



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

3 January 2024 – 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 special 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, Kevin Burke and Alex Seidel. Commissioners Absent: Ashley Johnson, Claire Slaymaker. Staff present: City Manager Robert Zadnik, Director of Planning and Building Rebecca Markwick (by Zoom), City Attorney Ann Danforth, Consultant Andrew Hill, 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

No one wished to speak.

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.

There were no requests to remove the item from the Consent Calendar.

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

1. Draft **Minutes of the December 12, 2023**, rescheduled meeting of the Planning Commission.

MOVED BY: Alex Seidel, seconded by Nena Hart.

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

E. PUBLIC HEARINGS

2. Planning Commission Review and recommendation to the City Council regarding The Draft Initial Study and Mitigated Negative Declaration ("IS/MND") prepared to analyze and address the potential environmental impacts of the HEU and Zoning Amendments.

Planning Commission review and recommendation to the City Council regarding the revised draft 6th Cycle Housing Element Update ("Revised HEU"), which will implement goals, policies, and programs to meet future housing needs as required by state law.

Director Markwick introduced the item. There are 3 Resolutions to consider for recommendation to the City Council: 1) the Initial Study and Mitigated Negative Declaration for the Housing Element, 2) recommendation of the revised draft Housing Element, and 3) amendments to the City of Belvedere Zoning Ordinance. She introduced Andrew Hill from Dyatt and Bhatia, who are the City's consultants, to present these items.

Mr. Hill presented the updated items. A slide show presentation accompanied his remarks¹.

Commissioners asked for and received clarifications on specific sections of the draft documents. Suggestions for corrections were discussed.

Open public hearing.

Larry Stoehr, resident, commented that the draft Zoning Resolution 3 on Pages A-8, A-11, and A-13 should address the rear setback when the rear property line is in the water. Clarification should be made as to from where the 20 ft setback is measured in that case. On Resolution 1 on Page 17 the box for Geology/Soils is not checked yet it is a concern.

Riley Hurd, land use attorney, commented that because of the lack of a certified Housing Element, the City of Belvedere is currently subject to the Builder's Remedy. He does not believe that the State will certify this document because this does not meet the State requirements which are for the City to show the likelihood of development and feasibility of development. If the City does not produce it will lose much more local control. It was refreshing to hear that the density in the R-2 zone does not yield the density in the General Plan and there is an intention to fix this. The ISMND tonight is for a Housing Element which is based on a large amount of the proposed density in the Lagoon area. By adopting this the City is saying there are no significant unavoidable impacts. The proposed ISMND finds there are no impacts on requiring mitigation for geotechnical or water quality issues; this is what the experts found. This cannot be reconciled with the position that was taken at the Mallard Pointe hearing. Mallard Pointe is a pending complete project and this version of the Housing Element attempts to declassify it as pipeline and just say its an available site. If the goal of this is to avoid being forced to approve it that does not work. By calling it available and still listing it as pending in the graphic this is a commitment to approving a project at that density. He hopes that the City can make some amendments to facilitate more housing.

Jim Allen, property owner, Belvedere, requested clarification as to the calculations for the projections of units that can be developed on some of the identified sites and how the 15% affordability calculation is achieved.

Director Markwick stated that staff can go over how the calculations are applied to the available sites with Mr. Allen.

Bruce Dorfman, development applicant, referred to six items he identified in the November 21 hearing that are still outstanding. The conflict between the R-2 zoning and the draft Housing Element regarding density and allowed housing types; Table C-6 is still inaccurate as to estimate time for processing residential projects; the fees and exactions are incomplete in regards to omissions of meter, water and sanitary services costs, the CEQA issues were previously addressed tonight, and references to the Mallard Pointe project should be clarified that it IS a Pipeline Project. Barriers to New Development in the revised Housing Element specifically reference to the Mallard Pointe project without also referencing other sites. This should be a generic reference to all Belvedere housing sites.

Andrew and Jill Barnett, residents, stated that there are references to manufactured and mobile homes as if they are a single type. They believe that these are different types of construction and should be addressed separately.

Close public hearing.

Chair Carapiet thanked the members of the public who spoke at the meeting and thanked the consultants and staff for their work as well. She stated she can make the findings for all three Resolutions.

Commissioner Burke stated he can make the findings for all three Resolutions reflecting the discussion and comments made at this meeting.

Commissioner Lasky stated she can make the findings for all three Resolutions.

Commissioner Siedel stated he can make the findings for all three Resolutions.

Commissioner Hart stated she can make the findings for all three Resolutions.

MOTION: To adopt Planning Commission Resolution 2024-001, recommending that the City Council Adopt a Mitigated Negative Declaration and Mitigation Monitoring Plan Prepared Pursuant to the California Environmental Quality Act for the Revised Sixth Cycle Housing Element Update and Implementing Actions

MOVED BY: Marsha Lasky seconded by Kevin Burke

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

MOTION: To adopt Planning Commission Resolution 2024-002 recommending that City Council Approve the 6th Cycle Housing Element 2023-2031 with noted amendments for Submittal to the California Department of Housing and Community Development

MOVED BY: Marsha Lasky seconded by Kevin Burke

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

MOTION: To adopt Planning Commission Resolution 2024-003 recommending that City Council adopt the Draft Zoning Amendments with noted amendments Implementing the Revised Sixth Cycle Housing Element Update.

MOVED BY: Marsha Lasky seconded by Kevin Burke

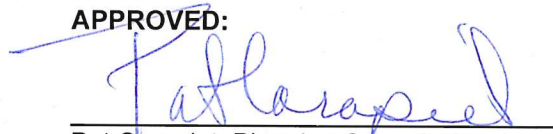
VOTE: **AYES:** Pat Carapiet, Nena Hart, Marsha Lasky Kevin Burke, and Alex Seidel
 RECUSED: Ashley Johnson, Claire Slaymaker

The meeting was adjourned at 8:30 PM

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