

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 21, 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, Kevin Burke, Nena Hart, Marsha Lasky, Larry Stoehr, Claire Slaymaker and Ashley Johnson. Commissioners Absent: None. Staff present: Director of Planning and Building Bradley Evanson, City Attorney Andrew Shen, Associate Planner Samie Malakiman, and 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 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 as agendized below.

MOVED BY: Kevin Burke seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Kevin Burke.
 ABSENT: None
 ABSTAIN: Larry Stoehr (recused from Public Hearing Feb 21 meeting and absent from Feb 28 meeting); Ashley Johnson (due to absence from both meetings), Claire Slaymaker (absent from Feb 28 meeting).

1. Draft **Minutes of the February 21, 2023**, regular meeting of the Planning Commission.
2. Draft **Minutes of the February 28, 2023**, adjourned meeting of the Planning Commission.

E. PUBLIC HEARINGS

3. Design Review application for the property located at **101 Golden Gate Avenue** (APN: 060-142-01). The project proposes to remove nine (9) Eucalyptus trees, and two (2) Monterey Pines. The project would plant three (3) Coast Live Oak trees, San Gabriel Flannel Bush, California Lilac, and seven (7) Toyon. *Staff recommends that the project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15304 Minor Alterations to Land.* Project Applicant: Geneva Michaelcheck; Property Owner: Hiba Hassan & Akmal Hashmi.

Associate Planner Samie Malakiman presented the staff report. A slide show presentation accompanied his report.¹

Commissioners asked staff for clarification as to whether the crossed-out Buckeye trees on the proposed replanting plan should be considered.

Staff response: these are not a part of the current proposal; they were mistakenly drawn on the submitted plans.

Commissioners asked what is the City process for verifying that trees are not healthy or hazardous.

Staff response: The City's contract Arborist, Arborscience, is engaged to provide an evaluation which was included in the staff report. In addition, staff contacted the Fire Marshal. He did not express any concerns regarding fire safety or hazards in regards to these trees.

Property owner Hiba Hassan discussed the background of the project request. They had concerns regarding safety because lately many limbs have been dropping especially during the recent storms. They felt replacing with smaller, different trees would be an improvement. She was unsure as to whether or not stump removals would be necessary; her gardener would be tasked with addressing any regrowth. She clarified that the reason her neighbor was the applicant on this request is because she was helping her out with the process.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners discussed the request. Agreement was that any replacement trees should be in at a 24 – 36 box size at minimum with appropriate irrigation, but interplanting between stumps will be very difficult. There was agreement that the Monterey pine (#10) at the deck should be removed. The second pine tree might be addressed with care rather than removal. Some Commissioners felt that Eucalyptus trees are important aesthetically. Having heard that the Fire Marshal did not see a safety hazard may mean that alternatives could be sought to avoid total removals. Proper pruning, debris cleanup, and other mitigations might be a better option. Research reveals these are part of original plantings from as far back as 1892. Two Commissioners asked whether there could be additional followup on the question of safety because

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

of the differences between the applicant's assertions, the arborist report and the Fire Marshal's opinion. Addition study of this question might be appropriate.

Also discussed was the question of liability falling to the City should the removal of the trees not be approved. The City Attorney was unclear as to whether this project is presenting any safety concerns; hypothetically if a hazard is identified to the City then there would be an obligation to address such a concern. One Commissioner felt that the request should be supported, that the applicant should retain the stumps for hill stability reasons, and that the removal of both Monterey Pines could be supported. Proposed replacement trees should be situated at least 15 feet back of the street.

The applicant agreed to request a continuance to a future meeting for additional consideration of the discussion tonight.

MOTION: To continue the applications for Design Review for **101 Golden Gate Avenue** to a future meeting.

MOVED BY: Marsha Lasky seconded by Nena Hart

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

4. Design Review application for the property located at **104 Golden Gate Avenue** (APN: 060-143-09). The project proposes to remove five (5) Redwood trees, one (1) Monterey Cyprus, one (1) Monterey Pine, and one (1) Coastal Live Oak tree. The project would plant four (4) Toyon, and four (4) California-Buckeye. *Staff recommends that the project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15304 Minor Alterations to Land.* Project Applicant: Geneva Michaelcheck; Property Owner: William Michaelcheck.

Associate Planner Samie Malakiman presented the staff report. A slide show presentation accompanied his report.² The neighbor at 102 Golden Gate Avenue supports the removal of the tree at the shared property line.

Commissioners asked staff for clarification as to whether any action on this request may be made if the response from the Federated Indians of Graton Rancheria is not yet received.

Staff response was that the item could be discussed and considered pending the addition of any conditions of approval as may be required by the FIGR. If the circumstances require, the project could come back to the Commission for additional consideration. The report from the FIGR is due back April 7th.

