

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

JANUARY 21, 2020 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Chair Jim Lynch called the regular meeting to order at 6:30 p.m. in the Council Chambers. Commissioners present: Jim Lynch, Marsha Lasky, Larry Stoehr, Pat Carapiet, Nena Hart, Peter Mark. Absent: Claire Slaymaker. Staff present: Director of Planning and Building Irene Borba, Associate Planner Rebecca Markwick, City Attorney Emily Longfellow, Public Works Director Robert Zadnik, Building Official Brian Van Son, and Planning and Building Technician Nancy Miller.

A. 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.

B. 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.

There were no reports.

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, please step to the microphone, state your name, and indicate the item.

MOTION: To approve the Consent Calendar for Items 1 and 2 as agendized below:

MOVED BY: Nena Hart, seconded by Peter Mark.

VOTE: AYES: Jim Lynch, Marsha Lasky, Pat Carapiet, Larry Stoehr, Nena Hart, Peter Mark
 NOES: None
 ABSTAIN: None
 RECUSED: Peter Mark, (Item 1 due to absence from the meeting)
 ABSENT: Claire Slaymaker

1. Draft **Minutes of the December 17, 2019** regular meeting of the Planning Commission.
2. Design Review and Revocable License applications for a remodel and new landscaping at **29 West Shore Road**. The project includes a small addition and roof adjustment to be

level with the main house. Property Owner: Donald E. Morris Jr. and Kathryn O. Morris Living Trust; Applicant: Mary White, Butler Armsden Architects.

C. PUBLIC HEARINGS

3. Design Review consideration of design plans for a partial renovation of the **Belvedere Community Park** playground. Modifications include reducing the size of the existing sandbox, adding a nature play area with shade structures, providing additional perimeter seating and surface matting at Belvedere Community Park. Applicant/Property Owner: City of Belvedere

Public Works Director Robert Zadnik presented the staff report. A slide show presentation accompanied his remarks.¹

Adam McNeil, spoke as a citizen member of a volunteer task force committee, who have been working on the concept plan with the Parks and Open Space Committee. He described the need for both repairs and desires for improvements and modernization of the playground. His group presented the ideas during the Concerts in the Park events in the summer and received a positive response. Donations from the community will be needed to fund the majority of the costs for the project, along with the \$80,000 already allocated by the City Council for needed safety repairs.

Commissioners asked questions about the proposed design details, colors and materials.

Close public hearing.

Commissioner discussed the proposal. There were some concerns with the shade sails (design) and colors such as blue or green were discussed, and the use artificial turf as a material for a play surface (as it can get hot) however, Commissioners were very supportive of the proposed project.

MOTION: Adopt the Resolution granting Design Review approval to construct improvements to **Community Park Playground**.

MOVED BY: Marsha Lasky, seconded by Pat Carapiet.

VOTE: AYES: Jim Lynch, Peter Mark, Larry Stoehr, Marsha Lasky, Nena Hart, Pat Carapiet.
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Claire Slaymaker.

4. Appeal of a Construction Time Limit Extension Committee's decision to deny a request for a Construction Time Limit Extension for **56 Peninsula Road**. Applicant/Property Owner: Denise Ivory.

Building Official Van Son presented the staff report.

Commissioners asked questions regarding the factors considered by the review committee of the request for the CTL extension and background of the project progress that led to the project exceeding its CTL.

Vice Chair Mark asked how many such CTL extensions applications have been considered?

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

Mr. Van Son replied he believes there have been 8 such requests, of which there were 3 approvals, 2 denials (including this one), 1 was withdrawn, and 1 is stayed pending further considerations by the applicants, and 1 new application has been received but has not yet to be processed.

Commissioners asked whether the completion of the project could have been accomplished in time had the hot tub element not been added to the project? Was the project near completion on October 22 when the application was made for the hot tub?

Mr. Van Son replied that he cannot say definitively if that was true, but it did increase the project scope.

Open public hearing.

Denise Ivory, owner 56 Peninsula Road and appellant, stated that the original scope of work and valuation of the project was lower than it turned out. When the deck was demolished the conditions of the framing required that the deck needed to be reframed. Subsequently the first engineering submittal was insufficient and then a different engineer had to be engaged to provide an approvable project which did result in delays in the progress of the project. She had believed she could ask for a longer CTL based on the increased valuation but this was not the case.

Commissioners asked what caused the delays in the progress of the project.

Ms. Ivory replied that as previously discussed, the changed scope of work from deck repair to deck replacement was a main factor. However they had believed they could complete the project within the 30 day grace period after the CTL ended, but there were also additional delays of 4 days due to the 3 days of PSPS power outages and Veteran's Day holiday which cut into the available time to finish the work.

Commissioners asked could the applicant have applied for a separate hot tub building permit.?

Mr. Van Son replied that would not have changed the CTL because any additional permit would have the same CTL as the original permit. If the original permit were first finalized, then a new permit to install the hot tub could be issued. As a practical matter that might mean having to close in the deck and get the first permit finalized, and then under a new permit having to open up the deck for the hot tub. A CTL extension is not automatically granted solely based on increased valuation as other factors must be considered per the Code.

Close public hearing.

