

# **BELVEDERE PLANNING COMMISSION**

## **MINUTES**

### **SPECIAL MEETING**

**November 14, 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, Ashley Johnson, Nena Hart, Marsha Lasky, Claire Slaymaker, Kevin Burke, and Alex Seidel. Staff present: Director of Planning and Building Rebecca Markwick, Special Counsel Barbara Kautz, and Associate Planner Samie Malakiman. City consultants present: Tricia Stevens, MIG; Michael Parker and Tanya Jones, Ascent Environmental.

#### **B. OPEN FORUM**

There were no speakers.

#### **C. REPORTS**

There were no reports.

#### **D. PUBLIC HEARINGS**

1. Demolition, Design Review, Tentative Subdivision Map, and Revocable License. The project proposes to demolish the existing 22 dwelling units and construct 40 units located at 1-22 Mallard Road (APNs 060-072-27, -28, and -18). The project proposes six single-family homes with one accessory dwelling unit, five duplexes (10 units), and 23 units in an apartment building. Four of the units would be affordable to lower income households. The request includes one concession and multiple waivers under State Density Bonus Law. Staff recommends that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15332 Infill Development. Applicant: Bruce Dorfman, Thompson Dorfman. Property Owner: Mallard Pointe 1951, LLC

Director Markwick presented the staff report accompanied by a slide show presentation. Ms. Markwick provided an overview of the project, including an alternative plan.

Barbara Kautz, Partner at Goldfarb Lipman, Special Counsel to the City, provided an overview of housing law, including the Housing Accountability Act (HAA) and Density Bonus Law (DBL); and California Environmental Quality Act (CEQA) provisions related to exemptions.

In response to commissioners' question, Ms. Kautz stated that a project must be consistent with applicable objective standards in the City's General Plan and zoning ordinance; the developer is entitled to one concession and waivers; the project is considered to be consistent with applicable General Plan and zoning standards; the need to construct the affordable units in the first phase of development is included in the conditions of approval; and an adopted standard would need to be applied to require more affordable units than required by Density Bonus Law.

Ms. Kautz confirmed that the Zoning Code includes prohibited land uses; the proposal is considered a single project; the City would decide if a road is designated a private or public road; the construction timeline could be construed as a development standard as defined in Density

Bonus Law; provided the DBL definition of “development standard”; and stated that the R-2 Zone is not being eliminated, but would be allowing apartments that would not normally be permitted.

In response to commissioners’ questions, Ms. Kautz noted that the Commission could apply conditions of approval based on subjective standards, and provided examples of conditions of approval, such as the materials to be used in construction, lighting, and landscaping. She stated that the City’s Objective Design and Development Standards (ODDS) could not be applied to the proposed project because a complete preliminary application was submitted before the standards were adopted; defined regulatory concessions; and discussed applying a construction time limit to the entire project and not individual buildings. Ms. Kautz confirmed that the number of units could not be reduced in order to reduce the proposed waivers; conditions of approval must not reduce the total size of the proposed buildings; the proposal does not remove the R-2 Zone from the Municipal Code, but the proposed concession would allow buildings with more than two units in the zone; and all other R-2 requirements, including height and setback limitations, would remain, unless modified by waivers.

Tanya Jones, Senior Environmental Planner, and Mike Parker, Principal, Consultants with Ascent Environmental, Inc., presented its CEQA administrative memorandum for the project. The consultants provided an overview of the Class 32 (Infill) Exemption Criteria under CEQA. In response to Commissioners’ questions, staff, the consultants and counsel discussed the pumping system between Richardson Bay and the lagoon; discussed CEQA definitions related to the designation of the lagoon as an urban use; confirmed that the state of a city’s infrastructure is taken into consideration in the CEQA process; and described the use of helical piers.

In further response to the commissioners, Mr. Parker confirmed their consultants had visited the site in the course of preparing the CEQA administrative memorandum. Staff discussed the need for a storm water pollution prevention plan; regulatory agencies’ participation in the process; potential bulkhead replacement at the building permit application stage; the absence of unusual circumstances that would result in significant environmental impacts; and methods for protecting the bay from potential sediment problems.

Staff also confirmed that additional reports, which included geotechnical, soils, storm water, and structural reports, would be required on submission of the building permit application; that the reports would also be submitted to the Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board; repairs to, or replacement of, a bulkhead would not be considered at the planning stage. The consultants confirmed that differences in the buildable lot size and number of units stated in some of the reports would not alter their recommendations; and confirmed the assessment included the potential for bulkhead replacement.

