

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 15 , 2023 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 Council Chambers. The meeting was also available via Zoom webinar. Commissioners present: Pat Carapiet, Nena Hart, Marsha Lasky, Claire Slaymaker, Kevin Burke and Ashley Johnson. Commissioner's Absent: Alex Seidel. Staff present: Director of Planning and Building Rebecca Markwick, City Attorney Andrew Shen, Associate Planner Samie Malakiman, and Technician Nancy Miller. Mayor Jim Lynch and retiring Commissioner Larry Stoehr also present.

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.

Mayor Jim Lynch presented a Proclamation and his thanks to Larry Stoehr who has retired from the Planning Commission after serving since 2016. Council Member Peter Mark and members of the Commission recalled how Mr. Stoehr contributed during his time on the Commission.

C. REPORTS

There were no reports.

D. CONSENT CALENDAR

Director Markwick clarified that a correction to be made in Item 2 in the APR table is that there were no SB35 applications in the 2022 year.

MOTION: To approve the Consent Calendar as agendized below.

MOVED BY: Ashley Johnson, seconded by Kevin Burke

VOTE: AYES: Kevin Burke, Marsha Lasky, Nena Hart, Claire Slaymaker,
Ashely Johnson, Pat Carapiet.

ABSENT: Alex Seidel

ABSTAIN: None

1. Draft Minutes of the July 18, 2023, regular meeting of the Planning Commission.
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 as corrected.

E. PUBLIC HEARINGS

3. Design Review (portions of which are retroactive), Exception to Total Floor Area, and Revocable License applications for the property located at **105 Golden Gate Avenue** (APN: 060-142-17) for an addition/remodel of the existing residence which includes the renovation and addition to the existing home and garage. New improvements include infill construction, garage enlargement, new pool and exterior patios, lawn area and other landscape improvements. An Exception to Total Floor Area is requested to increase the residence to 5,533 square-feet where 4,850 square-feet is allowed. A Revocable License is requested for improvements in the Golden Gate Avenue and Belvedere Avenue right-of-way. The project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15301(l)(1) Existing Facilities. Applicant: Sean Bailey (architect). Property Owner: Kasta Tim and Laura Family 2018 Trust.

Associate Planner Malakiman presented the staff report accompanied by a slide show presentation¹.

Commissioner asked for clarifications on the following: how existing grade compares to original grade in the calculation of lot coverage and building heights; whether the revised plan addresses concerns about hill stability and privacy; which trees are to remain and which are to be removed; and how are unpermitted improvements made by the prior owner being addressed.

Staff responded that the applicant may be able to address these questions.

Open public hearing.

Sean Bailey, project architect and Mark Swanson, Jamba Construction, presented the revised project and responded to the questions: They intend to address any unpermitted work as part of the scope of the current project. A fence and trees are proposed to mitigate privacy concerns with neighbors at 2 Eucalyptus Road. Modifications to the design facing Belvedere Avenue include lowering the privacy wall to 8 feet, and a lowered infinity pool height which is to be shielded by a planter box. Acacia trees at the lower part of the property, per the survey, are located within this property so trimming those is allowed. Proposed planting is shown in the plan.

Mr. Swanson, the contractor, explained that the hill stability will be improved by the proposal. The neighbors' requested retaining wall along Belvedere Avenue might have negative impacts where he proposes a jute netted ground cover installation to help address erosion concerns. Supervised tree protection will be provided during construction. His opinion is that this pool has a medium level of construction difficulty but is fully doable. Rectification of the unpermitted work and addressing the fill will ensure the site work is done properly. Discussions with neighbors are ongoing but issues are not yet settled. Clarification of the construction process was described.

The applicants would consider providing an elevation/perspective plan from the Belvedere Avenue viewpoint to make the appearance of the improvements more understandable. The height of the garage is at elevation 112.2 feet, proposed trash enclosure would be at existing driveway. The pool depth is 6 feet. The numbers of existing trees are shown on the provided survey and the proposed trees will be shown in the final landscape plan. Protection of an existing Oak tree near the pool during construction is planned. The railing lighting will be at a low height (18-24") and

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

the number of lights can be reduced. They agreed with a suggestion that the pool lighting might be flipped to the opposite sides of the pool. The project valuation in the original application may need to be changed during the Building Permitting process. Analysis of the project site relative to the original property survey (before the filled yard was built) will be submitted and analysis of the garage height to natural grade will be needed as well as to determine if there is compliance with zoning requirements for structures on downhill slopes within 40 feet of the property line. Analysis of the final amount of cut and fill will be provided after the illegal fill in the back yard is analyzed by the soils engineer. This will be a part of addressing the unpermitted work by the prior owner.

