



**City of Belvedere
Planning Commission Regular Meeting
Draft Minutes**

19 September 2023 – 6:30 PM

City Council Chambers City Hall· 450 San Rafael Avenue, Belvedere CA· Phone 415.435.3838
City of Belvedere Internet Address: <https://www.cityofbelvedere.org>

A. CALL TO ORDER OF REGULAR MEETING OF THE PLANNING COMMISSION

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 Alex Seidel. Commissioner Absent: Ashley Johnson. Staff present: Director of Planning and Building Rebecca Markwick (attending on Zoom), 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, 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

The Reports agenda item consists of any oral reports from standing Planning Commission committees (if any), an individual member of the Planning Commission, and staff.

Chair Carapiet reported that at the request of Mayor Lynch there will be a new subcommittee for Floodplain guidelines which will include Pat Carapiet, Ashley Johnson and Building Official Brian VanSon. In addition, the City Council has requested a joint taskforce to discuss the Tree Ordinance to determine the goals of the Ordinance and to make changes Pat Carapiet, Marsha Lasky, and Mayor Jim Lynch and staff will participate. Last, she requested a meeting date change to December 12, 2023 for the regular December meeting.

There were no additional reports from the public, staff, the Planning Commission or on Zoom

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. If you do not have access to the Zoom meeting platform, please email the Director of Planning and Building, Rebecca Markwick at rmarkwick@cityofbelvedere.org and indicate that you would like to remove a consent calendar item and identify the item. After removing the item, the Planning Commission will call for comment at the appropriate time.

MOTION: To adopt the Consent Calendar consisting of the following items:

1. Draft **Minutes of the August 15, 2023**, regular meeting of the Planning Commission.
2. Extension of Design Review approval application for the property located at **7 Bellevue Avenue** (060-102-34). The project received Design Review Exception approval on September 23, 2021, to replace shingle siding, and install a new hot tub, glass railing and windows. This application does not propose to modify the approved plans. The project is categorically exempt pursuant to Section 15301 (1)(1) Existing Facilities. Applicant and Property Owner: Matthew Myzak & Kristin Seeger.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

E. PUBLIC HEARINGS

3. Design Review, 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. 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(1)(1) Existing Facilities. Applicant: Sean Bailey (architect). Property Owner: Kasta Tim and Laura Family 2018 Trust.

Associate Planner Malakiman presented the staff report. A slide show presentation accompanied his report.¹ He outlined the changes to the project made since last month's meeting. Correspondence received after the issuance of the staff reports has been distributed to the Commission with copies tonight on the dais. Additional updates to the plans have also been distributed tonight and will be discussed by the applicant.

Commissioners asked whether the previously raised issues of privacy and hillside stability have been sufficiently addressed in the resubmittal.

Staff responded that these concerns are adequately addressed from a Planning standpoint. The engineering details for the construction will be reviewed during the Building Permit review process.

Sean Bailey, project architect, presented the revised project.² Changes have been made to address privacy concerns, restoration from previously unpermitted work, and slope stabilization. The infinity pool edge has been removed, the FAR exception has been removed, grade studies and soil reports provided.

John Merten, Studio Green Landscape Architects, presented the proposed landscape and screening plan. His presentation included renderings of the existing and future appearance of the project site with installed landscaping when completed, from the Belvedere Avenue viewpoint. Existing trees will be retained and augmented with new trees. Discussions with neighbors have been conducted to choose the types of plantings that would be acceptable.

Mark Swanson, Jamba Construction, discussed the information in the provided Soils Report. The applicants were pleased to learn that Borings 3 and 4 demonstrate that bedrock in the area of the proposed pool is found at 2.5 - 5 feet depth. The report calculations also help with the estimation of the amount of fill on the site. He discussed the general construction management plan that will

¹ The staff presentation is archived with the record of the meeting.

² The applicants' presentation is archived with the record of the meeting.

be coordinated with the Building Official and Public Works. Drainage and tree installations would be the main work conducted from Belvedere Avenue.

