

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

April 19, 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, Ashley Johnson, Peter Mark, Larry Stoehr, Marsha Lasky, and Claire Slaymaker. Commissioner Absent: Nena Hart. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, Assistant City Attorney Ann Danforth, and Planning Consultants, Samie Malakiman and Isabelle Loh.

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 Borba reported that the Housing Element Workshop was held on April 13, 2022. A recording of that workshop is posted on the City website for those who were unable to attend.

Commissioner Mark reported on the last meeting of ODDS Subcommittee which has addressed comments from the City Council and Planning Commission's last review of the draft document. They are prepared to bring the revised document to the next meeting of the Planning Commission.

Commissioner Mark suggested that the Planning staff along with Building staff and/or Public Works staff put together a presentation relative to the dynamics of larger construction projects and Belvedere Municipal Code Section 20.04.110 Preservation of existing site conditions, in particular cut and fill considerations. The topic would be about what this means for projects, such as how many truckloads would there be and how the impacts on the use of public roads would be managed by the City.

Chair Carapiet thanked Senior Planner Rebecca Markwick for her service to the City of Belvedere as this is her last meeting.

A. CONSENT CALENDAR

Commissioner Mark stated he would need to recuse himself from Item 3 (**13 Crest Road**) on the Consent Calendar. He requested that Item 2 (**Annual General Plan & Housing Progress Report**) be removed from the Consent Calendar.

Mr. Kevin Farnham has requested that Item 3 (**13 Crest Road**) be removed from the Consent Calendar.

1. Draft **Minutes of the March 15, 2022**, regular meeting of the Planning Commission.

MOTION: To approve Item 1 on the Consent Calendar.

MOVED BY: Peter Mark, seconded by Larry Stoehr.

VOTE: AYES: Pat Carapiet, Peter Mark, Larry Stoehr, Claire Slaymaker,
Marsha Lasky
ABSTAIN: Ashley Johnson (due to absence from this meeting)
ABSENT: Nena Hart

D. PUBLIC HEARINGS

2. **Annual General Plan & Housing Progress Report** pursuant to Government Code Section 65400 and 65700 mandates that all cities and counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research and the Housing and Community Development and pursuant to California Government Code Section 65400(a)(2) on implementation of the existing City Belvedere Housing Element. Staff recommends that the Commission accepts the report.

Commissioner Mark asked if the City experiences a short fall in the current housing period would there be an impact on the next housing cycle.

Director Borba stated that she is discussing this with the consultants and will let you know.

Assistant City Attorney Ann Danforth stated it is understood that there may be more enforcement per recent legislation. Measures may need to be taken to make sure the units are built.

MOTION: To approve **Item 2 Annual General Plan & Housing Report.**

MOVED BY: Peter Mark, seconded by Larry Stoehr.

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

Commissioner Mark recused himself from Item 3 and departed from the meeting.

3. Design Review for an interior remodel and addition located at **13 Crest Road.** The project consists of a 413 Square foot addition that is proposed in the existing volume of the home. Additionally, the project proposes a deck addition at the rear of the home. Project Applicant: Carl Oldenburg AIA; Property Owner: David and Diane Williams. *Staff recommends that the Commission approve the project proposal.* **Recused – Commissioner Mark.**

Kevin Farnham, 11 Crest Road, stated he has concerns with the proposed west-facing deck addition, and the doorway to the ADU on the lower level of the home at 13 Crest Road. This will directly impact his privacy and property values of his home, which, as designed, is oriented heavily on the side towards the proposed expansion at 13 Crest Road.

Carl Oldenberg, project architect, explained that the project at the lower level is largely an interior renovation, with a new southern deck and one west side door on to a four-foot-wide walkway for egress. It would not be a big enough deck to for one to sit upon. The southern deck would have that type of use.

Chair Carapiet asked whether the door to the ADU would be solid or glass.

Mr. Oldenberg replied it would have an obscured glass window to provide light to the interior.

Commissioner Lasky asked if the door to the ADU would be needed if the other area being renovated on that level has interior access.

