

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**MEETING HELD VIA ZOOM**

**March 15, 2022 6:30 P.M.**

**A. CALL TO ORDER OF THE REGULAR MEETING**

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, Peter Mark, Larry Stoehr, Marsha Lasky, and Claire Slaymaker. Commissioners Absent: Nena Hart and Ashley Johnson. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, Assistant City Attorney Ann Danforth, Planning Consultant, Samie Malakiman 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**

Commissioner Peter Mark reported that the first meeting of the new Construction Impact Committee was held on March 10, 2022. The Committee is comprised of citizens, local construction professionals, one City Council member and one Planning Commissioner. He requested that any comments or questions may be directed to him.

**D. OTHER SCHEDULED ITEMS**

1. Presentation & Introduction to the **2023 – 2031 Housing Element Update**; steps and process. Presentation by EMC Planning Consultants.

Director Irene Borba introduced Ande Flower and Loren Hoerr from EMC Planning Group, consultants working with the City for the current Housing Element update.

Ms. Hoerr presented a slide show to accompany her remarks. The presentation is to be posted on the City's dedicated page for this process at [www.blueprintforbelvedere.com](http://www.blueprintforbelvedere.com). Milestones in the process were described. A postcard is being mailed tomorrow citywide to encourage as much resident involvement as possible in the process. The website is interactive and provides opportunities for public engagement and feedback. Features of the website were described including the Housing Simulator. The process and timeline were discussed. The next key event will be the Community workshop (by Zoom) on April 13, 5-7 pm. She described the role of the Planning Commission in review of the draft document at various stages with a final date of January 2023.

Commissioners asked questions and responses were as follows:

Regarding timetables, and triggers for fines and penalties, Mr Flower stated that this is a new process but penalties could come after missing key deadlines.

Regarding incentives, there will be new policies and procedures in the Housing Element for incentivizing the construction of the RHNA-required 160 units. The website includes an important form for property owners to indicate any interest in developing more units on their own properties under State processes such which may include SB9 provisions.

Regarding the availability timetable for the draft Housing Element, each draft chapter will be released for 30 day public review as soon as ready; the goal is to have the rough draft Housing Element ready for a 90

day review by HCD as early as possible. HCD is encouraging early submittal of rough draft documents to allow for longer review prior to certification.

Commissioners suggested that the available site list be provided before the April 13 meeting as it is anticipated that will really jump start the dialogue with the community.

Discussion included comments that the reliance on the website may need to be supplemented with more public workshops or meetings -- this being relative to the degree of or lack of computer skills of many of the residents.

Use of the website and feedback on the website experience will encouraged.

Open public hearing.

Jane Cooper, stated that the public engagement process can be confusing. She asked whether there will there be more direction given to citizens because the questions on the website appears to be very open-ended. She asked will there be input from a County focus group. She understands that Napa and Sonoma have a regional pooled approach to this process.

Susan Cluff asked how public safety requirements interface with Housing Element; many Belvedere sites will have issues with public safety.

Mr. Flower replied that there is a current Safety Element update requirement that must be consistent with the Housing Element. HCD understands possible environmental constraints exist on some potential housing sites.

Jane Cooper stated getting a lot of public input is needed and having more public meetings would be recommended.

Mr. Flower said they will work with staff to find the best way to be responsive and to get the most public input in the time frame.

Ken Johnson offered to be the guinea pig as he is one of many citizens having a lower end of computer ability.

John Pollak asked when new ADUS will count towards the 160 RHNA requirement.

Mr. Flower replied that would be for Building Permits issued after July 2022.

Regarding a question about a regional approach to the RHNA numbers, that is not the way it works. Each municipality has to address their own allocations. Current regional groups are meeting to discuss addressing the way regional housing unit allocations are made.

Commissioners noted that the context of the available sites should be made clear in terms of the overall City needs.

Mr. Flower encouraged everyone to get citizens involved in the April 13 workshop.

## **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 requested that Item 3 (70 San Rafael Avenue) and Item 4 (215 Golden Gate Avenue) be removed from the Consent Calendar.

