

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**MEETING HELD VIA ZOOM**

**JANUARY 19 2021 6:30 P.M.**

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

Chair Peter Mark called the regular meeting to order at 6:30 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Peter Mark, Marsha Lasky, Pat Carapiet, Nena Hart, Claire Slaymaker, and Larry Stoehr. Absent: None. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, City Attorney Emily Longfellow, Building Official Brian Van Son and Planning & Building Permit Technician Nancy Miller.

**B. OPEN FORUM**

*This is an opportunity for any citizen to briefly address the Planning Commission on any matter that does not appear on this agenda. Upon being recognized by the Chair, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more-lengthy presentation or Commission consideration will be agendaized for further discussion at a later meeting.*

No one wished to speak.

**C. REPORTS**

There were no Reports.

**D. 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.*

MOTION: To approve the Consent Calendar for Items 1-3, as agendaized below.

MOVED BY: Nena Hart, seconded by Marsha Lasky.

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

1. Draft **Minutes of the November 17, 2020** regular meeting of the Planning Commission.
2. Draft **Minutes of the November 10, 2020** special meeting of the Planning Commission.

3. Design Review and Exception to Total Floor Area applications for **118 Bayview Avenue**. The project consists of a kitchen remodel and 13 SF addition. The project requires an Exception to Total Floor Area because the house is proposed at 3,381 SF and 3,368 is existing. Applicant: John Swain; Property Owners: Sandra and Brian Saputo. (*No recusals*). *Staff recommends that the Commission adopt the Resolution(s) of approval.*

#### **E. PUBLIC HEARINGS**

4. Demolition, Design Review, Exception to Total Floor Area, Variance and Accessory Dwelling Unit applications for **30 Cliff Road**. The project proposes to demolish the existing home and construction of a new three-story home with an attached garage including a second unit. The project requires an Exception to Total Floor Area because the house is proposed at 4,533 SF and 3,819 SF is permitted. The Variance is required for retaining walls to exceed the allowable height in the setback. The project proposes a new swimming pool and landscaping throughout the property. Applicant: Debra Contreras, Regan Brice Architects; Property Owners: Ben and Devorah Jacoby. (No recusals) *Staff recommends that the Commission adopt the appropriate Resolution(s) of approval.*

Senior Planner Rebecca Markwick presented the staff report. A slide show presentation accompanied her remarks.<sup>1</sup> The proposed pool deck height is corrected to be 4'10". The proposed ADU is included for informational purposes only but will be approved administratively. Four neighbors have submitted letters of support.

Chair Mark asked if there are any Planning Commission considerations relative to the access to the ADU?

Ms. Markwick stated that ADU exterior access is required but not subject to any specific approvals by the Planning Commission.

Ben and Devorah Jacoby, property owners, explained that the project has been planned to accommodate site and neighbor considerations.

Debra Contreras, Regan Brice Architects, presented the project concept and design. A slide show presentation accompanied her remarks.

Commissioners asked for clarifications on some of the details for the pool, lighting, and landscaping.

Ms. Contreras described some of the minor revisions to be made to the pool and pool landing location, stairs, lighting, all of which may be reviewed with the final landscape plan.

Open public hearing.

Jerome Bellach, 10 Cliff Road spoke about issues of damage by construction projects (current) and future (this project) one on Cliff Road. The street is being damaged by trucks.

Building Official Brian Van Son explained the process for review of the construction staging plan, the establishment of the existing street conditions by pre-construction video and inspection, and the likelihood that a deposit and/or roadway bond that may be required for the project by the Public Works department.

Mr. Bellach asked whether he reviewed the street conditions at this time with an engineer.

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

Mr. Van Son replied the engineer was not available today but he and the contractor from 46 Cliff Road did walk the street. The Engineer will be out to the street in the future.

Close public hearing.

Commissioners discussed the project. There was general agreement that the project should be approved and can make the findings for the design and other applications. They expressed appreciation of how the applicants have taken in great consideration of the neighbors in their project. Findings were made as to the way the design has mitigated any issues of mass and bulk by siting, choices of materials, and articulation of the massing of the home. Retention of existing trees and landscaping and tasteful added landscaping benefits the project.

Commissioner Stoehr supports the design and style of the project in this location. However, the size of the project seems overly large to him. He stated that the Belvedere Municipal Code discourages the grant of an Exception to Total Floor Area in Section 19.52.120(B)...” if the proposed alteration is so extensive as to be deemed a demolition under this Title, the applicant shall be required to comply with all applicable zoning and design review standards.”

Chair Mark responded that he believes the grant of an Exception to Floor Area addresses this requirement. He suggested that the applicants look further at their plan for better access to the ADU. Some adjustments to the project can be approved under the condition of approval for the review and approval of the final landscape plan by the Chair and Planner.

MOTION: To adopt the Resolution for demolition of the existing home at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution granting no Historical or Cultural Resource at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for Design Review at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for an Exception to Total Floor Area at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for a Variance for height of a retaining wall and deck at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

5. Public hearing to consider recommending City Council approval of **proposed amendments to the Belvedere Municipal Code, Chapter 16.20 Floodplain Management and 20.04 Design Review, and Administrative Policy 14.7, Administration of Substantial Improvement Requirements for Projects within Designated Floodplains**, as recommended by the Floodplain Analysis Subcommittee. (No recusals) *Staff recommends that the Commission recommend to City Council approval of the Amendments.*

Building Official Brian Van Son presented the staff report. He outlined proposed changes to the Belvedere Municipal Code and Administrative Policy Manual (APM).

Commissioners asked for clarifications of proposed changes: Is the Planning Commission finding for Substantial Improvement final?

Mr. Van Son replied that the Planning Commission considers the finding but the final determination of Substantial Improvement is made by the Floodplain Administrator.

Open Public hearing.

No one wished to speak.

Close public hearing.

Commissioner Stoehr requested that the proposed language be changed to state that the determination of Substantial Improvement be made prior to the issuance of the Building Permit, not afterwards. A Demolition is usually determined to be a Substantial Improvement before the permit is issued; however, should the scope of work in progress increase after issuance of the Building Permit even to the extent it becomes a 'Demolition' the actual determination of Substantial Improvement would have to be determined based on the new project cost.

Chair Mark agreed that at no point after the issuance of a permit, even if the project should it become a 'Demolition' would that automatically make the project become a Substantial Improvement. This determination would be determined by the analysis of the increased scope of work and costs.

Commissioner Carapiet stated that the Floodplain Administrator is still the one to make the determination based on cost whether or not the project is defined as a “Demolition.”

Mr. Van Son agreed.

After further discussion Commissioners agree to modify the first sentence of Paragraph 1 in Section 14.7.2 to stat as follows: (changed language underlined)

This Administrative Policy provides that any project located in a designated flood zone that meets the definition of a demolition in BMC section 19.08.136, as determined at the time of building permit issuance is presumptively a substantial improvement subject to Floodplain regulations, unless the individual facts and circumstances of the project indicate otherwise.

The Commission discussed other provisions of proposed amendments to the Administrative Policy Manual and no additional changes were proposed.

MOTION: Adopt resolution recommending City Council adoption of Ordinance amendments to Design Review, Chapter 20.04, adding section 20.04.200 regarding analysis of “substantial improvement” for floodplain regulation purposes.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker

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

MOTION: Adopt resolution recommending City Council approval of amendments to the Administrative Policy Manual regarding application of substantial improvement analysis for floodplain regulation purposes as amended per the discussion at this meeting.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker.

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

## **ADJOURNMENT**

The meeting was adjourned at 8:01 pm.