Mr. Oldenberg replied the door is for direct access and egress for the ADU.

Vice-Chair Johnson asked why a Stop Work notice is posted on the property.

Ms. Markwick stated the Stop Work order was relative to some exterior stairs that had been started but were not yet permitted.

Mr. Farnham stated that, to clarify, both the proposed southern and western decks are impacting him. Landscaping could not screen those from his location below.

Close public hearing.

Commissioner Lasky stated that with this new information just now received from the neighbor a continuance would be in order to understand the issues.

Commissioner Stoehr believes there is no change to the upper deck. He did not observe any privacy impacts on this neighbor from the lower deck.

Commissioner Johnson agrees with Commissioner Stoehr that the lower deck is far from the neighbor. Based on her site visit and the staff report she does not see the impacts.

Commissioner Slaymaker stated she would like to reserve her decision until she can review the area of concern to the neighbor.

Chair Carapiet stated that she would be in favor of a continuance to give the Commission the opportunity to understand the issues.

Open public hearing.

Mr. Oldenberg stated that there is quite a lot of vegetation between the properties. The story poles in the ground were placed to show the location of the deck but are not a part of that deck.

Close public hearing.

The owners of the property David and Diane Williams were present. Mr. Williams responded to the question as to whether they would prefer a continuance for further study of the concerns of the neighbor, or for the Commission to vote on the project.

Mr. Williams requested that the application be continued to allow additional review by the Commission.

MOTION: To continue the applications at **13 Crest Road** to a future meeting.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Ashley Johnson, Larry Stoehr, Marsha Lasky,
Claire Slaymaker

NOES: None

RECUSED: Peter Mark

ABSENT: Nena Hart

4. 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. 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 accompanied her remarks¹. She reviewed the changes made to the project since the prior hearing:

The carport roof overhang has been eliminated from the design. The length of the garage has been reduced to reduce the volume of the garage projecting over the yard, eliminating the story pole of greatest concern at the March 15th planning commission meeting. The terrace has been reduced and the associated retaining wall design stepped to allow for landscape screening of the retaining wall. Trash enclosure doors have been added.

The upper terrace has been reduced in size. Up lights have been removed from the design. Stair riser lights have been replaced w/ sidewall footlights. Screening trees have been added to planting plan to screen the terrace wall. Additional plantings at the retaining wall step along with vines have been added to soften the terrace retaining wall's visual impact. The height of hedge plantings in elevation have been adjusted to clearly illustrate the intent of the design. Simplified plant material symbols on the planting plan and revised planting legend with additional text have been added to further clarify the intent of the landscape design. Notes to save and preserve the existing magnolia and citrus tree for possible re-use have been added to the plans.

No additional comments have been received since the last Planning Commission meeting.

Commissioner Mark asked for clarification on the details of the revised terrace.

Commissioner Johnson asked about the height and materials of the proposed retaining wall.

Ms. Markwick suggested that the architect is here, and he may be able to answer these questions.

Albert DeLima, project architect, replied that the terrace wall is now stepped 2 feet back to provide a planting shelf. The terrace is reduced to reduce the amount of fill and reconfigured to reduce visual impacts as requested.

Mr. DeLima stated that the existing walls to the left of the stair are not being touched. There will be very little excavation but rather added fill rather than cut. Structural engineering will be pursued at the Building Permit stage. Overall height of the new retaining wall is approximately 17.5 feet overall, in 2 steps. A rough estimate of fill would be about 20+ cubic yards. The fill may be partially foam or other unconventional material depending on the structural engineering. This amount of fill will create a lot of truckloads to be delivered to the site. The terrace is proposed to be an outside level area for owner use outside the kitchen level.

Mr. DeLima described the changes made to the design since the March 15 meeting to accommodate the discussion and neighbor requests. The main request for the Exception to Floor

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

Area is relative to the outdoor covered walkway going down to the home and does not represent any impacts on others.

Commissioner Lasky asked where the new AC compressor will be located and had concerns about noise impacts to uphill neighbors.

