

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**July 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. in the Belvedere Council Chambers. Commissioners present: Pat Carapiet, Ashley Johnson, Marsha Lasky, and Nena Hart. Commissioners Absent: Larry Stoehr, Claire Slaymaker, Kevin Burke. Staff present: Director of Planning and Building Irene Borba, Substitute Assistant City Attorney Jenica Maldonado, and Associate Planner Samie Malakiman.

**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.

**D. CONSENT CALENDAR**

MOTION: To approve the Consent Calendar.

MOVED BY: Marsha Lasky, seconded by Nena Hart

VOTE:           AYES:           Pat Carapiet, Marsha Lasky, Nena Hart, Ashley Johnson (on Item 2)  
                  ABSTAIN:       Ashley Johnson (on Item 1 due to absence from meeting)  
                  ABSENT:        Larry Stoehr, Kevin Burke, Claire Slaymaker,

1. Draft **Minutes of the June 21 2022**, regular meeting of the Planning Commission.
2. Motion to Approve Meeting by Remote Teleconference and adopt the following findings:
  - a. On March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence;
  - b. State or local officials continue to impose or recommend measures to promote social distancing; and
  - c. The State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Commission members, staff, and the public to meet safely indoors in person; and
  - d. The Belvedere City Council has directed all legislative bodies within the City to meet by Teleconference until further notice.

## E. PUBLIC HEARINGS

3. Design Review, ADU, Variance, and Revocable License applications for the property located at **310 Beach Road**. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. *Staff recommends that the Commission approve the proposed the proposed project.* **No Recusals.**

Associate Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks.<sup>1</sup>

Open public hearing.

The item was postponed to a later time in the meeting while the applicant was being contacted to arrange meeting access to the Zoom format.

Close public hearing.

4. Design Review application for the property located at **19 Windward Road**. The project proposes a new 701 square foot second floor addition with 11 associated windows, two exterior doors, and two exterior wall lights. The proposed second floor would lead to a new roof deck balcony above the existing garage. The project proposes new stone veneer siding along the front face of the garage as well. Project Applicant: Lindsay Massey; Property owners: Maggie and Christopher Jackson. *Staff recommends that the Commission approve the proposed the proposed project.* **No Recusals.**

Associate Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks.<sup>2</sup>

Commissioners asked questions regarding complaints from neighbors about the history of constant recent construction and a need for a one year break between projects; the questions of the height of the building and triggers of both items on FEMA requirements; clarification of the existing Revocable License, and the nature of a 2018 8.5 SF addition in 2018.

Director Borba replied that research can be provided or perhaps the applicant can clarify these details. If the permits were properly issued and finalized then there would be no impact on the current application under FEMA. Heights of buildings are not relative to FEMA requirements either; rather, the elevation of the finish floor is the criteria for FEMA projects. This project is not deemed to be a substantial improvement and is not subject to FEMA.

Open public hearing.

Lindsay Massey, project architect, stated described the revised project. Recent conversations with the owners of 21 Windward Road regarding windows has been ongoing since the time of the

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<sup>1</sup> The slide show presentation is archived with the record of the meeting.

<sup>2</sup> The slide show presentation is archived with the record of the meeting.

issuance of the staff report, but those have not been included in the current plans before the Commission tonight. Those can be reviewed after this consideration as revisions.

Maggie Jackson stated that the 8.5 SF addition was for a small half bath added under a covered porch in 2018 and the work also included a kitchen remodel also occurred. Later a pool repair and rebuild occurred that took approximately 8 weeks in 2020. There have not been continuous construction or permits for the past 4 years as has been suggested.

Commissioners asked for clarification of proposed new exterior lighting (in the balcony facing Windward Road), the upstairs loft purpose (TV and activity room for the kids) the stair location (structural reasons for it to remain as is) and proposed window modifications (removal of 2 loft windows facing the neighbor, reducing the size of the stairwell window, and reduce size of a window facing the Lagoon. The office window would remain as proposed.) Also asked was the rationale for the other side 'box' design with 2 very small windows (to appease that neighbor).

Ms. Jackson stated that the changes to the windows would be submitted for followup approval when the details are worked out.

Chair Carapiet stated that an approval can be conditioned to review and approve the window changes.

Elizabeth Brekhus, representing the owners of 17 Windward Road, has submitted a letter to the Commissioners.

Director Borba confirmed that the letter has been shared with the Commissioners.<sup>3</sup>

Ms. Brekhus went through the points in the letter, including Design Review considerations for harmonious and balanced development on the site and in the neighborhood, disagreement with the construction valuation provided for the project, discrepancies in the story pole heights, and requesting clarification on a 1974 Variance for the property.

The son of the owner of 17 Windward Road Raphine Lepine spoke to their objections as they are the most impacted neighbors to the proposed project. These include negative impacts on their privacy, views, and sunlight. The project does not meet the legal requirements for approval. The addition should be reoriented to be side to side and away from being weighted to their side of the lot.

Karina Halton, friend of the owner of 17 Windward Road, spoke to concerns of impacts of the proposed project on that neighbor. The environmental concerns over use of 'plastic grass' are an issue. The project is oversized, negatively impacts neighbors, and is not FEMA compliant.