Tricia Stevens, Consultant Planner, summarized the Design Review approval findings, Demolition Permit, Tentative Map and Revocable License. In response to commissioner questions, Ms. Stevens and Ms. Markwick stated that additional story poles would have blocked resident access to their homes; a 3D model of the development will be requested; the R-2 Zone allows single-family homes on the lagoon; staff’s recommendations regarding the project that assume the bulk, scale, and mass resulting from the applicant’s concession and waivers; privacy has been prioritized for the residences on either side of the units; standards for public roads are not applicable for private roads; staff would confirm if the road width meets required fire access standards; staff will

request confirmation from Tiburon Fire Protection District that the driveways comply with local and state standards, and noted that a waiver could not be granted for a state code requirement.

Staff further confirmed that the Construction Management Plan (CMP) would address asbestos removal; staff would research a bond requirement to protect residents from potential damage to property; the proposal meets the minimum parking requirements; state law prohibits increased setbacks for the project; a condition of approval for a 15-foot rear yard setback could apply if it did not result in a reduction in building size or density; and the CEQA guidelines specify that the City must determine if a project qualifies for an exemption.

Chair Carapiet opened the public hearing.

Joanna Julian, Thompson Dorfman LLC, Project Applicant, presented the Mallard Pointe proposal, in addition to Paul Lettieri, The Gazzardo Partnership, Ron Sutton, Sutton Suzuki Architects, Francis Gough, Francis Gough Architect Inc., and Riley Hurd, Attorney.

Following the presentations, Chair Carapiet announced a 10-minute break at 9:22 p.m., which was followed by commissioner questions.

Scott Stevens, Miller Pacific Group, discussed the term “load balancing,” and noted that the commissioners were reviewing a preliminary geotechnical report. Mr. Stevens stated that a design-level geotechnical report would determine building loads and the engineering options that would support the loads; structural engineering input would determine whether helical piles or a load-balancing foundation would be used to prevent significant settlement; Miller Pacific would provide geotechnical analysis for bulkhead replacement; and confirmed that he has not viewed the bulkheads from the perspective of the lagoon.

Mr. Stevens discussed the process for repairing or replacing the bulkheads; the fill beneath the footprint of the proposed buildings; confirmed that the Federal Emergency Management Agency (FEMA) does not have a geotechnical requirement; many of the bulkheads have been replaced and older bulkheads may need to be replaced, which would typically be easier before construction started; confirmed construction vehicle loads would not affect the bulkheads; discussed the construction process to replace a bulkhead; discussed the design-level report, which will provide information on the recommended type of foundation for each building; and noted that the proposed geotechnical methodologies are standard practice for waterfront construction.

Chris Mills, BKF Engineers, addressed grading questions from the commissioners, including the amount that would be necessary for the new street, which would affect only the project site; confirmed that the elevation of a garage has been set above the lowest grade, so that floodwater would flow back out to the lagoon; confirmed that the grading of the garages for the fourplex and triplex buildings in Alternative A would not cause floodwater entry; and clarified the phrase “Semi-Subterranean”, which referred to the south end of the project that will be built into the grade.

In response to commissioners’ questions, the project team stated that the proposed material for the base of the garages for the apartment building would be rusticated wood siding and the openings would be provided with wood screens to allow ventilation and ensure the lighting would not be visible from the exterior; all exterior lights would be shielded to ensure downward lighting; one shielded light fixture on each balcony is required by the code; location of the pedestrian entryway, which is located away from the garage entrance, was determined primarily by the location of the

lobby and Americans with Disabilities Act (ADA) parking; a structure on the lawn by the garage area is a transformer pad; and air conditioning will be included in the HVAC system.

The project team further clarified the height of the rear deck walls and the wall separating two duplex residences; stated that the anticipated start of construction would be 12 to 18 months from submission of the building permit applications; demolition is expected to take 6 weeks; provided a draft outline of the stages of construction; stated that the entire project should take 2 to 3 years to complete in the right market conditions; noted that the new docks would be constructed on piers and the existing docks would be upgraded; and clarified that some garage spaces would be tandem.

Mr. Sutton stated that the interior lighting plan for the units on the lagoon side has not yet been designed but would likely be recessed canned lighting; the depth of the recess could significantly affect the level of lighting from a light fixture, and he noted that residents may choose to use additional lamps.