Mr. DeLima stated it might be on the roof near the master bedroom behind the parapet. This should mitigate any sound issues to the owners and any others.

Ms. Markwick added that the unit will need to comply with the City noise element.

Commissioner Mark stated that with the proposed dimensions of the terrace he estimates about 200 cubic yards of fill. The actual amount is important to know.

Mr. DeLima stated his estimate is relative to the amount of new fill, but there will be existing cut to be reused on the site as well.

Open public hearing.

George Von Bozzay and his wife Cheryl, 41 Bellevue Avenue, stated they can see the project from across the street. They are concerned that there would be any effect on the existing screening and retaining wall at the Bellevue Avenue frontage.

Close public hearing.

Mr. DeLima responded that the retaining wall and planting towards Bellevue Avenue will not be touched. Most of this new project is from the center of the lot and uphill.

Close public hearing.

Commissioner Mark can support the side yard Variance for the elevator; the site has unique characteristics to make the findings. He has concerns with the disruption to the site by the proposed retaining wall and terrace. Those should be reduced in size since those also affect the need for the Exception to Total Floor Area. The proposed parking improvements can be supported.

Commissioner Slaymaker appreciates the changes to the project that address concerns from the prior meeting. She appreciates the need for the parking improvements. She agrees with a reduction of the proposed terrace size and less lighting. She can support the Variance for the proposed elevator.

Commissioner Johnson stated that she appreciates the modified garage and carport design and landscaping. She has concerns relative to the size of the proposed terrace and retaining wall. The elevator is a sensible request. Scaling back the lighting may need to be considered. She asked whether the Bellevue Avenue retaining wall is within the property or partially on City property. She can make findings for the elevator and wants to hear comments of her fellow Commissioners.

Mr. DeLima stated it is partially on the parcel and partially on City property.

Commissioner Lasky stated the revisions to the proposal are a big improvement. She can understand the request for the terrace as it is difficult to come by an outdoor area on Corinthian Island. The detailed landscape plan addresses some of the issues with the appearance of the wall. She can make the findings for Design Review, Variance, and the Exception to Total Floor Area.

Commissioner Stoehr stated he is concerned with the view impacts on the uphill property and from the street. The massive retaining wall is concerning as seen from the Cove and Belvedere Island. The proposed tall podocarpus hedge on the left side of the property has the potential to impede views from above. Another plant choice might need to be made. He cannot support a rooftop air conditioner. He can agree with staff findings for Demolition but not the Design Review findings due to issues with the findings for an Exception to Total Floor Area for a house that is already significantly over the allowed floor area. There may be a way to achieve the owner's goals without these issues. The Variance findings might be embellished with the fact that the siting of the elevator on the north side of the house is adjacent to the Public Lane which provides more space between the two adjacent homes.

Chair Carapiet has visited the site again. Reductions of the garage size and removal of the carport overhang are good improvements. She also has concerns with the terrace and the appearance of mass and bulk and the effect on the findings for an Exception to Total Floor Area. On such a steep hill one cannot expect to have flat areas. The Variance is relative to the proposed elevator and can be supported. She cannot make Design Review findings for the project.

Open public hearing.

Mr. DeLima replied that the terrace can be revised further; the purpose of the new terrace was to replace terrace area that will be lost to the new parking and garage. He understands the construction impacts will be inevitable, but they plan to use a proven contractor with experience of working on Corinthian Island.

Property owners, Mark and Alison Weinzierl stated that they will request a continuance to address the added concerns expressed tonight.

Close public hearing.

MOTION: To continue the applications at **31 Alcatraz Avenue** to a future meeting.

MOVED BY: Ashley Johnson, seconded by Pat Carapiet.