Steve Broad, 21 Windward Road, looks forward to seeing the changes to the windows before the project is approved.

Rosalee Cornue, friend of the owner of 17 Windward Road, spoke to reconsideration of whether the project is FEMA compliant. She requested the denial of the application due to negative privacy impacts on 17 Windward Road.

Jeff Catinto, builder of the 17 Windward Road project, stated that the cost estimate for this proposal is understated. Rotation of the addition 90 degrees would be a better alternative and would reduce the impacts on 17 Windward Road.

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<sup>3</sup> Correspondence is archived with the record of the meeting.

Gabriel Lepine, son of the property owner of 17 Windward Road, requested denial of the project due to lack of FEMA compliance, privacy impacts on their home, and failure to meet Design Review requirements.

Michelle Lepine, owner, 17 Windward Road, requested that her concerns be addressed.

Erica Olsen Lepine, daughter in law of the owner of 17 Windward Road, stated that the proposal is too large, intrusive, and reduces a significant amount of light and privacy. The project is not compliant as prior projects should figure into FEMA valuation requirements and the spirit of the law.

Scott Hamilton, Windward Road resident, supports the proposed Jackson project. This is a family who actually lives in Belvedere so there needs to be consideration for them and their needs over others who do not live here but who only visit.

Ms. Jackson responded that they are not trying to overbuild, but just find space for their family. They hope to accommodate their neighbors' concerns as well as they can and look forward to discussing window revisions with the Broad family if the item is continued. They are sorry that the neighbors were upset by the pool project and did that work as quickly as possible.

Ms. Massey added that they believe the budget is accurate and beneath FEMA requirements. The story poles are correct. They will verify their accuracy.

Close public hearing.

Commissioners discussed the proposal, including consideration of reorienting the addition to be perpendicular to the first floor to reduce neighbor impacts and be more in line with other second floor development in the neighborhood. If the loft were eliminated possibly that would increase air and space. A street-facing balcony was not supported. Window changes are supported. A continuance for story pole verifications is desired.

Vice-Chair Johnson stated that she can support the changes that have been made since the prior hearing. The applicants have a reasonable need for their improvements and would have to be in compliance with any other Lagoon zone projects for approval. She can make the findings if the clarifications on windows and story poles are determined. FEMA estimated valuations are currently accepted so that would not be a consideration at this time.

Chair Carapiet commented that artificial turf is allowed per State law; it is no longer subject to Design Review. In regards to the current project she agrees with Vice Chair Johnson and the current FEMA worksheets were adopted to gain consistency and compliance with FEMA regulations. She agrees that there is some uncertainty on some important information so a continuance would be favored.

Open public hearing.

Ms. Jackson replied that moving the upstairs addition would require too much structural work and would trigger a FEMA project which is not the course they wish to pursue.

Close public hearing

Chair Carapiet commented that artificial turf is allowed per State law; it is no longer subject to Design Review. In regards to the current project she agrees with Vice Chair Johnson that FEMA requirements are in compliance; the current FEMA worksheets were adopted to gain consistency

with FEMA regulations. The City previously adopted the zoning rights to two story buildings in the Lagoon zone at the time of the implementation of FEMA regulations.

She agrees that there is some uncertainty on some important information regarding story poles and proposed windows so a continuance would be favored.

MOTION: To continue the proposed project for Design Review at **19 Windward Road** to a future meeting of the Planning Commission.

MOVED BY: Marsha Lasky seconded by Nena Hart

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

3. Design Review, ADU, Variance, and Revocable License applications for the property located at **310 Beach Road**. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. *Staff recommends that the Commission approve the proposed the proposed project. No Recusals.*

Director Borba stated that the property owner is now available to join the meeting. The staff report was already presented at the beginning of the meeting.

Open public meeting.

Mark Conroe, property owner, 310 Beach Road, stated that he agrees with the staff report. He is available for questions.

Vie-Chair Johnson asked if there are any new lights. She only sees 6 proposed new lights. Also she asked how much increase is there in new glazing on the north side.

Steve Wisenbaker, project architect confirmed that there are only the 6 lights as required by the building code. There is no new lighting on the patio. The increase in glazing (not including the ADU) is not a significant increase in area.

Commissioner Lasky asked requested clarification of the ends of the balconies, are those solid or open. Answer was they are open metal rails, same as existing. She suggested that the windows in the ADU might be made smaller. Is Jasmine being used to cover walls and piers?

Mr. Wisenbaker stated that they would remain as shown. They face the Bay and have not impacts on neighbors. The Jasmine is correctly going to cover walls and retaining walls. (Applicant agreed with this comment)

Chair Carapiet asked if the roof deck on the ADU could be reduced to have no impact on 300 Golden Gate. Avenue (Applicant wants to retain the proposed size) Would the applicant consider windowing the Oak tree to improve the view. (He would)

Commissioner Hart asked if the ADU windows can be considered during the ministerial review. She would encourage some reduction in the amount of glazing to reduce light emissions.

Director Borba stated staff will look at this concern.

There were no public comments.

Close public hearing.