Geneva Michaelcheck, project applicant and property owner, 104 Golden Gate Avenue was attending remotely. She presented her application and reasons for requesting the removals of the

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

Cypress and Monterey Pine (safety concerns) and the Redwoods and Coast Live Oak, (compromising of the driveway and foundation of her home from tree root intrusions).

Commissioners requested an explanation of the reason she is coordinating both the applications from 104 and 101 Golden Gate Avenue. Ms. Michaelcheck explained that she has been participating in several years of conversations with at least five neighbors regarding the safety hazards from large trees and tree branches falling, debris issues, fire safety concerns. She confirmed that many very small trees were cleared on the site at 104 Golden Gate Avenue. A holistic plan for replanting will be developed after approval of removal of the large trees. Stump removal is still under consideration on advice from the Commission and/or qualified professionals. The location of a proposed Oak tree would take into consideration the concrete drainage structure adjacent to the property.

Open public hearing.

No one wished to speak.

Commissioners agreed that the removal of the Redwood trees was not supported if there are any alternatives to addressing issues of the root intrusions. Renovation of the driveway might offer an opportunity to provide a better way for these Redwood trees to get water, such as by the installation of permeable materials. Deferred maintenance of these trees would improve their condition. Investigation into whether there is any way to provide for a root barrier might be studied. The Monterey Cypress over Golden Gate Avenue and Monterey Pine could be removed based on their condition. The old Oak tree should be preserved. Commissioners requested additional information be provided relative to any safety issues that might better inform their decision. Replacement trees should be well set back from the road and additional plantings in the cleared areas be part of the final landscape plan.

The applicant agreed to request a continuance of the applications for further study and development.

MOTION: To continue the applications for Design Review for **104 Golden Gate Avenue** to a future meeting.

MOVED BY: Marsha Lasky seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Kevin Burke, Larry Stoehr, Claire Slaymaker, and Ashley Johnson.

NOES: None

Commissioner Hart recused herself from Item 5 because she owns property within 500 feet of the subject property. She departed from the meeting.

5. Review application for the property located at **10 Buckeye Road** (APN: 060-131-07). The project proposes to convert an existing 468 square-foot carport into living space and construct a new two-car parking platform at the edge of Buckeye Road. Additional improvements include a 604 square-foot deck at the front yard, window, door, and roof replacement, and repainted siding and trim. The project would replace the entry gate and concrete steps at the front of the house, and the exterior steps north of the carport would be extended to reach the ADU. The existing ADU behind the house would receive a new roof and exterior paint to match the main house. *Staff recommends that the project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15301(l)(1) Existing Facilities.* Project applicant: Kelly Haegglund; Property Owner: Erik and Kate Larson (**Commissioner Hart, recused**)

Associate Planner Samie Malakiman presented the staff report. A slide show presentation accompanied his remarks.³ The applicant submitted today an additional plan for adding a trash enclosure near the parking pad.

Commissioners asked for clarifications on proposed lighting and the trash enclosure.

Staff replied that the applicant is present and may be able to clarify any specific information.

Kelly Haegglund, project architect, introduced the property owners, Erik and Kate Larson. She explained that the proposed trash enclosure will be sited just below the retaining wall on a leveled-off pad with no roof. The project will address parking challenges and safety for exiting the driveway and conforms with standards for a 4-foot-tall retaining wall.

Commissioners asked questions about whether the design of the parking pad could be revisited regarding integration with the new trash enclosure area, and whether a safety chock would be installed.

The applicant agreed to do further study.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners expressed support for the communications with the neighbors, the project and parking improvements, and the attractive upgrades to modernize the appearance of the home and yard. Discussion was held as to whether the upper story window in the bathroom might present some privacy issues. The addition of a tree to the turf area and some greenery on the outside of the fence were suggested. Safety lighting within the parking area might be considered.

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

Open public hearing.

Ms. Haegglund presented some photographs taken from the upper bath window illustrating that there would be minimal privacy issues with the vegetation, and this would be one window replacing three. The neighbor does not have any privacy concerns.

Close public hearing.

MOTION: To adopt the Resolution for Design Review for the property at 10 Buckeye Road.

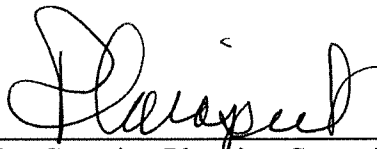
MOVED BY: Kevin Burke, seconded by Nena Hart.

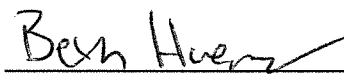
VOTE: AYES: Pat Carapiet, Kevin Burke, Claire Slaymaker, Larry Stoehr,
Ashley Johnson, Marsha Lasky
ABSENT: None
RECUSED: Nena Hart

Meeting was adjourned at 8:15 PM

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on April 18, 2023 by the following vote:

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

APPROVED: 
Pat Carapiet, Planning Commission Chair

ATTEST: 
Beth Haener, City Clerk