

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 18, 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 Ann Danforth, 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

Commissioners Hart and Stoehr made corrections to the Minutes (Item 1).

MOTION: To approve the Consent Calendar as corrected and agendized below.

MOVED BY: Kevin Burke seconded by Nena Hart

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

ABSENT: None

ABSTAIN: Nena Hart (recused from Item 5 at the March meeting.)

1. Draft Minutes of the March 21, 2023, regular meeting of the Planning Commission.

E. PUBLIC HEARINGS

Commissioner Stoehr recused himself from the meeting because he owns property within 500 feet of the subject property. He departed from the Council Chambers.

4. Demolition, Design Review, and Revocable License applications for the property located at 31 Cove Road (APN 060-082-21). The project proposes demolition of an existing 1048 square-foot home and 310 square-foot carport, and Design Review Permit to construct a new 2,969 square-foot residence and attached one-car garage. The project would include one uncovered parking stall, landscaping, and driveway improvements. A Revocable License is required for sidewalk improvements within the Cove Road public right-of-way.

The project is categorically exempt from CEQA pursuant to *Section 15301(l)(1) Existing Facilities*, and *Section 15303(a) New Construction or Conversion of Small Structures*.
Project Applicant: David Holscher; Property Owner: Peter & Jennifer Daly.

Associate Planner Samie Malakiman presented the staff report. A slide show presentation accompanied his report.¹ He outlined the changes to the project that have been made since the prior hearing.

There were no questions for staff.

Project Architects David and Phoebe Holscher presented the revised project. A slide show accompanied their remarks.

Commissioners requested clarifications on some details of the revised application.

Open public hearing.

David Ford, spoke in support of the neighbors, the McMullens of 33 Cove Road. He requested that the project architect review the project from the McMullen's property.

Roberta McMullen, 33 Cove Road, stated that some of the changes that have been made are improvements, but they still do not support the placement of the second story. She reviewed their previously submitted letters outlining impacts on their privacy, and sunlight. They believe the project to have excessive mass and bulk and the design will not fit in with the neighborhood.. Window placements are still in conflict with the Design Review code. Landscape removals have exposed the shopping center to view and proposed plantings will take too long to recreate the prior screening.

Barry McMullen, 33 Cove Road, asked for reduction of the massive wall facing their property. Trees should be larger and elevated in tree boxes, windows should be smaller.

Tandi Rubenstein Ford requested that the height and mass be further reduced.

Jerry Butler, 25 Cove Road, described how a similar situation next to him was resolved by continued adjustments to the project design. The result after much collaboration worked out.

Commissioners discussed if there are any possible additional modifications to the upper story location, and the hallway window.

The architects responded that the upper story location is the best they can do, modifying the window can be considered, but that overall the changes to the project represented significant changes to address neighbor concerns. Preservation of the side garden was a priority even having removed the direct access to it. There are fewer windows now and more screening to accommodate neighbor concerns.

Close public hearing.

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

Commissioners discussed the project. Increased greenery and trees in various heights are requested in the final landscape plan.

Commissioner Lasky applauded the improvements since the first hearing, especially in light of the challenging FEMA situation. The adjustments made since the prior review have met many of the requests from last time including the stairs were removed, windows changed, roof lowered and the house brought forward. The landscaping at the front, the front lattice, and expanded plantings including the Magnolia tree, and Podocarpus will improve the screening. The neighbors might also consider adding some of their own screening. She stated she can make the findings for the project.

Vice Chair Johnson could not make the findings for Design Review yet, until more refinement is made on the design, adding more articulation, possibly moving the second story more forward, and with landscape design needs to be improved to help soften the appearance.

Commissioner Burke can support the revised project. He believes the response to requests from the prior meeting have been addressed. He is still empathetic to the concerns of the McMullens, The FEMA context is a factor that the Commission must face when considering new and larger homes coming into the neighborhood. He can support the project.

Commissioner Slaymaker appreciated the revisions to the building design and placement, the window changes and the improved landscaping. She understands the issues that the neighbors have in the change to the context of the smaller home next door. She would like a replacement tree added in the place of the one that was removed.

Commissioner Hart commended the response of the architects to the requests of the prior meetings which have greatly improved the project. Window adjustments and landscaping proposals look good to break up the large wall expanse. Reconsideration of the color is suggested. She can make the findings to support the project.

Chair Carapiet agrees with her fellow Commissioners. New taller FEMA homes are difficult to approve next to original smaller homes. Eventually as these are built and landscaping grows in, the concerns lessen. The options have been considered and the current project is better now. She can support the project.

Conditions to be added to the approval resolutions include a adding a new Cherry Tree, side hallway window size adjustment,

MOTION: To grant Demolition Permit for the property at 31 Cove Road.