Commissioners discussed the factors that led to the longer construction time for this project, some of which might have been anticipated and some not, such as the PSPS outages. They agreed that the CTL requirements are an important part of the approval process and are to be under the control of the City. Valuation is only one factor being considered in review of a CTL Extension application. Commissioners agreed to reduce the days of penalty to 18 days by removing the 3 PSPS power shutdown days from the assessment.

MOTION: To adopt the Resolution denying in part and granting in part the appeal of the Construction Time Limit Extension Committee decision for **56 Peninsula Road**, as amended to reduce the number of days of penalty by 3 days to a total of 18 days, resulting in a penalty of \$10,800.

MOVED BY: Pat Carapiet, seconded by Nena Hart.

6. Design Review, Exception to Total Floor Area, and Variance for a remodel and alteration of a single-story residence located at **4 Windward Road**. The project includes refacing the exterior of the home, a new metal roof and new landscaping. Property Owner: Paul H. Stephens and Eleanor M. Stephens Family Trust; Applicant: Sean Bailey.

Associate Planner Markwick presented the staff report. A slide show presentation accompanied her remarks.³ She stated that an additional Variance is required for the rear yard setback and has provided a draft Resolution to the Commission should the project be approved this evening.

Vice Chair Mark requested that the applicant provide more detail in the Demolition plans, with shading and proper alignment of plans.

Commissioner Stoehr asked for clarification of the interpretation of how the Purpose sections of the BMC Title 19 seem to be in conflict with the specific Code sections that follow in regard to the expansion of non-conformities.

City Attorney Longfellow replied that the findings for a specific section or Variance may have findings that can be made even if in conflict with the purpose sections. The findings allow an expansion of a legal non-conforming building by approval of a Variance.

Commissioners asked how the low estimated construction costs can be considered at an estimated cost of \$180/SF.

Building Official replied that the current submittal meets applicable codes at this point but will be subject to future confirmation at the time of the Building Permit application by submittal of a signed and dated construction contract for compliance with the Flood Plain Ordinance in the BMC.

Chair Lynch asked may the Commission require another 3rd party appraisal to be submitted.

City Attorney Longfellow replied that is within the Commission's discretion.

Open public hearing.

Sean Bailey project architect, presented the project. A slide show presentation accompanied his remarks.⁴

Commissioners asked for clarifications regarding proposed plantings, lighting, materials on the dock (turf), amount of glazing in the proposed bathroom, and the replacement of a bulkhead on the Lagoon. They also asked for the more information regarding the calculation of the cost of construction and the appraisal of the property.

Mr. Bailey responded that the appraisal submitted was prepared by a licensed appraiser. There have been concerted efforts to design for lower cost, such as avoiding structural expenses in the design. They understand that more detail will be required for the Building Permit application.

Commissioners asked whether the bulkhead work would be a part of the Flood Zone costs for the project.

Mr. Van Son replied those costs are not included in that calculation as a part of the structure.

Commissioner Carapiet asked whether the large 18 foot trees on the side would require neighbor consent.

³ The staff presentation is archived with the record of the meeting.

⁴ The applicants' presentation is archived with the record of the meeting.

Ms. Longfellow replied the tree is are not a hedge and would not require neighbor consent.

No one from the public wished to speak.

Commissioners discussed concerns with appraisal and more so, the construction cost estimates both for flood plain evaluations, as well as for the Construction Time Limits for the project. Some Commissioners felt an independent additional appraisal should be required for the property. Some additional details in the plans were requested including better demolition calculations and more detailed notes and elevations. The amount of glazing on the Lagoon side of the property was also discussed. They discussed that there may be too much glazing and reduction of glazing and increasing of landscaping should be considered. There were concerns expressed with the request for a rear yard setback Variance and whether the dining room area at the rear could be reconfigured and pulled back to eliminate the rear yard Variance.

Commissioners liked the overall design as an improvement with nice materials and colors especially at the front. Commissioners suggested that an alternate material than turf on the dock might be considered. They also discussed that he front yard Variance is relative to an existing condition as are the improvements requiring a Revocable License.

Vice-Chair Mark suggested that the project might be something that could be split up (phased) into more than one project to address the FEMA issues.

The Chair asked whether the applicant would be willing to request a continuance or would they prefer the Commission to make a decision tonight. The implications would be to resubmit with new filing fees for a different project.

Director Borba suggested that a decision might be appealed to the City Council.

Elle Stephens, property owner, stated that the need for a rear yard Variance was a surprise because the addition is within the existing roof overhang. They do want to have that additional 3 feet.

Vice-Chair Mark suggested that the floor plan at the rear could be modified and rotated to reduce the rear expansion, reduce the demolition etc. Things of this type could be considered.

Director Borba stated that the applicant could still ask for a continuance and then later change the submittal in some ways but perhaps not all the requests, or not as they wish.

Mr. Bailey replied they would request the item be continued.

MOTION: To continue the item for **4 Windward Road** to a future meeting.

MOVED BY: Peter Mark, seconded by Nena Hart

VOTE: AYES: Jim Lynch, Larry Stoehr, Marsha Lasky, Pat Carapiet, Nena Hart,
Peter Mark
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Claire Slaymaker

ADJOURNMENT

The meeting was adjourned at 8:50 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on February 18, 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
RECUSED:
ABSENT:

APPROVED: _____
Jim Lynch, Planning Commission Chair

ATTEST: _____
Christina Cook, City Clerk