The project team provided the following answers to commissioners' questions:

- the hours of use for roof deck music could be limited;
- a commitment to building the single-family residences in the first phase of construction could not be made at this stage;
- the construction of 40 units would be needed to maintain a maximum height of two levels and provide for multi-family units;
- it would not be economically feasible to remove the third story of the fourplex units and replace the single-family homes with duplexes in Alternative A;
- the number of proposed bike racks is consistent with encouraging alternate modes of transportation throughout the state;
- the number of proposed exterior bike racks has been limited;
- landscaping has been extended on Community Road by relocating the entryway off Mallard Road;
- less space would be available for walkways if the landscaping were increased;
- the duplexes would each have a separate wall and would not share walls;
- and Mr. Dorfman confirmed they would not demolish the current buildings if financing was not in place to construct new buildings.

Chair Carapiet invited comments from Belvedere Residents for Intelligent Growth (BRIG) and the Belvedere Lagoon Property Owners' Association (BLPOA).

Mark Wolfe, representing BRIG, requested that the commissioners not approve staff's recommendations. Mr. Wolfe discussed BRIG's position that the lagoon did not meet the definition of "qualified urban uses" under CEQA; and an initial study should be required to enable the public and public agencies to comment on the validity of the analysis. He further stated that the lagoon was originally a natural feature connected to the Bay; is designated open space in the General Plan and empties into Richardson Bay; and concluded the project is not exempt from CEQA.

Mr. Wolfe discussed BRIG's position that the project should not be exempt from CEQA because it did not meet the General Plan and zoning code requirements; and a peer review of the geotechnical report concluded that there was insufficient information to conclude the project would not impact neighboring buildings and the environment.

Mr. Wolfe argued that land use prohibitions are not eligible for a concession under the DBL; and there was insufficient evidence to reach the conclusion that waiving the R-2 Zone prohibition would result in sufficient cost reductions.

Wendy Manley of Fennemore Wendel, Attorney for the BLPOA, discussed the risks posed by the project to the lagoon's water quality and the circumstances which precluded the proposed development project from eligibility for the CEQA exemption; confirmed that the BLPOA supports Mr. Wolfe's position that the project is not eligible for the Class 32 Infill Exemption because the lagoon is not an urban use; that the exception to the exemption applies for unusual circumstances; and supports the comments made by David Smith that early detailed geotechnical analyses are necessary.

Ms. Manley discussed the risks of the project on the water quality of the lagoon, including the potential release of sediment and pollutants during construction; concerns that the permits did not address other water quality problems; potential failure of the existing bulkheads; concerns that water quality could be affected to the extent it could not be released to the Bay for flood control purposes; impacts from grade failure; and increased pollutants released during storm conditions during construction.

Ms. Manley requested an in-depth geotechnical evaluation before project approval to provide a thorough investigation of water quality impacts. She discussed the reasons BLPOA believes that individual features of the lagoon together constituted "unusual circumstances"; stated that the lagoon is not an urban use; and argued that the project could not be exempt from CEQA because it might result in significant water quality impacts that would not be addressed by permit requirements.

Ken Johnson, President of the BLPOA, confirmed the BLPOA's agreement with the correspondence submitted by David Smith and David Arquette; and stated that the information submitted on the effects of construction on the water quality is insufficient; the lagoon consists of Bay water, and is not a man-made water feature; and supported the conclusions of previous speakers that the individual features of the lagoon together constitute "unusual circumstances." Mr. Johnson also asked the commissioners not to approve the demolition permit.

The following members of the public offered public comment.

Tom Price discussed his support for not granting the CEQA exemption based on the reasons discussed by Mr. Wolfe; confirmed the need for an environmental review of the project; and asked the commissioners to deny the request for an exemption.

Bethany Hornthal discussed her concerns related to the effects of sound and light; story poles that did not accurately portray the proposed development; the demolition of 22 units that were affordable compared to other properties in Belvedere and providing just 4 deed-restricted affordable units; the need for transparent CEQA analysis of the proposal, which she stated affected all the residents in Belvedere.

Randy Binstock requested a CEQA analysis; stated that the lagoon is not an urban use and that staff's assertion that the lagoon is classified as an urban use is wrong; and stated that the developer's request for CEQA exemption must be denied.

Bob Lightstein ceded his time to Dr. Andrew Barnett, who discussed his concern that a large amount of excavated dirt would be washed into the lagoon with the first rainfall; the need for a CEQA analysis to identify and mitigate problems caused by construction; the possibility of the project being abandoned mid-construction if funding is insufficient; and the effects of the foundation work on neighboring properties and the lagoon. Dr. Barnett recommended a CEQA analysis before the project moved forward.