MOVED BY: Marsha Lasky seconded by Nena Hart

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

MOTION: To approve Design Review for the property at 31 Cove Road as amended and conditioned.

MOVED BY: Marsha Lasky seconded by Nena Hart

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

MOTION: To recommend City Council approval of a Revocable License for the property at 31 Cove Road.

MOVED BY: Marsha Lasky seconded by Nena Hart

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

3. Demolition, Design Review, Accessory Dwelling Unit (ADU), and Variance applications for the property located at **53 Alcatraz Avenue** (APN 060-102-55). The project proposes to demolish 56% of the 884 square-foot home, and Design Review to construct a 576 square-foot residential addition. The project would convert the 546 square-foot carport into a 500 square-foot, two-car garage, and convert the existing basement into a 793 square-foot Accessory Dwelling Unit. New landscaping and fencing are proposed, and the existing 220 square-foot rear deck would be enlarged to 507 square-feet. A Variance is requested to expand the rear deck into the rear yard setback. *The project is categorically exempt from CEQA pursuant to Section(I)(1) Existing Facilities.* Project Applicant: Matt Petersen; Property Owner: Toni Sutherland.

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

Commissioners asked questions regarding the history of the subdivision of the 53 Alcatraz Avenue lot from 49/51 Alcatraz Avenue relative to the private parking access license agreement between both owners. Other clarification was given there is no roof garden proposed, and that for the variance request, statistics on the comparative sizes of sizes of adjacent deck sizes was not readily available.

Open public hearing.

Matt Petersen, project architect summarized the revisions to the project since the prior Planning Commission hearing.

Fire Marshal Mike Lantier, Tiburon Fire Protection District discussed his review of the Oak tree located in the center of the project site. Although he is sympathetic to the efforts to preserve this tree he finds that defensible space could not be available with the tree located so close to the structure. On Corinthian Island there are many challenges to maintain and defend the area from fire and other hazards.

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

Questions and clarifications were discussed regarding setback requirements for the ADU, privacy concerns about upstairs windows and in the hot tub area fence, parking requirements for the home and ADU. It was determined that only 2 parking spaces would be required for the home, and, because the proximity to public transit is under ½ mile, there would be no additional parking space required for the ADU. Commissioners and staff discussed whether approval of this project might contain a condition of approval that the license agreement between 53 and 49/51 Alcatraz Avenue owners be extended for another two years. Modifications and reductions of proposed lighting was requested.

Petra Hansen, 49 & 51 Alcatraz Avenue, has pursued parking solutions for her property. The license agreement with 53 Alcatraz Avenue was for the single spot in the carport, and not the one by the Oak tree which was always assumed to be her parking spot. The license that expired December 2022 was extended to June 2023. Photos of the spaces were shown to the Commission. Her preference would be to revise the 2016 lot line or make an easement to resolve the problem. Because the Oak tree is in the way and is to be preserved, they need to adjust for a 30 square foot triangle, the area in question. She was advised by an engineer to create 2 parking spaces at the northern side of her property next to 47 Alcatraz Avenue, but that neighbor objects due to the intrusion of cars and lights next to her. Ms. Hansen's other concerns are related to the adjacent privacy wall and windows. She requested more screening and greenery.

Commissioner Burke stated that he believes that the license agreement covers both the parking area and the carport. Staff confirmed that this seems to be correct.

Ms. Hansen did not understand that was included. She had believed that the use of the parking near the Oak tree would still be available.

Commissioner Hart stated that the use of the carport will end when this project is constructed. She asked whether the loss of existing parking at the time of the lot split was correct.

Mr. Malakiman replied that there may not have been any legal parking at 49 & 51 Alcatraz Avenue at the time of the lot split.

Toni Sutherland, 53 Alcatraz Avenue, explained she signed the parking license when she purchased the home. She has continued to allow access to the carport for her neighbor. With the current project she will need that space during and after the construction. She is willing to extend the license for the spot under the tree to allow her neighbor to discover and create her own parking. She has not yet seen any proposal for alternative parking at her neighbor's home. An easement would mean that she would not be able to park in front of her own new beautiful gate.

Mr. Petersen stated that the area in question is necessary for their required parking spaces.

Sallie Griffith, resident of Corinthian Island, suggested that the addition of an ADU should include the requirement that it be rented.

Ms. Sutherland replied that the Accessory Dwelling Unit to be used by her daughter when she visits.

Tandy Rubenstein Ford spoke against the removal of any Coastal Live Oaks. She is sad at the loss of the historic cottage.

A citizen spoke that the license has continued help provide parking for the residents of Ms. Hansen's property. This issue needs to be resolved before approval of the project.

Mr. Ford, 85 Eastview Avenue, spoke in favor of retaining the old Oak trees for environmental and aesthetic reasons. He requested that during the construction the trucks be located off the Island and workers be shuttled to the project site.

