be possible to build a small dock and he would not object if it was not too far out.

David and Sprague Von Stroh, 1 Hilarita Circle, spoke to of their concerns that the maintenance of this corner of the Lagoon may be impacted. This issue was raised in conversation with Mr. Ruppert who does this work for the BLPOA. They did not receive any notification from the BLPOA of their signoff. Ms. Von Stroh stated that due to their property's orientation to the proposed dock extension, there would be view and privacy impacts on them.

Robert Huret, 34 San Rafael Avenue, stated he and his daughter Deborah Op den kamp, who is owner of 40 San Rafael Avenue, both support the project at 44 San Rafael Avenue. They have had their own docks since the 1990s and they have a similar situation with the property at 30 San Rafael Avenue to their left with an access easement and dock extending into the Lagoon across their property. This arrangement has created no issues. The Lagoon drainage gate is on a BLPOA easement at 40 San Rafael Avenue. They often see Mr. Ruppert working there and they believe if there were any issue with this proposal that this would have been already been raised by the BLPOA.

Michelle Barnowski, new owner of 3 Hilarita Circle, is interested if there is any discrepancy in the information concerning the maintenance issue if this already has approval of the BLPOA. She would be concerned about this aspect.

Mr. and Ms. Von Stroh commented that the owners of 40 and 44 San Rafael Avenue are significantly farther away than they are. The corner lot on the opposite side of the Lagoon 'cul-de-sac' was purchased with the docks already where they are. They purchased their own property without anything there.

Close public hearing.

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

Ms. Markwick stated that the City sent the application for review by the BLPOA and they understand the parameters of the application. The BLPOA has given their approval, pending any City approval of the dock expansion.

Mr. Laiderman believes the concerns about the maintenance issue have already been addressed by the BLPOA. In general, for the owners of 1 Hilarita Circle, there is no effect on their access. He understands the new dock area will be in their view. However, their view is already full of docks and the Lagoon is not known as an area of privacy. He is asking to have better access to the Lagoon with this dock extension.

Close public hearing.

Commissioner Stoehr stated he is on the Board of the BLPOA and he did review this application in that role. The BLPOA does not approve anything; they will indicate if they have a problem with any application. This was reviewed and Mr. Ruppert reviewed the access to the 40 San Rafael Avenue conduit to Richardson Bay in their easement. Mr. Stoehr also did speak to Mr. Ruppert about neighbor concerns relative to Mr. Ruppert's access to the corner involved. He said Mr. Ruppert said it would be more difficult for him to maneuver but he can still get in there to retrieve debris.

Commissioner Stoehr stated when he visited Mrs. Miller at 48 San Rafael Avenue, he found she was very upset about impacts on her views. He spoke to her about the idea of building her own small water-level dock which he believes she favored. He is encouraged to hear that the applicant might consider that idea. If that is the case, then he can support the project as proposed.

Commissioner Johnson visited 48 and 44 San Rafael Avenue and spoke with the neighbors from 1 Hilarita Circle. She stated that the two letters of support from the neighbors to the left of the project are coming from parties who are minimally impacted. The neighbors on the corner would be significantly impacted in decreased views, privacy and access. If the size were reduced in length, there might be a better situation.

Commissioner Hart has visited both neighbors and viewed the site from the water as well. She stated that the coverage of the water with big docks is unattractive. Reviewing the project according to the Design Review findings, she believes under Section 20.04.120 Relationship of structure to the site, this application does not merit her support. She does not see this as being harmonious or benefiting this end of the Lagoon. Adding that much coverage of the water for boat storage is not something that is good for neighbors to have to view. She cannot make the findings for the application.

Chair Mark visited both the applicant's and neighbor's properties. As properties continue to develop out towards the water it will create a trend for every property to do the same. He concurs with Commissioners Hart and Johnson; just because similar docks exist is not sufficient reason to approve the project.

Commissioner Stoehr stated that there have been many expansions of existing docks and bulkheads approved at the staff level, and all have had BLPOA reviews. The BLPOA mainly is interested in preventing any expansion of docks into their property. Here the 90-degree corner of the Lagoon presents a unique situation.

Chair Mark stated that the City makes the broader decisions regarding dock expansions. He is not supportive of expansion of properties outwards into the water even if it is on their own property. When the Subcommittee did its work on bulkheads in the Lagoon, the impact of projects on the enjoyment of the Lagoon was also considered and is relevant here.

Chair Mark asked the applicant if he would be willing to allow a continuance for additional revision of the proposal.

Mr. Laiderman replied that he would accept a continuance.

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MOTION: To continue the item for **44 San Rafael Avenue** to a future meeting of the Planning Commission.

MOVED BY: Peter Mark, seconded by Ashley Johnson

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

Meeting was adjourned at 7:20 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on November 16, 2021, by the following vote:

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

APPROVED: _____



Peter Mark, Planning Commission Chair

ATTEST: _____



Beth Haener, City Clerk