MOTION: To approve the Consent Calendar for Item 2 as agendized below:

MOVED BY: Marsha Lasky seconded by Larry Stoehr

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

2. Draft Minutes of the January 18, 2022, regular meeting of the Planning Commission.

### E. PUBLIC HEARINGS

Chair Carapiet recused herself from Item 3 (70 San Rafael Avenue) because she owns property within 500 feet of the subject property. She departed from the meeting.

Commissioner Mark chaired the meeting. He requested comment from Commissioner Stoehr as to the reason he wanted to discuss the item.

3. Revocable License application for existing and new improvements in the San Rafael Avenue right of way at the existing residence located at 70 San Rafael Avenue. Property Owner: Jeffrey and Katherine MA/Revocable Trust; Project Applicant: Michael Heckmann. *Staff recommends that the Commission approve the proposal. Recused- Chair Carapiet.*

Commissioner Stoehr stated he was unclear as to the height of the proposed fence in the Revocable License area and has concerns about privatizing public property with fences.

Senior Planner Rebecca Markwick replied that the architect for the project is present who may be able to answer the question about fence height. There is an existing low wood wall in the location and that the new fence will be on top of that wall.

Michael Heckman, project architect, stated that the proposed front fence will be 4'3" feet tall on top of an existing wood wall; it is 6 feet tall from grade measured on the inside. It will be lower than the existing fence, but extend across the property. From curb height it is even lower. The fence will be more open by design than the existing condition and there is 3-4 feet between the sidewalk and the fence to allow for a buffer area for plantings.

Commissioner Stoehr expressed that he still has concerns about recommending licenses for enclosing public property. There are several properties nearby that also have fences on the City property, and perhaps the option to revoke their licenses and discuss land leases might be considered as an alternative.

Commissioners discussed the item and the consensus was to recommend the Revocable License to the City Council keeping in mind a note that the Planning Commission recognizes the enclosure of public property is a part of the consideration for the City Council.

MOTION: To recommend the Revocable License to the City Council for 70 San Rafael Avenue.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

Chair Carapiet rejoined the Planning Commission.

4. Design Review, Exception to Total Floor Area, Accessory Dwelling Unit (ADU) and Conditional Use Permit for an addition to the existing single-family dwelling located at **215 Golden Gate Avenue**. A 250 square foot addition is proposed, and the Conditional Use Permit is required because the ADU exceeds the allowable height requirements of 16 feet. Property Owner and Applicant: John Pollak *Staff recommends that the Commission approve the project proposal. No recusals.*

Commissioner Stoehr stated he had several reasons he asked for this item to be removed from the Consent Calendar. First, he asked for clarification of the Zoning Table information on Page 2 of the staff report. It was noted that corrected figures were sent to the Commission earlier today to be incorporated into the record.

Senior Planner Markwick added that a condition of approval is being added to the draft Resolution to remove the front overhang from encroaching into the setback.

Commissioner Stoehr stated he had issues with the Exception to Total Floor Area language relative to Section 19.52.120(2)a. Further discussion ensued as to the interpretation of the section and whether the language in the Code might need to be revised for clarity. The concern is whether or not the current request would be an expansion of an existing non-conformity.

Commissioner Mark asked if it is correct that if the ADU had been under 16 feet tall and thus not subject to a Use Permit then the floor area would not be an issue.

Ms. Markwick replied that would be correct.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners agreed that the findings can be made to approve all applications.

MOTION: To approve the Resolution as conditioned for Design Review for the property at **215 Golden Gate Avenue**.

MOVED BY: Peter Mark seconded by Marsha Lasky

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

MOTION: To approve the Resolution for an Exception to Total Floor Area for the property at **215 Golden Gate Avenue**.

MOVED BY: Peter Mark seconded by Marsha Lasky

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

MOTION: To approve the Resolution a Conditional Use Permit for a Second Unit for the property at **215 Golden Gate Avenue**.