Close public hearing.

Vice Chair Johnson stated that although the project as revised from the prior hearing is much improved, she believes this is an opportunity to address the parking problem is resolved as part of being able to approve the project. There may be space behind the garage, tandem parking, or some other solution to meet the needs of the residents and the neighborhood. She understands the issues with the tree removal due to fire safety. She believes the applicant has addressed most of the comments from the prior meeting.

Commissioner Slaymaker finds that the project is very beautiful, balanced, well sited, and fits into the neighborhood. She understands the concerns relative to fires and that the one tree cannot be preserved. She has no issues with the project application. She is open to discussion on solutions to the parking issue.

Commissioner Stoehr agrees that the project is much improved although different in style from the neighborhood. He does not believe temporary agreements with time limits are the best solution to the parking issue. His requests for some added conditions that will be addressed in the final landscape and lighting plan have been mentioned previously. He has some concerns with the window in the fence at the hot tub and the need for some additional screening of the fence.

Commissioner Lasky understands the fire hazard issue of the one Oak tree and as such, the need for the removal. She appreciates the revisions to the current project. She would like to have the parking issue tied into the approval of the project. A possible error in the lot split may have contributed to the parking problem; possibly an easement would be the best solution. She suggests an added tree near the Lane to compensate for the lost tree and to increase the privacy.

Commissioner Hart has previously discussed some reductions in the lighting for the final landscaping and lighting plan. She understands the need to remove the one Oak tree. She can support the project. There may be some alternative ways to park cars in the available space. Perhaps the new gate location could be modified to reduce the owner's concerns about cars parking in front of it.

Commissioner Burke appreciates the changes to the current application. He understands the compelling explanation of the need for the tree removal as explained by the Fire Marshal. The lovely design fits well in the neighborhood. The parking license agreement clearly stated the parking understanding as to who owned what land, when signed at the time the properties were

purchased. He would be in favor that the license be extended for up to 4 more years to allow time to solve the issues. He can make the findings for the project conditioned to the parking solution.

Chair Carapiet requests tree protection during construction for those trees that would remain. She understands that one Oak tree needs to be removed for safety. The parking issue needs to be resolved now as a safety and neighborhood issue.

City Attorney Danforth stated that 49 & 51 Alcatraz Avenue is required to have 2 parking spaces.

Planner Malakiman added that until there is an application for that property to modify or do construction, the non-conformity may remain. The City cannot require the installation of parking until that time.

Ms. Danforth said that the Commission could condition the approval on the extension of the License agreement to a specific date.

Interim Planning and Building Director Brad Evanson stated that any extension of the license would be determined by the owner of 53 Alcatraz Avenue. When it expires that access could end for the owner of 49 & 51 Alcatraz Avenue.

Open public hearing.

Ms. Sutherland stated that she would be able to extend the license for the parking pad for 24 months.

Chair Carapiet asked whether such an agreement allowing 2 years would be sufficient to get a parking project in 2 years?

Ms. Hansen agrees that a permanent solution would be to fix the lot line. She noted that 90% of the parking space is on her own property and 10% is on Ms. Sutherland's property. Perhaps a trade of property might be possible or else an easement might be an option. At the original time the license was signed she was not clear that it included this the parking spot also. She would not be willing to only extend the license. She has explored the options and there is really no way to get two parkings into the space without losing the tree. Her engineer suggested other options that are not ideal.

Chair Carapiet stated that the Commission does not have the right to compel an easement or property trade.

Director Evanson believes that the license was created to allow additional time for development of a solution for 49 and 51 Alcatraz Avenue. Extending that license would give some more time to seek a solution.

Close public hearing.

Vice Chair Johnson stated that a lot line adjustment is different from an easement. Most of the parking pad is on Ms. Hansen's property but the access is on Ms. Sutherland's property. A lot line adjustment would not do much to resolve this issue.

Ms. Danforth stated that the lot line adjustment possibly could be drawn so the property line of 49 & 51 Alcatraz included the parking access area, the 10% that is now missing. Both a lot line adjustment or an easement requires two willing parties. An extension to buy some time might will be preferable.

Commissioner Stoehr felt that two years might not be long enough for Ms. Hansen to resolve the problem.

Chair Carapiet stated that Ms. Sutherland has offered two years.

Director Evanson suggested that additional extensions might be a part of the longer agreement.

Chair Carapiet recapped the discussion for added conditions for the approval including the extension of the license between owners for two years. Landscaping and lighting adjustments as discussed will be considered at the time of the approval of the final landscaping and lighting plan. The window in the fence at the hot tub may need to be removed or screened. Tree protection is to be provided during construction.

