

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**MEETING HELD VIA ZOOM**

**May 17, 2022 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. The meeting was held via Zoom video conference. Commissioners present via Zoom: Pat Carapiet, Ashley Johnson, Peter Mark, Larry Stoehr, Marsha Lasky, Nena Hart, and Claire Slaymaker. Commissioners Absent: None. Staff present: Director of Planning and Building Irene Borba, Assistant City Attorney Ann Danforth, Planning Consultants, Samie Malakiman, Building Official Brian Van Son, Public Works Director Robert Zadnik, and Permit 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 agendaized for further discussion at a later meeting.*

Commissioner Mark asked if there is any update as to what is the impact on the City if it experiences a short fall on the RHNA allocation for the current housing period.

Director Borba stated that she is still discussing this with the consultants and will report that to the Commission.

**C. REPORTS**

Chair Carapiet and Commissioners thanked Peter Mark for his 7 years of service on the Planning Commission. Commissioners complimented him for his patience, knowledge and guidance. They wish him the best as the new City Council member.

**A. CONSENT CALENDAR**

1. Draft **Minutes of the April 18, 2022**, regular meeting of the Planning Commission.

Commissioner Stoehr also asked if there is any update as to what is the impact on the City if it experiences a short fall on the RHNA allocation for the current housing period.

Director Borba stated that she will follow-up and communicate to the Commission.

Commissioner Stoehr requested a correction to be incorporated in the approved Minutes.

MOTION: To approve Item 1 on the Consent Calendar as corrected.

MOVED BY: Nena Hart, seconded by Ashley Johnson

VOTE: AYES: Pat Carapiet, Peter Mark, Larry Stoehr, Claire Slaymaker,  
Marsha Lasky, Ashley Johnson  
ABSTAIN: Nena Hart (due to absence from this meeting)  
ABSENT: None

#### D. PUBLIC HEARINGS

Commissioner Mark stated he must recuse himself from Item 2 because he owns property within 500 feet of the subject application. He departed from the meeting.

2. Design Review for an interior remodel and addition located at **13 Crest Road**. The project consists of a 413 Square foot addition that is proposed in the existing volume of the home. Additionally, the project proposes a deck addition at the rear of the home. Project Applicant: Carl Oldenburg AIA; Property Owner: David and Diane Williams. Staff recommends that the Commission approve the project proposal. *Recused – Commissioner Mark*

Samie Malakiman, consulting planner, presented the staff report. A slide show accompanied his remarks.<sup>1</sup>

Commissioners did not have any questions for staff

Open public hearing.

Carl Oldenburg, project architect presented the project accompanied by a slide show of the project plans. He clarified that the new deck faces the northeast. The ADU will be at the northeastern corner of the property, far away from the neighbor to the west. The project area at the west end is to finish existing space into a bedroom which by code requires an egress system with doors and windows from that bedroom. Impacts on the neighbors would be minor considering the configuration and distance from the nearest neighbor.

There were no questions for the applicant.

No one from the public requested to speak.

Close public hearing.

Commissioners discussed the project. All had revisited the property and the neighbor's property to consider that neighbors' concerns. There was consensus that the addition of some new trees between properties would benefit the project and improve privacy. All Commissioners can make the findings for the applications. An additional condition of approval is to be added to the draft Resolution to provide a final landscape/lighting plan be submitted for review and approval of the Planning Chair and staff.

MOTION: To approve the Resolution granting Design Review for **13 Crest Road as amended**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

RECUSED: Peter Mark,

ABSENT: None

Commissioner Mark rejoined the meeting.

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<sup>1</sup> The slide show presentation is archived with the record of the meeting.

Commissioner Lasky recused herself as she lives within 500 feet of the subject property. She departed from the meeting.

3. Design Review application for the property located at **7 Britton Avenue**. The project proposes an interior remodel and a raised roofline to 12 feet at the southern portion of the home. The project would replace the home's exterior siding and add new doors, exterior windows, and exterior light fixtures. The pool and driveway would be replaced, as would the roof on the northern portion of the home. Landscaping renovations are proposed throughout the home. Two gates would be replaced at the front of the home as well. The project requires a Revocable License for existing & proposed improvements in the right-of-way. Project Applicant: David Kotzebue at David Kotzebue Architecture; Property Owner: Matthew Quinlan. Staff recommends that the Commission approve the project proposal. Recused – Commissioner Lasky.

Samie Malakiman, consulting planner, presented the staff report. A slide show accompanied his remarks.<sup>2</sup>

Commissioners had no questions for staff.

David Kotzebue presented the project accompanied by a slide show of the proposed plans. They requested relief from the requirement to replace the front sidewalk with an ADA compliant one.

Commissioners asked if applicant agrees to condition of approval to move fence back onto the property.