Jim Hornthal stated that the project will eliminate 22 relatively affordable units, compared to other residences and will provide only 4 new affordable units; seniors and young families will be displaced; the current zoning is not inconsistent with the General Plan; and the role of the City is not to enable property owners to maximize the profits from construction projects. Mr. Hornthal discussed inaccurate information about the planning process and safety requirements; requested a CEQA review; and urged the commissioners to uphold their commitment to affordable housing and adhere to safety and environmental standards and planning guidelines.

Kirk Usher discussed his concern that a multi-year construction project would impact the community park and people who use the park.

Marika Bergson, BLPOA Board Member, spoke on behalf of the BLPOA Board, and stated that she supported the comments made by previous speakers, including Mr. Wolfe; discussed the negative comments made by the applicant's attorney; stated that the BLPOA has an obligation to the state of California through a permit from the Regional Quality Control Board, and to the residents of Belvedere, to prevent the lagoon from flooding; and discussed the potential impacts from new bulkhead construction on safety and water quality.

Maureen Johnson ceded her time to David Kenneth Smith, resident and professional geologist, who discussed his concerns relating to the environmental integrity of the project over the long term; lack of information on soil components; incomplete information on the impact of an earthquake on the soil materials beneath the lagoon; site subsidence; earth movement; the need for a plan to protect the site and lagoon water, including an integrated bulkhead; and the need for further geological studies and environmental review under the CEQA process.

Charlie Oewel, former Belvedere resident, commented on the Regional Housing Needs Allocation (RHNA) process; and stated that the General Plan did not necessitate changes to the R-2 Zone to accommodate the proposed development.

Harry Smith confirmed his support for the previous remarks made on behalf of BRIG; stated that the intention of the state legislature is to increase opportunities for affordable housing; and that the proposal to build expensive, unaffordable homes, with the exception of four very small houses, which will supplant 22 relatively low-cost units, is outside the spirit of the law.

Jill Barnett ceded her time to Dr. Larry Karp, Engineer, who stated that constructing the buildings would cause a large environmental impact; the helical piers were unsuitable for a large project; and commented on the lack of calculations and drawings. In response to Chair Carapiet, Dr. Karp clarified the contents of the two letters of concern he submitted.

Bernard Huger, representing Huger family members, discussed their support for an environmental impact study; their concerns that pollutants from construction could be expelled into the water and would affect the wildlife in and around the lagoon and the Bay and Pacific Ocean; and stressed the need to understand the environmental impacts of the project.

Bernard Huger Sr. used a slide presentation to demonstrate that the view from their property and neighboring properties would be severely impacted by the proposed dwellings; commented on the impact of the proposed construction on the general community; and stated that Leeward Road is untenable as a staging area because the road has too many cars. Mr. Huger confirmed he agreed with the comments made by Mr. Wolfe, Ms. Manley and other community members.

Mason Smith, Mallard Pointe resident, stated that his home is affordable; and that he would be displaced if the new development is approved.

Richard Fink voiced his support of the project, wants the Planning Commission to support the project.

Ed Greenfield, representing his stepfather, John Nearhout, retired engineer, stated that Mr. Nearhout supported all of the findings submitted by BRIG and the BLPOA; the lagoon is not an urban use; and a CEQA review is essential to determine the environmental impacts.

Bill Watson ceded his time to David Parquet, who commented on his qualifications to discuss CEQA; stated that he disagreed with staff's assertion that the proposed project is categorically exempt from CEQA; did not oppose the project, but opposed the process; and urged the commissioners to request an Initial Study.

Dana Hemberger discussed the need for lagoon homeowners to maintain their property, including the bulkhead; and his support for a CEQA analysis of the project.

Larry Stoehr urged the City not to grant the applicant an exemption from CEQA; discussed damage sustained to the garage floor of his home caused by construction on a neighboring property; stated that the proposed project would most likely have a significant effect on the environment and property; and discussed the need for conditions of approval to protect the neighboring properties.

Katie Koyfman, representing Housing Crisis Action, discussed the need for making housing a top priority; stated that they support the project because it provides 40 new homes for the community, including single-family homes, apartments, duplexes and affordable units. Ms. Koyfman stated that the site offers easy access to transportation, services, and shopping; discussed the industry standards the homes will meet; and stated that the proposal was a good project.