Commissioners asked for clarifications from the applicants' team on several details:

- The green screen would be planted with a vine such as Star Jasmine that would be able to be very tall very quickly.
- The width of the pool has increased with the removal of the infinity trough but there is no net effect on the cut and fill.
- Work from Belvedere Avenue will focus first on stabilization of the slope and the wall, with the trees installed as early as possible afterwards.
- An exact count of trees to be added and to be removed is to be provided.
- The accommodation of 2:1 replacements of 4 trees illegally removed by the prior owner was discussed. The applicants responded that there may not be enough room to accomplish that particular requirement but the overall plan is to provide for as many trees and screening as is needed in the available spaces.
- Full screening is estimated to be established in about two years.
- Staging from the upper side of the property and proper tree protection will be provided.
- Clarification of the designed access to the new garage given slope issues is needed. The applicants would be able to do a study of this element.
- Applicants confirmed that the cut and fill will be approximately 150 cubic yards +/- 20 cubic yards (not including the JADU area).
- Front landscaping is not included in the current project scope.

Open Public Hearing

Roy Wickland, 15 Belvedere Avenue, accompanied his comments with a slide show presentation.³ He requested a 42-48" high solid privacy fence along the entire width of the upper deck be added. He does not believe landscaping alone will be sufficient for privacy. He can support the project with this change.

Tony Donohue, 19 Belvedere Avenue, requested a conditional approval to retain and maintain the existing Acacia trees. The illegal removal of several large Pine trees by the prior owners needs to be addressed with replacements. He requested that other discrepancies in the plans need to be addressed for a clear understanding of the proposal.

Deborah Wilton, 2 Eucalyptus Road, stated that the neighbors need to be granted as much time to discuss projects at public hearings as do the applicants. She appreciates the changes to the project but is concerned that the construction process will impact existing mature vegetation adjacent to her property that was previously required for a 2014 major renovation of 105 Golden Gate Avenue. She believes there will be safety issues on the roads when staging the project from the uphill location at Golden Gate Avenue and Eucalyptus Road. Both sides of the street may need to be re-marked with red zones. She requested the project be continued to address these concerns and to allow for the provision of a detailed Construction Management Plan.

Mr. Phillips asked if the request tonight from Mr. Wickland is his final request since they had previously discussed a fence on the lower retaining wall.

Mr. Wickland replied tonight's request for fence at the upper deck is their current request.

Mr. Merten asked if it is not correct that the City Code calls out Monterey Pines and Acacias as undesirable trees and therefore no permit is required for their removal.

Chair Carapiet stated that is not correct; all tree removals must be approved.

Mr. Swanson reiterated that City officials and his company are very conscientious in the construction process and have safety as a priority.

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

Commissioner Slaymaker asked whether the fill removal could be accomplished from the garage side of the property.

Mr. Swanson replied that can be reviewed. He has some smaller equipment available that might be able to do some of the work from that area.

Commissioners asked whether the railing would be lower than the proposed Podocarpus hedge.

Mr. Phillips replied that may be true, but his clients would still prefer a fence on the lower wall to afford them their view. There will be a legal railing everywhere that it is required.

Close public hearing.

Commissioner Lasky prefers landscape screening for the best effect in addressing noise and privacy concerns. With the current revisions she can make the findings for Design Review for the project with a condition for a complete count of existing and proposed trees in the final landscape plans. She can also recommend the Revocable License to the City Council.

Commissioner Hart stated that the project on the illegally flattened area in the rear of this property should not be supported. She cannot make the findings.

Commissioner Slaymaker agrees that the project has been much improved with the lengthy review and revisions. Having only received the final plans 1.5 hours before this meeting makes decision-making difficult.

Director Markwick reminded the Commissioners that the draft Resolution provides a standard condition of approval for review and approval of the final landscape plan.

Commissioner Slaymaker mentioned that she also has some other concerns about the cut and fill and the driveway design as well.

Commissioner Burke has empathy for all involved. He appreciates the all the efforts at communications with neighbors. The result of those efforts have addressed the two remaining issues from the last meeting: hill stability and privacy. The soils reports have addressed the stability issue. For privacy there is a much better understanding of the proposed screening. This screening needs to be conditioned to be maintained as shown in the approved plans. He would support the 5 foot fence on the lower retaining wall (Mr. Wickland's previous proposal) in front of the pool. He can make the findings for Design Review.

Commissioner Seidel stated that this project, properly designed and executed, will solve concerns about slope stability. He can support the condition for a fence which will supplement the plantings while they are growing up. The applicants would still be able to see over the acacia trees to the Bay and the fence would be lower if rail height. He could support a condition of approval for further study, with staff, of the garage and access. He can support the project and the Revocable License as conditioned.