MOVED BY: Peter Mark seconded by Marsha Lasky



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

5. Design Review, Demolition, Variance and Exception to Total Floor Area applications for the property located at **31 Alcatraz Avenue**. The project proposes to demolish the existing garage and to construct a new one in a similar footprint as the existing. The project requires an Exception to Total Floor Area to accommodate an elevator addition. An interior remodel and landscape and hardscape improvements are also requested. Applicant: Albert DeLima at Weir Anderson Architects. Property Owners: Mark and Alison Weinzierl. *Staff recommends that the Commission approve the project proposal. No recusals.*

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

Commissioner Mark asked if the adjacent neighbor will be satisfied with a condition for a licensed surveyor to stake and string the property prior to permit issuance.

Ms. Markwick replied that is her understanding.

Commissioner Stoehr asked about up-lighting shown in the plans.

Ms. Markwick replied the architect can clarify the details. All final lighting and landscaping plans are to be reviewed and approved as a condition of approval in the Resolution.

Albert DeLima, project architect presented the proposed project. A slide show accompanied his remarks. The purpose of the application was to provide for better parking access and egress, the addition of elevator access down to the front door from the parking area, and an elevator on the home. The landscape designer from Magrane Associates clarified the outdoor lighting proposal. Up lights shown in the proposal can be removed if requested by the Commission. Mr. DeLima requested approval as per the staff recommendation.

Mark and Alison Weinzierl, property owners explained their plan is to retire to Belvedere with the requested improvements in place.

Commissioner Lasky asked if the current story poles reflect the current design, could the carport roof be removed from the proposal, and will there be a trash enclosure.

Mr. DeLima stated the story poles are accurate. They believe the carport roof does not interfere with views. There is no plan for a trash enclosure but that could be added behind a fence.

Commissioner Stoehr asked if a parking deck had been considered instead of a garage.

Mr. DeLima stated they believe a garage is the best proposal for the needs of the family.

Commissioner Lasky stated that the landscape plans are very conceptual and a detailed final plan would be needed to identify trees to remain, trees to be removed, trees to be replaced, and specific plantings that are proposed.

Open public hearing.

George Gness, 50 Alcatraz Avenue, has concerns with the effect of the roof overhang on views from the uphill property at 38 Alcatraz Avenue. The garage already impacts public street views. If the overhang on the carport could be deleted then possibly the Design Review findings could be made.

Close public hearing.

Mr. DeLima described efforts to adjust the design to the concerns of the Bakers at 38 Alcatraz Avenue, who have been writing letters relative to a prior design and prior story poles. They believe that the new garage would be essentially the same in the effect on views as the existing garage.

Close public hearing.

Commissioner Stoehr has concerns about the proposed massive retaining wall. A parking deck with an enclosed elevator would preserve the views from the street. He can make findings for the project except for the Exception to Total Floor Area.

Commissioner Slaymaker visited the site, and the uphill neighbors at 38 Alcatraz Avenue. Some issues with the mass might be reduced with the elimination of the overhang.

Commissioner Lasky stated that removal of the overhang would improve issues with the massive impression. She understands the need to replace the existing garage. The Exception to Total Floor Area request is relative to the two elevators, both of which make sense. The landscape plan needs to be submitted in detail for further review. She can make the findings with the carport roof overhang removed.

Commissioner Mark stated that changes to the original proposal are good improvements. He is also concerned about the extended carport. The proposed garage is better than the existing garage. He has concerns with the amount of fill that would be required for the new retaining wall and lawn area; pushing it back would be better. Caution should be taken that the mechanical equipment for the elevators is not too tall.

Chair Carapiet has visited and discussed lighting with the architect. She agrees that the overhang should be removed to reduce mass. Looking up from Bellevue Avenue there would be a very massive wall which would be in conflict with the findings.

The applicant requested a continuance to address the comments from this meeting including the overhang, the massing of the wall and the fill and other concerns.

MOTION: To continue the applications for 31 Alcatraz Avenue.