Open public hearing.

Deborah Wilton, 2 Eucalyptus Road, has 4 issues: privacy, community, construction, and process. The proposed privacy fence on her side is requested to be increased to at least 7 feet tall. Proposed trees should be planted from 48-inch box and have proper irrigation. The proposed 8-foot fence along Belvedere Avenue needs more shielding with vegetation. The plans only show that the Oaks would be retained. She agrees with the concerns expressed by the adjacent Belvedere Avenue neighbors.

No construction plans have been provided. If there is to be no work from Belvedere Avenue then all off haul would be uphill between the applicant's and her property at the Golden Gate Avenue and Eucalyptus Road intersection which is very dangerous location. This will be a 3 year disaster for the public. Parking bans on Eucalyptus Road would be needed for the first 150 feet for safety. She stated this has been a last minute planning process. This application was resubmitted and scheduled under an unnecessarily compressed schedule. She received notice of the hearing 1 week ago in the mail. No meetings were held by the applicant with the neighbors before the resubmittal. There were no story poles for review. Staff did not meet with the neighbors prior to writing the staff report. She requests that a separate meeting be scheduled to properly evaluate the planning process. She agrees with the neighbors below, that this project is not ready for approval.

Tony Donohoe, 19 Belvedere Avenue, said he believes the slope has already been destabilized. He understands hillside pools have been approved in Belvedere but here there is very close proximity to Belvedere Avenue and a pool will impact the two neighbors below the property on Belvedere Avenue. Noise will be a privacy issue from a pool so close to the street and the homes below. He requests a full height fence on top of the wall to screen the property from the level of the patio down with associated landscaping. The recent severe pruning of many tall Acacia trees has also created an unsightly exposure of the home above and allows for more light pollution and privacy intrusion on the properties below.

Roy Wickland, 15 Belvedere Avenue, has concerns with some aspects of the proposal. The 8-foot wood privacy fence at Belvedere Avenue will deteriorate over time. A more permanent material should be used to provide both visual and sound screening for the neighbors below. The proposed pool is now even closer to his home and Belvedere Avenue and the best solution to the issues of destabilization would be to eliminate the pool altogether. Rip-rap or a small wall to stabilize the steep lower slope at Belvedere Avenue should be employed. Plantings need to be added including trees to stop further erosion on that slope. He requested that during construction there should be a van used to bring crews to the worksite.

No one on-line attendees wished to comment.

Mr. Bailey replied that the pool is located outside of any setbacks. He believes that because the properties below enjoy their main living area outside their rear decks facing the water, privacy impacts on the street side should not be an issue.

Mr. Swanson stated that erosion control can be addressed with an appropriate landscape plan. Building the proposed pool in this location is quite achievable. Proper and early plantings can be installed to improve the project screening during the construction and to allow it to take hold as early as possible.

Mr. Bailey feels that requesting the owners to completely enclose their yard with a 6-foot fence would deprive them of the views they enjoy from their rear yard spaces.

Close public hearing.

Commissioners had many comments and suggestions for the project including: A shallower or lap pool might be a good compromise. The proposed fence and landscaping on the side with 2 Eucalyptus Road seems to solve those privacy concerns. The project has been expanding and causes some difficulty for some to make the findings for an Exception to Total Floor Area. A more complete documentation of the trees to be removed and those to be planted and an elevation/rendering from the Belvedere Avenue viewpoint might be very helpful. Pools are found in nearby properties and should be allowed with whatever modifications can be made to address privacy and safety concerns. Studies of the site stabilization might be useful for informing the neighbors and the owners. More discussions between neighbors and the applicants would be encouraged. It would be helpful to have more specific information relative to the stability of the project site.

Director Markwick stated that at the Building Permit stage all the engineering and permitting processes will be conducted to thoroughly vet the construction of the pool and other site work. Usually these (costly) permit plans are not prepared at the Design Review stage.

Concern was expressed that the prior illegal work is being allowed as the basis for this new project and contributes to the requested Exception to Total Floor Area. Efforts should be made to study how the original slope and vegetation prior to the unpermitted work by the prior owner. Finding out where the original grade was will inform the analysis of the current proposal. If the project details can be provided and the applicants use a lens towards restoration of privacy and safety, there will be a better understanding of the project by the neighbors and the Commission.

MOTION: To continue the applications for the property at **105 Golden Gate Avenue** to a future meeting per the applicant's request.