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Nena Hart

5. Design Review, and Exception to Total Floor Area applications for the property located at **6 Buckeye Road**. The project proposes a 1,284 sq. ft. ground-level build out of a current crawl space beneath the home and a lower floor addition of 162 sq. ft. for a new office. Total change to floor area is 1,446 square feet. The project requests an Exception to Total Floor Area to accommodate the basement-level build out. New interior remodeling, reconfiguration, and installation of new windows and doors throughout the home are also proposed. Project Applicant: Cedric Barringer; Property Owners: Karla Burkitbayeva & Carlos Gonzalez de Villaumbrosia. *Staff recommends that the Commission approve the project as proposed.* **Recused - Commissioner Hart**

Isabelle Loh, consulting planner, presented the staff report. A slide show accompanied her remarks². She stated that a 133 SF deck addition is also a part of the proposed project. Correspondence received has been included in the record and distributed to the Planning Commissioners.

Karla Burkitvayeva, property owner, stated that she and her husband work full time from home. They reside there with their 2 young children and their au pair, so there is a need to reconfigure the home to have 2 offices and to enlarge and remodel the floor plan of the home and provide access to outdoor areas.

Cedric Barringer, project architect, presented the project. An effort has been made to minimize impacts to neighbors with appropriate landscape screening.

Jan Longwell, landscape architect, described the proposed changes in the outdoor areas, including a new low retaining wall, some added pavers, mulched play area, rebuild of some existing timber tie steps and addition of some new timber tie steps for more direct access to the yard from the front of the house. Plantings will include native shrubs, and a new Magnolia tree will be added.

Commissioners asked questions regarding the landscape plans. Responses made were that existing hedges next to the timber stairs would remain, one large tree in the rear may need removal to accommodate the new retaining wall and grading, and there would be removal of a pistachio tree at the landing area of the stairs. The proposed spa would be under the deck and an adjacent outdoor shower will be installed. Planned removals of cut from the rear of the property will need to be brought out near the front garage area where there is one parking for a truck, and without a need to remove the adjacent hedge. Although new windows on the east elevation have increased in size and number, most are set back from the plane of the house and are about 60 feet from the nearest neighbors. In addition, there are a lot of trees for screening.

Open public hearing.

No one wished to speak.

Close public hearing.

Vice-Chair Johnson can make the findings for the expanded infill of the home without any bulk or mass issues. Colors and materials are very attractive. The combination of glazing and light fixtures might be revisited or scaled back. It was suggested that adding a trash enclosure would be nice and clearer definition of the front entry gate should be studied. She can make findings for Design Review and Exception to Total Floor Area.

Commissioner Lasky agrees with Commissioner Johnson. The addition will not impact neighbor privacy. She applauds the landscaping plans and the proposal to use native grasses which are low water use. She can make the findings for Design Review and an Exception to Total Floor Area.

Commissioner Stoehr suggested that two windows on the front office might have some privacy impacts and perhaps celestial or frosted windows might be a better choice. The proposed amount of cut is significant. The BMC does not envision more and more excavation to accomplish greater square footage. He cannot support the Exception to Total Floor area as it would be creating a new nonconformity on the property.

² The slide show presentation is archived with the record of the meeting.

Commissioner Slaymaker can support the infill under the house and has no issue with this aspect of the project. The landscaping is soft and uses a lot of low water grasses. She understands that the new windows will not impact neighbors. She agrees that the excavation concern will require a mindful contractor. She can make the findings for both Design Review and Exception to Total Floor Area.

Commissioner Mark agrees with Commissioners Lasky and Johnson in that the project is a nice design. He does not have a huge objection to the amount of cut in this case to accommodate the addition. He can make the findings for Design Review and Exception to Total Floor Area.

Chair Carapiet generally agrees that the project addition within the crawl space is a positive condition that would minimize mass and bulk. However, there is a question as to the amount of additional square footage - when is enough, enough. There is nothing unusual about the project, but the amount of square footage is just too great for the zone. She cannot make the findings for the Exception and therefore also not the Design Review.

Open public hearing.

Mr. Barringer stated that they have tried to keep the lighting to a minimum. The landscape lighting in the steps are very small downlit LED safety lights. They will reduce the number of those as much as possible. In regard to the amount of excavation they are hoping to be efficient to step the excavation down with the property and to stack the stairs. They could review reconfiguring the lower floor plan.