Vice-Chair Johnson stated the plans are consistent with Design Review findings. The biggest issue is the proposed improvements on the City's land known as 'The Strip'. Currently the owners hold a legal dock lease but have no provision for access to it. It makes sense to provide the access and she believes this does not constitute a new structure nor to be in conflict with the land's intended use and in fact these steps will benefit both the owners and the public access for the intended use of the land. Signage might be posted. The City should take a perspective to make this area more accessible and walkable to the public.

Commissioner Hart can support the overall project. She asked whether the pier is available for public access. She stated that the stairs are defined as 'structures' in the Code. She agrees that this will improve hill stability and safety. The City needs to support the provision of access to property owners to their pier.

Commissioner Lasky stated that the Parks and Open Space and Lanes Committee has suggested that the owner provide for public access allowing for the public to be able to traverse the stairs when traveling along in the Strip. This has been added to the stair plan. The stairs will also assist structurally for the hill stability. She can make all the findings for the project.

Chair Carapiet can make the findings for Design Review for the home. She has difficulty with compliance with the 1896 Deed restrictions and 1996 update regarding the The Strip that state there can be no new structures built. She agrees that access to the shared dock should be pursued via the originally existing shared stairs on 312 Beach Road. There should be some coordination with that neighboring property owner to restore that access. The 1968 City document supported the shared dock with one stairway access. She understands the right to go down but not a separate access for each owner. This should be a consideration for the City Council to come up with better guidelines for this situation. Commissioner Johnson's suggesting of a public walkway along the strip would be a good plan. She cannot recommend the Revocable License.

Open public hearing.

Mr. Conroe understands the reasonable understanding of the provision of access to the dock. The City has promoted a solution to an historical problem of the sharing of the stairs. They seek to have access and to improve the stability of the hill.

Mr. Wisenbaker stated that City policy encourages separate and independent integrity of properties without conflicts of interest with neighbors. He would encourage the City Council to opine on the desirability of property independence. The Strip is frontage to the dock and should not be encumbered.

Chair Carapiet stated that the City property is a single continuous parcel so the situation is somewhat different.

Mr. Conroe stated that there is a public benefit to having the stairs to access the City property that abuts them for landscaping and stabilization, and independent access is a part of that.

Close public hearing.

MOTION: To approve the draft Resolution for Design Review at **310 Beach Road**.

MOVED BY: Marsha Lasky, seconded by Ashley Johnson

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

MOTION: To consider making a recommendation to City Council for approval of a Revocable License for **310 Beach Road**.

MOVED BY: Marsha Lasky, seconded by Ashley Johnson

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

4. Design Review and Use Permit for the property located at **71 Bellevue Avenue**. The project proposes to replace an existing 388 square foot U-shape dock with a 384 square foot rectangular shaped dock. The project would replace the existing 82 square foot gangway and five piles associated with the dock. The project is in the Recreation (R) Zoning District. Applicant and property owner: Noah Drever. *Staff recommends that the Commission approve the proposed the proposed project.* **No Recusals.**

Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks<sup>4</sup>.

Open public hearing.

Commissioners requested clarifications of project details, including a need for a new or revised dock lease. The drawing attached to the original lease is different than what is proposed. The applicant can clarify.

Director Borba does not know why the Exhibit A on the original dock lease is different from what is existing. An updated dock lease exhibit might be required to bring it up to date.

Open public hearing.

Noah Drever, property owner, stated that in 1977 the family modified the orientation of the u-shaped dock. The current boat lift is still in good condition and will be retained. The rectangular design is what was recommended for better stability. BCDC and other agencies will provide permits for the dock. It will be attached to 3 pilings in the same exact locations. The result will be a smaller dock that does not flex like a u-shaped dock in the area currents.

Chair Carapiet asked if the missing pier footing still exists.

Mr. Drever says he does not think it is still there.

Open public hearing.

No one wished to speak.

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<sup>4</sup> The slide show presentation is archived with the record of the meeting.

Close public hearing.

Commissioner Hart stated she had noticed a change of location from the old pilings to the new ones. Whether this is considered 'new' or 'replacement' may not be of significance other than to verify this. She supports the new materials and design. She can make the findings for the Design and Use Permit.

Vice-Chair Johnson agrees with Commissioner Hart. She can support the requests.

Commissioner Lasky agrees with her fellow Commissioners and she can make the findings for the Use Permit and Design Review applications.

Chair Carapiet agrees with her fellow Commissioners and supports the findings for both applications. She would add a condition of approval as to whether a revised lease document may be required.

MOTION: To approve the application for Use Permit for a replacement gangway and floating dock at **71 Bellevue Avenue** as conditioned.

MOVED BY: Ashley Johnson, seconded by Nena Hart

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

MOTION: To approve the application for Design Review to replace a gangway and floating dock at **71 Bellevue Avenue** as conditioned

MOVED BY: Ashley Johnson, seconded by Nena Hart

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

Meeting was adjourned at 9:45 PM.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on August 16, 2022, by the following vote:

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

APPROVED: \_\_\_\_\_



Pat Carapiet, Planning Commission Chair

ATTEST: \_\_\_\_\_



Beth Haener, City Clerk