Jenny Silva, representing the Marin Housing Collaborative, discussed the housing crisis and the need for more housing; a workforce that commuted to Marin due to a lack of housing; recruitment difficulties; the need for housing to enable residents to downsize; lack of contemporary housing for young people; and the benefits of new housing, including more energy efficient, water-saving homes, and improved infrastructure. Ms. Silva added that the project will help the City to provide housing units for RHNA needs; and that the developer could have proposed more units on the site.

Jordan Grimes, representing Greenbelt Alliance, discussed the organization's support for the project. Mr. Grimes noted that it was the most significant proposal reviewed by the City for many years; would contribute to the City's RHNA goals, target missing middle housing, present the opportunity for new infill housing, would be more more affordable than other homes in the City, and should reduce vehicle miles travelled (VMT) and greenhouse gas emissions (GHGs), which would ameliorate the impacts of workers needing to travel from outside of Marin. Mr. Grimes stated that the proposal qualifies for the exemption and he urged the Commission to support the project.

Carmela Davis, representing Paul Jensen, Marin Environmental Housing Collaborative, discussed the organization's wholehearted support for the project; stated that the proposal offered an opportunity for the City to provide much needed housing in Marin on a site that is able to accommodate high-density housing; the proposed categorical exemption finding was solid and there is no substantial evidence that the project would result in significant environmental impacts; and that if the lagoon is considered an unusual circumstance that would disqualify a categorical exemption, a precedent could be set that might require properties along the lagoon to be subject to environmental review for rebuilds. Ms. Davis discussed a Loch Lomond project in San Rafael that was completed by Mr. Dorfman, which did not result in gridlock or loss in property values.

No additional members of the public requested to speak.

Chair Carapiet closed public comment.

In response to public comment, Mr. Hurd noted that the Planning Commission was primarily reviewing a design review application and that many of the comments related to aspects of the application that would be reviewed at the building permit stage, including the submission of drawings for bulkheads and a storm water pollution prevention program (SWPP); that dumping silt and pollutants in the lagoon would be illegal; clarified state law regarding "concessions"; stated that DBL clearly indicates that the requirements in addition to development standards are eligible as concessions; stated that the applicants have undertaken an environmental investigation that has found no significant impacts; provided case law demonstrating that the infill exemption could be used for a development with a concession; and stated that the lagoon did not constitute an unusual circumstance or an urban use. Mr. Hurd questioned the need for an Environmental Impact Report (EIR).

Mr. Stevens stated that there was no limit to the depth a helical pile could be installed in the ground; that they could be installed with lateral support; and he noted that the ground at Mallard Pointe is not made up of loose sand, unlike the soil beneath Beach Road and San Rafael Avenue.

Mr. Dorfman confirmed that the lagoon was created from bay lands and is not a tidal basin; noted that none of the current 22 units are affordable or deed-restricted for affordability; the average rent is \$6,000; and there is much deferred maintenance. The proposed development will have 40 units, of which 4 will be deed-restricted for affordability and 6 will be affordable by design; and the development will allow prospective residents to downsize. Mr. Dorfman discussed ceiling heights and roof design of the fourplex structures in response to Chair Carapiet.

Chair Carapiet closed the public hearing.

Commissioner Burke stated that the proposed project is not eligible for a categorical exemption for the following reasons: 1. The lagoon is not an urban use because it is a lake connected to the Bay, contains an ecosystem, and is unlike the open space considered in the *Banker's Hill* case; so the project is not substantially surrounded by urban uses. 2. The site presents an unusual circumstance because it contains over 900 feet of shoreline, which could be affected by construction; and the bulkheads are deteriorating, creating significant and meaningful risks to the lagoon and ultimately the Bay during the demolition and construction process if sediment washes into the lagoon and potentially contaminates the water and impacts water quality. Commissioner Burke added that his preference would lean towards the design that includes 4 fourplex dwellings and 1 triplex unit.



Commissioner Seidel stated that the report did not reach a clear decision on whether the lagoon was an urban use, but in his view the lagoon was a lake, not an urban use. He preferred the 6-building scheme but suggested that the height of the apartment building could be lowered by removing the top floor and allocating the space to the single family dwellings.

Commissioner Lasky suggested she could approve the design of the six-building configuration if the size of the fourplex units was reduced by removing one bedroom, thereby reducing the height and mass; commented on the lack of articulation in the design that adds to the massing; and acknowledged the triplex unit has less mass and a lower height. If the height cannot be reduced, she preferred the apartment building.

