

BELVEDERE PLANNING COMMISSION

MINUTES

SPECIAL MEETING

MEETING HELD VIA ZOOM

DECEMBER 15, 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, Larry Stoehr, Marsha Lasky, Pat Carapiet and Claire Slaymaker. Commissioners Absent: None. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, 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.

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 Johnson requested that Item 2 (**288 Beach Road**) be removed from the Consent Calendar.

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

MOVED BY: Pat Carapiet, seconded by Nena Hart

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

NOES: None

ABSTAIN: None

RECUSED: Pat Carapiet (regarding Item for 44 San Rafael Avenue)

ABSENT: None.

1. Draft **Minutes of the November 16, 2021**, regular meeting of the Planning Commission.

D. PUBLIC HEARINGS

2. Design Review and Revocable License applications for outdoor improvements located at **288 Beach Road**. The project consists of an outdoor kitchen, steps and fencing replacement and a new deck located on the City Tide Lot. Owner: Ellis Pate-Cornell Trust Et Al; Applicant: Integrated

Design Studio. Staff recommends that the Commission adopt the draft Resolution of approval. *No recusals.*

Senior Planner Rebecca Markwick presented the staff report.

David Gross, Heritage Landscapes, described the request as a garden rehabilitation and creation of a safe access stairway to a deck near the water below. The new steps are to replace the existing dilapidated steps.

He introduced Michael Erskine, the landscape architect, who further described the project.

Michael Erskine, Integrated Design Studio, presented the project. He stated that the overall plan is as Mr. Gross described. The uphill portion of the project will be renovation of existing garden and irrigation, adding a small patio and BBQ area. The proposal is to replace the existing path down to the water with a safer curving route of timber tie stairs. The existing stairs may remain to function as erosion control. The small deck near the water will provide a seating area and kayak storage rack beneath. A full engineered erosion control plan will be provided at the permit stage. New plantings will infill existing plants to screen the improvements and supplement the erosion control.

Commissioners asked for clarification regarding several items: The applicant and staff responded.

The Commissioners asked if the final landscape plan would clarify which trees are slated to be removed and what plantings will be installed: Applicants replied it will show those details and erosion control plans.

Will the new barbeque be too close to the existing trees: Applicant replied that this will not be an issue.

How would condition c) apply considering the MMWD regulations: Staff responded that the bond will be collected per the condition and new irrigation would be postponed until allowed. Applicant replied that there are alternative methods to manually water plantings, such as using gel packs.

Would the proposed deck be over water or on dry land: Applicants replied that the deck is intended to be over dry land above the high-water mark.

Is the deck considered a 'structure' relative to the consideration of the language in the Administrative Policy 11.8.2: Staff replied that policy prohibits new docks or piers on the tide lot, but small similar structures have been approved on that tide lot with a Revocable License issued by the City Council, if it does not impede public access or transverse over the property. Examples of what has been approved were provided to the Commissioners.

Would the deck be required to be publicly accessible: Staff replied that public access is required to everything that is located in the public area, as is usually required in other Revocable Licenses.

Would proposed lighting be allowed on the public land: Staff replied that there does not seem to be anything to prohibit that request.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioner Lasky stated that the proposed lighting is the minimum needed for safety on the steps. The timber ties are appropriate and would be a great improvement and the deck is an improvement to what is currently an unsightly area. The public will also benefit. She supports the project.

Commissioner Johnson agrees that the overall design aesthetics are fine. She is concerned that a private structure is proposed for private use on public land and what are the implications and potential precedents and if this is in conflict with the Administrative Policy for the public property. There are nearby public

lanes that may provide access to the beach in that area. She would like clarification that the deck is not over water.

Commissioner Hart understands the desire of the applicant to clean up and improve the site. She has studied the Administrative Policy and this application seems to be in conflict with the provisions for no new structures. There is a new fence proposed that seems to continue down into the public area which she would not support. The outdoor kitchen is proposed to be located in the 10 foot setback. That should be relocated out of the setback. She can support the design of the steps.

Commissioner Stoehr stated that he was not fully versed on the Administrative Policy. He agrees that we should not encourage such new structures on the public land known as, "The Strip". His main concern is the effect on erosion control in light of the current restrictions on installing new landscaping. He could support the upper part of the project, preferably moving the outdoor kitchen out of the setback.

Commissioner Slaymaker would support the kitchen if moved out of the setback. She has no issues with the stairs and landscaping but has concerns about the deck.

Chair Mark asked if there is any concern for an outdoor kitchen of less than 4 feet in height being in a setback.

Ms. Markwick stated that such outdoor kitchens of less than 4 feet in height is in conformance with the municipal code and are frequently approved in setbacks.

Vice-Chair Carapiet is unable to find for the deck on the public land, based on the requirements for no new structures on "The Strip" per the Administrative Policy. She can support the kitchen and related improvements at the property.

Chair Mark stated he has no issue with the improvements at the upper area on the applicants' property, including the outdoor kitchen as located. He observed that by prohibiting the improvements on the public space, which is per the policy is to be accessible to all, this applicant would be precluded from using this area without these safety improvements. To prevent safe and secure access across this area the applicant would have less access than the public coming down via a lane farther up the road. The deck structure, if allowed in this space, should be pulled back from the mean high tide line with a sufficient buffer so as to not be a dock. This is consistent and less intrusive than several existing Revocable Licenses already issued. He believes this is an appropriate use of public space and the improvements to the hillside will improve public access and enjoyment. He can make the findings for the project.

Commissioner Lasky stated that any improvements like this on public land would not likely be paid for by the public or the City, and such improvements do benefit the public, would be paid for by the private homeowner or otherwise not be made.

Director Borba stated that the item could be continued to allow staff to do further research into "The Strip" and the use of "The Strip", and to provide additional information on other improvements that have already been allowed in "The Strip." It would also allow for the City Attorney to give a legal opinion.

In further discussion a majority of Commissioners indicated that the outdoor kitchen location could be approved as proposed, but could not support the deck.

Open public hearing.

The applicant was asked, and agreed to, a continuance, to further study the concerns about the fencing, the kitchen location, and to work on the other concerns expressed at the meeting

Close public hearing.

Commissioner Johnson added that the owner should not be precluded from having access stairs and lighting and a possible landing.

MOTION: To continue the applications for **288 Beach Road** to a future Planning Commission meeting.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker.

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

Meeting was adjourned at 7:31 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on January 18, 2022, by the following vote:


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

APPROVED: _____



Peter Mark, Planning Commission Chair

ATTEST: _____



Beth Haener, City Clerk