Ms. Burkitbayeva stated that the affected neighbor at 4 Buckeye Road has reviewed the front windows and is fine with them. Although they could consider adding a smaller amount of square footage the point of the project is to create the 2 offices and direct access to the yard and since the bulk of the cost of the project is related to the excavation it makes better sense to get the larger area for the future as well.

Close public hearing.

Commissioner Mark asked whether the Chair and Commissioner Stoehr's concerns are about the relative amount of square footage above the allowed amount, or about any request for an Exception.

Chair Carapiet stated that it seems that the square footage that is prescribed in the BMC is far below the square footage that is being requested. The Commission is not looking at what is prescribed in the Code. The amount of added square footage is her main issue.

Commissioner Stoehr stated that the Commission has been accepting requests for infilling the footprints of homes while ignoring other issues that relate to the increase in size. Here, the large amount of added floor area has an issue of creating a significant amount of cut and fill. Here this seems excessive and requests a large amount over the prescribed square footage.

MOTION: To adopt the Resolution granting Design Review for the project at **6 Buckeye Road**.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

RECUSED: None
ABSENT: Nena Hart

MOTION: To adopt the Resolution granting an Exception to Total Floor area for the project at **6 Buckeye Road**.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

6. Design Review and two Variance applications for a second story addition located at **19 Woodward Road**. The project proposes a 936.5 square foot second story addition on the existing single-story home. The Variances are required to exceed the allowable lot coverage and to encroach into the front yard setback. Applicant: Lindsay Massey Architecture; Property Owner: Maggie and Christopher Jackson. *Staff recommends the Planning Commission conduct the required public hearing, discuss the project as designed and provide feedback to the applicant as submitted. No recusals.*

Ms. Markwick presented the staff report. Although staff can support the requested Design Review, staff cannot make the findings for the requested Variances for Lot Coverage and Front Setback. There do not appear to be special circumstances applicable to the property. There is an opportunity to remove the front yard encroachment and there is also an opportunity to reduce the proposed project size to reduce the Lot Coverage Variance. Tonight's meeting is to provide feedback to the applicants especially regarding requested Variances.

Commissioner Lasky confirmed that the upper story needs to be 10 feet from the front property line, and the first story needs to be 5 feet from the front property line.

Open public hearing.

Lindsey Massey, project architect, stated that this project resembles the prior application tonight in that its purpose is to expand the home for a growing family and fulfill a need for office space. She explained the rationale for siting the addition as it is currently proposed:

Currently there is no opportunity for excavation in this location as this house has a slab foundation. The request will be similar to other development in the Lagoon area. Options to avoid Variances and still have the needed addition could cause view issues for the neighbors and for adjacent properties on the Lagoon. A slightly smaller addition pushed farther back towards the Lagoon would still have worse impacts on neighbors, especially at 17 Woodward Road. In addition, either of these two options also would have impacts on increased remodeling costs for the existing home and could have FEMA considerations as a result.

Ms. Massey stated that this application avoids those problems and those impacts. In reading through the Design Review intents in the Belvedere Municipal Code, this design meets those better than any other option considered. If the current application is considered, the constraints of the small lot size are a circumstance that can justify the Variances. If the lot were the minimum size allowed by the zoning code, then no Lot Coverage Variance would be required. Here the lot is not large enough and some is that lot area is also under water. Similarly, much of the home is

cantilevered over the courtyard so although this is not a solid two-story structure, it contributes to the Lot Coverage percentage.

Positioning the addition where proposed will require the Front Setback Variance but that would be less impactful than other alternatives that have been considered. Since the house is at an angle to the property line this is not as impactful as it might be.

The current application preserves views and privacy with the neighbors. Constant communication with the neighbors has helped in the development of the current design. The new design will lend more visual interest to the neighborhood street façade while remaining in character with the neighboring properties.

Ms. Massey stated that the goal is to expand their home and enjoy similar rights and privileges as other homes in the neighborhood.

Maggie Jackson, property owner, stated that she appreciates meeting with the Commissioners at the site. They need to expand the home for their growing family and to be able to work from home and very much want to stay in the community. She looks forward to hearing comments tonight.