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

4. Design Review and Variance applications for the property located at **83 Beach Road** (APN: 060-092-20) to install a six square-foot hanging sign at the street frontage along Beach Road. The project proposes a five square-foot door sign as well. The subject site is a City Designated Landmark and has been reviewed by the Historic Preservation Committee pursuant to Chapter 21.24 of the Belvedere Municipal Code. A Variance is requested to exceed the permitted square footage of signs per lot in the R-3 Zoning District, which permits four square-feet of signage per lot. The project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant: David Holscher. Property Owner: Belvedere Land Company

Associate Planner Malakiman presented the staff report. A slide show presentation accompanied his remarks.²

Open public hearing.

David Holscher, applicant, presented a modified design for the proposed signs. The modified window sign will have white lettering on a transparent background. The hanging sign will be the same as in the original application.

No one wished to comment from the public.

Close public hearing.

Commissioners agreed unanimously to approve the applications.

MOTION: To approve the applications for Design Review for the signage at the property at **83 Beach Road**.

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

MOTION: To approve the applications for a Variance for square-footage of signage at the property at **83 Beach Road** as shown on the revised plans.

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

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

Commissioner Slaymaker stated that she is recused for Item 5, **(95 West Shore Road)** because she owns property within 500 feet of the subject property. She departed from the meeting.

5. Design Review and Revocable License applications for the property located at **95 West Shore Road** (APN: 060-303-17) for an interior and exterior remodel. The project proposes to enlarge the upper floor deck, lower the roof facing Richardson Bay, replace all exterior doors and windows, replace the existing driveway, and replace deck railing. The project would relocate the existing boat lift and add a new 80 square-foot kayak dock as well. A Revocable License is requested for improvements in the West Shore Road right-of-way. The project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15301(l)(1) Existing Facilities and CEQA Guideline Section 15304 Minor Alterations to Land. Applicant: David Holscher (architect). Property Owners: Fallen Oak Trust – Cynthia Yock and Paul Yock Trustees. *(Commissioner Slaymaker recused)*

Associate Planner Malakiman presented the staff report. A slide show presentation accompanied his remarks.³

Commissioners had no questions for staff.

Open public hearing.

David Holscher, Holscher Architecture, presented the project. A slide show presentation accompanied his remarks.⁴ There have been a few modifications since the plans were submitted in with the staff report. A few windows will not be replaced in order to remain at 42% demolition. The deck dimension was clarified to be 18 feet and 6 inches which is the same as the existing deck. Commissioners asked for clarifications on some details of the proposal. The north side railing would be glass. The planter for the tree in front needs to be larger to protect the tree. Lighting will be blocked by the proposed screen. The trash enclosure would be concrete and 48” tall to match the wall on the other side. The side wall would be board and batten. A planter box would be included in the Revocable License area. The changes to the curb area need to be shown on the Revocable License plan.

Fred Gellert, 93 West Shore Road, stated he wrote a letter of support for the project. He has had several meetings with the applicants and there will be several mutually beneficial improvements in this project.

No one from the public or attending remotely wished to speak.

Close public hearing.

Commissioners agreed that the design is a nice improvement to this building. There was consensus to approve the applications conditioned to include final plans showing 42% demolition, reduced upper deck size to 18’ 6”, left and right side doors on Plan 2.04 to be the same height, plantings to screen the trash enclosure, and front planter to remain the same size in the final landscape plan.

³ The slide show presentation is archived with the record of the meeting.

⁴ The presentation is archived with the record of the meeting.

MOTION: To approve the applications for Design Review for the property at **95 West Shore Road** as conditioned.

MOVED BY: Marsha Lasky seconded by Kevin Burke.

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Kevin Burke,
and Ashley Johnson.
RECUSED: Claire Slaymaker
ABSENT: Alex Seidel

MOTION: To recommend a Revocable License the property at **95 West Shore Road**.

MOVED BY: Marsha Lasky seconded by Kevin Burke.

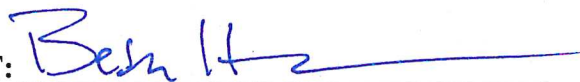
VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Kevin Burke,
and Ashley Johnson.
RECUSED: Claire Slaymaker
ABSENT: Alex Seidel

Meeting was adjourned at 9:15 PM

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on September 19, 2023 by the following vote:

VOTE AYES: Pat Carapiet, Marsha Lasky, Claire Slaymaker, Nena Hart,
Kevin Burke
NOES: None
ABSTAIN: Alex Seidel (due to absence from this meeting)
ABSENT: Ashley Johnson

APPROVED: 
Pat Carapiet, Planning Commission Chair

ATTEST: 
Beth Haener, City Clerk