Regarding the CEQA process, she stated that there were too many unanswered questions to approve the categorical exemption. In particular, the lagoon is not an urban use; and evidence was presented regarding potential environmental issues including the project's location in a flood zone, Bay mud, earthquakes and traffic that will affect residents.

Commissioner Johnson stated that she could not support the categorical exemption for the project's location is atypical and unusual in that the proposed project is in a FEMA flood zone on a lagoon in an area prone to settlement and liquefaction. Commissioner Johnson added that the project would add density to a County that is running low on water and in a city that lacks a plan to address failing critical infrastructure; and she expressed her support for an Initial Study because it would be unreasonable to approve a project without considering all the impacts on the environment. She further commented on the need to consider projects in the context of safety, disaster preparedness and evacuation planning and agreed with the concerns expressed that the construction could affect the water quality. She stated that the project was inconsistent the General Plan and Safety Element policy to "limit construction in the flood zone." Commissioner Johnson confirmed she had a preference for the alternative plan if the maximum height of the apartment building could be lowered from 45 feet; that the design is better articulated and there is more open space; and that if the height could not be reduced, she preferred the apartment building.

Commissioner Slaymaker agreed with the previous Commissioner comments that the lagoon is not an urban use and the project may affect water quality, especially because bulkhead repairs or replacement would have a detrimental effect on the lagoon; and would support a CEQA analysis rather than a categorical exemption. Commissioner Slaymaker confirmed her preference for Alternative A because the design is better articulated but would prefer the height of the buildings to be lower.

Commissioner Hart agreed with the previous commissioner comments that there is a need for a CEQA analysis, and the project should not be granted an exemption; the lagoon is not an urban use; and that testimony from residents was sufficiently compelling not to approve the exemption. Commissioner Hart confirmed her preference for Alternative A because the apartment building design is superior; there would be more open space; and she suggested the fourplex units should be redesigned to overlook the park.

Chair Carapiet noted that homeowners' views were not protected. She stated that the commissioners were bound by the new housing laws, and the site will be developed. She stated that the commissioners looked to achieve the best design possible. She agreed with her fellow commissioners that an Initial Study should be undertaken, and the exemption could not be approved, because the adjacent lagoon constitutes an unusual circumstance; and the reports from

the applicant's engineer and consultants, including the biological report, appeared to misrepresent the project. Chair Carapiet stated her preference for Alternative A because the massing is broken up; it provides more open space; and that she favored the triplex design with an entrance across from the park.

MOTION: Motion to find that the project is not categorically exempt from CEQA based on a Class 32 exemption, for the reasons stated by the commissioners.

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

              NOES:       None

MOTION: Motion to continue Design Review to construct 40 units located at 1-22 Mallard Road:

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

              NOES:       None

MOTION: Motion to continue the application for a demolition permit to remove 22 units at 1-22 Mallard Road:

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

              NOES:       None

MOTION: Motion to continue the resolution recommending the City Council approve a Tentative Subdivision Map, subject to findings and conditions of the property located at 1-22 Mallard Road:

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

              NOES:       None

MOTION: Motion to continue the resolution recommending the City Council approve a Revocable License for Private Improvements located in the public street right of way at 1-22 Mallard Road:

MOVED BY: Ashley Johnson seconded by Claire Slaymaker

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

              NOES:       None

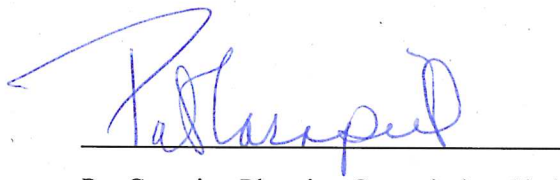
Special Counsel Kautz explained that the project applicant may appeal the denial of the CEQA exemption to the City Council.

Meeting was adjourned at 1:30 a.m. on November 15, 2023.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on January 17, 2024 by the following vote:

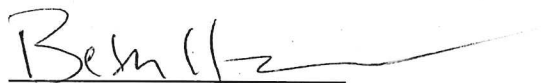
VOTE            AYES:            Pat Carapiet, Ashley Johnson, Nena Hart, Marsha Lasky, Alex Seidel  
                     NOES:            None  
                     ABSTAIN:        None  
                     ABSENT:         Claire Slaymaker, Kevin Burke

**APPROVED:**



Pat Carapiet, Planning Commission Chair

**ATTEST:**



Beth Haener, City Clerk