Commissioner Johnson asked for clarification of the definition of primary views.

Ms. Markwick replied those are views from common living spaces, such as living rooms, kitchens, etc. Views are not a consideration unless the request includes a request for an Exception to Total Floor Area. Under Design Review the impact of bulk and mass and impacts to the neighborhood may be considered but not specifically relative to views.

Commissioner Mark stated that views are not a finding for a Variance. He asked if the City Attorney might comment.

Ann Danforth, Assistant City Attorney, stated that a Variance cannot be granted if it gives a special privilege to a property owner. There are two preliminary questions relative to a Variance request: First, is there something special, unusual, or exceptional about the property in question and, if yes, does that special circumstance deprive the property owner of benefits that are enjoyed by other similar properties in the area. If there are no unusual characteristics, then the following question is not considered.

Chair Carapiet asked what criteria is there to consider a property to have special circumstances.

Ms. Danforth replied that it might be unusual in the area, such as size, shape, topography, location or surroundings, that is, the physical characteristics of the parcel. If the answer is yes, then the follow-up question is, would the strict application of the Zoning Ordinance deprive the property owner of privileges enjoyed by other properties in the vicinity under identical zoning classifications.

Chair Carapiet stated that the lots on the Lagoon are variable. Some are under 5000 SF and others are up to 10,000 SF.

Ms. Danforth replied that the Planning Commission first considers the question of fact as to the unusual characteristics of the property.

Commissioner Mark stated that dry land or under water land is variable in the zone. He asked whether adjacent development comes into consideration as a special characteristic of the property in question.

Ms. Danforth replied yes, the surroundings are considered in the statute. If the development next door is unusual then the question is, would the strict application of the Zoning Ordinance not allow the subject property to enjoy the privileges enjoyed by other properties in the vicinity. If the answers are yes to both preliminary questions, then it can be considered whether this request would be a grant of special privilege. If the properties in the vicinity are all of similar size and have similar development, one would have to consider whether this condition could be considered unusual.

Open public hearing.

Steve Broad, 21 Windward Road, stated that from the story poles, it appears that the upstairs addition would negatively affect his property and privacy, especially his daughter's and son's bedrooms. There is nothing unusual about the property. All the lots are the same. There is no way to consider that granting this request would not be a grant of special privilege. He has also submitted a letter.

Raphael Lepine, 17 Windward Road, said his family has lived at this address for 28 years. When planning to remodel their own property in 2016 they were required to submit to FEMA regulations. They question that this application is not also subject to the same regulations. Applying for two successive non-FEMA remodels with new construction permits could be understood as a circumvention of FEMA regulations.

They oppose the adjacent next-door addition for the following reasons as itemized in their letter to the Commission:

1. invasion of the privacy of bedroom, living room and kitchen
2. blocking the sunlight from the only sunny side of the house immediately adjacent to the extension; 12 large windows would be affected by the sun and light blockage
3. impacting the views of Angel island, Tiburon Hills and Belvedere Island from dining room and kitchen
4. night light pollution
5. mass and bulk of the new structure impacting the street frontage
6. impacting our only tiny garden space and damaging the expensive line of trees that the planners forced me to plant which would not survive
7. There is no mention of building a new bulkhead to protect the Lagoon.

He said that it would be better if Lagoon lots were larger with bigger separation between homes. He requested that all neighbors' rights be protected.

Close public hearing.

Commissioner Stoehr stated that he visited the site, and the neighbors. The project would be a significant improvement over the existing home, but it does not meet the Variance requirements. He understands the impacts of changing the design might not produce enough square footage and there might be economic impacts. Windows need to be revisited on the North and South sides to protect privacy for both properties. He would support a second floor without any Variance requests. He stated that he disagrees with some of the neighbors' comments relative to FEMA. He believes the City will continue to follow all FEMA requirements.

Commissioner Lasky stated that with the small lots and close development it is difficult to have larger homes on the Lagoon. She understands there is an option to expand the home on the ground level but that may impact the pool and rear yard. She cannot support the requested Variances.