MOTION: To approve the applications for Demolition for **53 Alcatraz Avenue.**

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

NOES: None

MOTION: To approve the applications for Design Review as conditioned per the discussion at this meeting for **53 Alcatraz Avenue.**

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

NOES: None

MOTION: To approve the application for a Variance for **53 Alcatraz Avenue.**

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

NOES: None

Commissioners Hart, Slaymaker and Burke recused themselves from Item 2 because they own property within 500 feet of the subject property and all departed from the meeting.

- 2 Demolition, Design Review, Exception to Total Floor Area, Use Permit, Revocable License, and Extension of Construction Time applications for the property located at **135 Belvedere Avenue** (APN 060-181-36). The project proposes to demolish an existing single-family home and detached garage, and Design Review to construct a new 9,936 square-foot residence that includes a 1,006 square-foot garage and 128 square-foot boat storage area. Other improvements include a motorcourt, swimming pool, retaining walls, landscaping, terraced patios, bioretention basin, and stairway access to a 668 square-foot deck, 875 square-foot pier, 12 square-foot boatlift, and 96 square-foot platform lift on the adjacent County of Marin tide lot. Total lot size is 52,965 square-feet (1.24 acres) based on an approved 2019 lot merger. An exception to total floor area is requested for exceeding the allowable floor area per Belvedere Municipal Code Section 19.52.115. A Use Permit is requested to allow private recreation use of the R- Recreation zoned tide lot. The project would require a Revocable License for curb, concrete apron, landscaping, and trash enclosure improvements in the public right of way. The applicant is requesting a 24-month Construction Time Limit. The project is categorically exempt from CEQA pursuant to *Section 15301(l)(1) Existing Facilities*, and *Section 15303(a) New Construction or Conversion of Small Structures*. Project Applicant: Kurt Melander; Property Owner: LFB 135, LLC.

Associate Planner Samie Malakiman presented the staff report. A slide show presentation accompanied his remarks.³ The applicant has requested to present the changes to the project since the prior hearing for comments. The item is requested to be continued to the next meeting to accommodate additional revisions adding and ADU above the garage as the main revision.

Kurt Melander, project architect and landscape architect Marta Fry, presented the revised project. Major reductions have been made to the square-footage of the project by re-siting the home. There will be an ADU in the upper floor above the garage which will be brought back to the Commission in May increasing height of the garage by 14 inches. New story poles will be set up for this change.

Lighting plans are to be revised and it was requested that the retaining walls have additional screening. Trees along Belvedere Avenue will frame the views from the street but not block them.

Open public hearing.

Close public hearing.

Commissioners commented that there will be layers of trees to shield the walls and surround the decks.

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

Larry Hadley, Hadley Construction, stated that they propose no on-street staging, and a small amount of off haul. He outlined the four- phase Construction Management Plan was included in the packet which will allow for on site staging and construction.

The Concrete and pumpers will be the only anticipated on street activity, possibly requiring some turning around at Belvedere Way.

Commissioner Lasky noted that a resident of Belvedere Way has some concerns about those turn arounds at Belvedere Way.

Mr. Hadley replied that a person would escort all such turnarounds.

Commissioner Lasky asked Ms. Fry if trees could be considered for the planters at the pool deck. That will be considered during the development of the final landscape plans. They are also discussing umbrellas for shade.

Commissioner Stoehr asked whether the retaining walls could be articulated in some way during the time that the plantings are taking hold.

Ms. Fry replied that the plantings will be installed in large containers so they envision a quicker maturity at the time of planting. A layered planting plan is contemplated.

Commissioner Stoehr asked could more explanation be made about proposed lighting fixtures in the railings. Could step lights be moved so they don't face uphill behind the outdoor kitchen.

The applicants replied details will be provided in May. The back of house stairs have only a railing and a hooded landscape path light might replace tread lights.

Commissioner Stoehr asked whether a stepped house was considered instead of the vertical design being presented here. That is, stepping the building to match the slope.

Chair Carapiet stated that as it was explained to her the current design minimizes cut and fill.

Vice Chair Johnson believes that more vertical plantings might also be helpful as wind protection. She would prefer lighting on stairs to prevent a landing - strip feel. She appreciates the revised project and especially the large reduction in cut.

Chair Carapiet would like to see at least 4 more new trees to follow a 2:1 replacement for removed trees. A few of the proposed light fixtures may need reduction or changes. They look forward to more information next month.

Commissioner Lasky supports the trees on Belvedere Avenue.

Open public hearing.

No one wished to speak.

Close public hearing.

MOTION: To continue the item for 135 Belvedere Avenue to the next Planning Commission meeting.

MOVED BY: Ashley Johnson, seconded by Larry Stoehr

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

Meeting was adjourned at 11:25 PM

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on May 16, 2023 by the following vote:

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

APPROVED: 

Pat Carapiet, Planning Commission Chair

ATTEST: 

Beth Haener, City Clerk