MOVED BY: Peter Mark seconded by Claire Slaymaker

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

6. Design Review, Demolition and Variance for an addition and remodel to the existing home located at 34 Eucalyptus Road. The project consists of adding a 600 square foot garage, raising the roof of the existing home, interior remodel and new windows and doors throughout the home. Applicant and Property Owner: Martin Kobus and Chris Bergin. *Staff recommends that the Commission approve the project proposal.* Commissioner Hart Recused.

Planning Consultant, Samie Malakiman presented the staff report. A slide show presentation accompanied his remarks. Five letters have been submitted and incorporated into the record.

Martin Kobus and Chris Bergin, applicants, presented the project and the design concept for the remodel. They believe the total square feet of glazing is being reduced. LED lighting at the entry stairs will be below the street, inside the fencing, and used for safety.

Open public hearing.

Deborah Wilton, 2 Eucalyptus Road, asked whether the new garage will impact the cul-de-sac turnaround for fire trucks, will the design of the garage be in keeping with the Design Review findings (as it would be very much more plain and dark than the existing weathered fencing) and whether the new lighting would not be causing a degree of light pollution especially for neighbors and 26 and 28 Eucalyptus Road.

Chair Carapiet stated that a late email was also received voicing concern about light impacts.

Close public hearing

Mr. Bergin responded that the latest layout of the garage has been pulled back 3 feet from the cul de sac so there will be not any impact on the turnaround. There will be less glass than previously and lighting will be minimal. The siding on the garage will blend in nicely in color and texture with the landscape.

Planner Markwick added that the Fire Department reviewed the application and had no comments about the fire engine turnaround.

Close public hearing.

Commissioner Mark stated he supports the project applications for Demolition, Design Review, and a small Variance. The project is very attractive and will be a great improvement to the existing property.

Commissioner Lasky applauded the nice design and the colors and materials which integrate into the site. The removal of skylights and reduction of glazing will benefit the neighbors. The proposed lighting is minimal and makes sense for safety. The Variance is essentially an existing condition and will be very minimal.

Commissioner Stoehr stated he agrees with the comments on design from his fellow Commissioners. He may still have some concerns about the Variance but he will abstain from voting because he has not been able to visit the property.

Commissioner Slaymaker visited the site and she was pleased with the neighbor outreach by the applicants. The changes to roof and modernization of the home while retaining the same footprint where the home is also nestled into the side of the hill on a spectacular site. She can make all the findings for the project.

Chair Carapiet stated she resolved concerns about lighting at the front of the house. At the rear of the house she still has some concerns with lighting, however, this can be addressed at the time of the final lighting/landscape plan review. She can make all the findings for Design Review, Demotion and the Variance.

MOTION: To approve the Resolution for Design Review for the property at **34 Eucalyptus Road**

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

MOTION: To approve the Resolution for Demolition permit for the property at **34 Eucalyptus Road**

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

MOTION: To approve the Resolution for a Variance for the property at **34 Eucalyptus Road.**

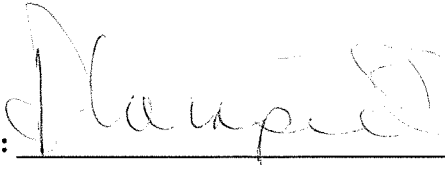
MOVED BY: Marsha Lasky seconded by Claire Slaymaker

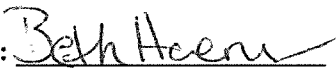
VOTE: AYES: Peter Mark, Marsha Lasky, Claire Slaymaker, Pat Carapiet  
NOES: None  
ABSTAIN: Larry Stoehr  
RECUSED: None

Meeting was adjourned at 9:35 PM.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on April 19, 2022, by the following vote:

VOTE:           AYES:           Peter Mark, Pat Carapiet, Larry Stoehr, Marshal Lasky, Claire Slaymaker  
                  NOES:  
                  ABSTAIN:       Ashley Johnson  
                  RECUSED:  
                  ABSENT:        Nena Hart

**APPROVED:**   
Pat Carapiet, Planning Commission Chair

**ATTEST:**   
Beth Haener, City Clerk