Reduced sizes of rooms need to be considered. The addition needs to be brought in out of the setback. The top floor should remain back to avoid view issues with the neighbors. Window sizes can be modified to reduce privacy issues and light emission.

Commissioner Mark stated he has visited the applicants and the neighbor at 17 Windward Road. This is a challenging circumstance due to the position of the existing house, and the need for Variances for front setback and Lot Coverage. Redesigning to eliminate those may have a worse result on the neighborhood. There is a strong case for the current proposal. Privacy and windows may need to be moderated in any case. Just because someone else was there first does not mean they have more right to light than a newer project. Characteristics of this neighborhood and this lot may seem to justify the positioning of the project. The submerged land is unusual for this site but not significantly different from other neighborhood properties. He would encourage the applicants to revise the plans to eliminate Variances as the findings will be hard to support. A new conforming application may have less to be considered relative to impacts on neighboring properties. Those are not considerations in applications without Variances or Exceptions. Relative to the FEMA argument he believes it is being enforced more, then now than in earlier years. There is more community knowledge about the choices in developing a property, from a ground up approach or a stepped process. He has no concerns about the City's flood plain management.

Commissioner Slaymaker agrees with most of her fellow Commissioners. She also struggled with this application from the standpoint of the needs of the family. The concept with the breezeway and the location make it difficult to approve. To make this work it will need to be reduced but she will hope that a solution can be done to eliminate the Variances.

Commissioner Johnson stated she agrees with the feedback and the staff report. It is perfectly reasonable to add a second story to a Lagoon home for the family's needs. She also cannot make the findings for the Lot Coverage Variance on this small lot. She has no issue with the Variance for the front yard setback. There are many such homes in the Lagoon area. There are solutions that might allow for a second story without Variances. She looks forward to a new conforming application to approve.

Commissioner Stoehr asked whether the neighboring house might be a situation that could be considered unusual. That is a single-story FEMA house that is raised up quite high with the front setback at just 5 feet. Is this then an unusual circumstance in that the applicant is trying to put their project farther away to mitigate the privacy issues created by the neighbor's FEMA home.

Ms. Danforth replied she does not believe this would be a qualifying factor. If it is truly common and not harmful that there are such encroachments into the setback perhaps it would be better to change the setback requirements.

Chair Carapiet visited the site and both neighbors. She agrees with the comments of her fellow Commissioners. She also would have an issue with the two Variances. Second story additions have been difficult to achieve. She also agrees with Commissioners Mark and Stoehr about the FEMA administration and scrutiny of projects. She hopes that the applicants will be able to come back having received this guidance.

Commissioner Mark stated that expanding the first floor would create a larger Lot Coverage Variance.

Open public hearing.

Ms. Massey agreed that expanding the first floor would not be an option for that reason. What they see as an unusual circumstance is that the neighbor property has a diagonal view across this property which they are trying to respect.

Ms. Markwick replied that Lot Coverage on a single-story home is 50% instead of 40%.

Ms. Massey stated that the existing house is already over 40% so there is not much ability to expand.

MOTION: To continue the applications for **19 Windward Road** to a future meeting.

MOVED BY: Peter Mark seconded by Marsha Lasky

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

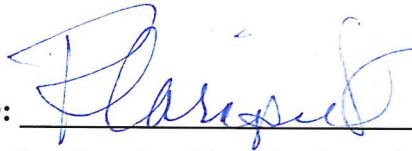
Commissioner Lasky thanked Rebecca Markwick for her years at Belvedere.

Meeting was adjourned at 9:35 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on May 17, 2022, by the following vote:

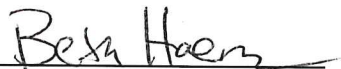
VOTE: AYES: Pat Carapiet, Peter Mark, Ashley Johnson, Marsha Lasky,
Claire Slaymaker, Larry Stoehr
NOES:
ABSTAIN: Nena Hart (due to absence from meeting)
RECUSED:
ABSENT:

APPROVED: _____



Pat Carapiet, Planning Commission Chair

ATTEST: _____



Beth Haener, City Clerk