Chair Carapiet had remarks on several items:

The reason that the Commission did not receive a 3-D rendering of the Belvedere side of the property was that the applicant had understood the request to mean renderings showing how the property would look with all the landscaping in place from that viewpoint. This is what has been provided for this hearing.

When vegetation is damaged during a construction project, there will be a resubmittal of another landscape plan required to address any issues.

The painting of the red curbs may fall to Public Works or City Council to review/approve.

After she and Vice-Chair Johnson met with the applicants some revisions were made. The color change and the new submittals by Studio Green were very helpful.

She can support the project with the following conditions as requested:

A count of existing and previously removed trees, and their replacements.

Baseline heights of proposed landscaping with requirement for maintenance at approved heights.

Verification of the driveway design with further study and consultation with staff.

A 42- inch privacy railing to be added across the dining area wall.

A Podocarpus hedge to be maintained at the height of the existing railing.

MOTION: To approve the application for Design Review at **105 Golden Gate Avenue** as conditioned per the discussion at the meeting.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

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

MOTION: To recommend a Revocable License for approval of the City Council at **105 Golden Gate Avenue** as conditioned per the discussion at the meeting.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

Chair Carapiet stated that Item 4 (**43 Peninsula Road**) has been removed from the Agenda and is to be continued to a future meeting.

4. Design Review and Revocable License applications for the property located at **43 Peninsula Road** (APN: 060-051-31) to add 521 square-feet to the residence, consisting of a 508 square-foot first story addition and 13 square-foot living room expansion. The project would replace the 12-foot-tall roof above the living room to 14-feet. The project would replace exterior windows and doors, repaint exterior walls, and replace the swimming pool. A Revocable License is requested for improvements in the Peninsula Road right-of-way. The project is categorically exempt from CEQA pursuant to CEQA Guideline Section 15301(l)(1) Existing Facilities. Applicant: Marshall Schneider (architect). Property Owners: David Ross and Helen Werngren

MOTION: To continue the item for Design Review and Revocable License at **43 Peninsula Road** to a future meeting of the Planning Commission.

MOVED BY: Kevin Burke, seconded by Claire Slaymaker

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

Commissioner Burke recused himself from Item 5 (**236 Bella Vista Avenue**) because he owns property within 500 feet of the subject property. He departed from the meeting room.

5. Design Review and Exception to Total Floor Area applications for the property located at **236 Bella Vista Avenue** (APN: 060-194-14) to add 189 square-feet beneath the exterior deck at the second level of the residence. The project would replace windows, guardrails, and exterior site stairs. An Exception to Total Floor area is requested to have 5,609 square-feet of floor area where 3,968 square-feet is allowed, and 5,455 square-feet exist. The project is categorically exempt pursuant to Section 15301 (1)(1) Existing Facilities. Applicant: Ghazaleh Jamei. Property Owner: Sharif-Jamei Family Trust. (Commissioner Burke recused)

Associate Planner Malakiman presented the staff report. A slide show presentation accompanied his remarks.⁴ Correspondence received after the issuance of the staff report has been provided to the

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

Commissioners on the dais. An additional detail of the added floor area has also been provided to the Commissioners. He clarified that the additional floor area requested is recalculated at 87 square feet. (It was determined that 102 of the square feet of the proposed addition was already included in existing floor area.)

Applicant and owner, Ghazaleh Jamei, presented the project. A slide show presentation accompanied her report.⁵

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners discussed the project. There was consensus that the added floor area would not have any impact on any neighbors and would be a good improvement to the use of this older home. All Commissioners can make the findings for the project.

MOTION: To adopt the Resolution for Design Review at 236 Bella Vista Avenue.

MOVED BY: Marsha Lasky, seconded by Alex Seidel

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

MOTION: To adopt the Resolution for an Exception to Total Floor Area at 236 Bella Vista Avenue.

MOVED BY: Marsha Lasky, seconded by Alex Seidel

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

Meeting was adjourned at 8:50 PM

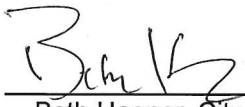
PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on October 17, 2023 by the following vote:

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

APPROVED:


Pat Carapiet, Planning Commission Chair

ATTEST:


Beth Haener, City Clerk

⁵ The applicant's presentation is archived with the record of the meeting.