Mr. Kotzebue stated they would do that in a staggered configuration.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioner Stoehr questioned the requirement to modify the sidewalk in a way that it would break up the consistent line of the sidewalks in the vicinity. May the Commission agree to not require this?

Public Works Director Robert Zadnik stated that the City's ADA Transition Plan requires that when a sizeable project is presented the property bring the sidewalk up to ADA standards. The aesthetics may not be a match now but eventually everyone will be bringing their sidewalks up to the requirements. Perhaps a section of sidewalk could be added to widen this sidewalk.

Commissioner Mark stated that this would not stick out into the roadway. There is a way to implement the requirement where there will be a small 6" section on the southern end added.

Chair Carapiet stated this is not an uncommon requirement and is seen in many neighborhoods.

Building Official stated that the driveway apron is being redone so the requirement is that it must be ADA compliant when replaced per several regulations in effect. Eventually everything must be in compliance with Federal State and local regulations to protect the City's liability.

Commissioners discussed the overall project. They were all in support of design and update of this property. A condition was added to remove the shed from the project as proposed; it is in the

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<sup>2 2</sup> The slide show presentation is archived with the record of the meeting.

setback and the AC unit may need to be conditioned in the approval review of compliance at the permit stage of the project. A condition was added that the portion of fence in the right-of-way be removed and relocated to private property.

Close public hearing.

MOTION: To approve the draft Resolution for Design Review at **7 Britton Avenue** as conditioned.

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

MOTION: To recommend City Council approval of a Revocable License for **7 Britton Avenue**.

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

Commissioner Lasky rejoined the Planning Commission meeting.

4. Design Review (portions of which are retroactive) and Variance and Exception to Total Floor Area for the property located at **105 Golden Gate Avenue** for an addition/remodel of the existing residence which includes the renovation and addition to the existing home and garage. New improvements include the infill construction of a portion of the residence that was previously exterior space within the footprint of the existing residence, a new garage, pool and exterior patios, lawn area and other landscape improvements. An Exception to Total Floor Area is requested to exceed the allowable total floor area and a Variance is required for the height of a retaining wall in the setbacks. Applicant: Sean Bailey (architect). Property Owner: Kasta Tim and Laura Family 2018 Trust. Staff recommends that the Commission hear the proposed project, open public comment and provide direction to the applicants. Recused – None.

Director Borba presented the staff report. A slide show accompanied her remarks<sup>3</sup>.

Commissioners asked questions about the background of the prior unpermitted work, issuance, content and enforcement of the Residential Building Records report (RBR) requirements, the estimation of cut and fill for work already done and proposed, trucks required etc..

Building Official Van Son responded with the qualification that at the architectural plans stage much of the information and valuations are just estimates and specifics are unknown. Plans from

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<sup>3</sup> The slide show presentation is archived with the record of the meeting.

engineers and other experts would be required to confirm the actual figures and processes needed to permit the work. Typically 10 yard trucks are used for cut and fill during projects. Work already performed without permits may require to be removed and rebuilt so that the compliance with building codes is assured for safety. The current owners have been pursuing correction of the unpermitted built by the prior owner in good faith with the City in an on-going effort. Consistent progress has been made to resolve these issues.

Open public hearing.

Sean Bailey, project architect, presented the project to the Commission accompanied by slides of the plans. He thanked the City for the opportunity to hold this study session and to receive feedback on the proposal. They discussed a number of additional modifications they can make to address concerns expressed by neighbors when they return to the Commission.

Commissioner Lasky inquired about dimensions and reason for location of the elevator at the garage; and whether the garage be reduced in width and length.

Response: the elevator is intended to serve the homeowners' parents who will reside in the ADU. Garage dimensions can be studied for reduction.

Elevations and renderings looking up from Belvedere Avenue were requested.

Pool wall heights were clarified: 12 feet at maximum; the lower wall is 7 feet high and the lowest about 4.5" high but the intent is to minimize the visual impact as well as proposed landscaping will be used for screening.

Preservation of landscape screening including preserving the Acacia trees is encouraged. Response: Replacement trees would need to be installed if trees are removed due to construction.

Reduction of window sizes facing Belvedere Avenue would improve privacy.

A lap pool could be considered to reduce the impacts of the large excavation for the regular pool.

Commissioner Slaymaker asked if the grass area is being redone would the lower retaining wall be needed.

Response: design of staggered walls would provide for terraced landscaping.

Commissioner Stoehr suggested that study of the ADU access plan may be needed to preserve ministerial approval compliance and if not compliant, Design Review might be requiring which also would impacts the project square footage calculation. More measurements are needed for heights.

Requested was a legend for symbols used on the plans to assist in understanding the drawings.

Commissioner Hart asked whether the architect aware of the 10-foot PG&E easement on the north side.

A request was made that standard setback lines be shown on the plans and elevations and heights added in the garage plans.

Chair Carapiet asked for specification of the height of the wall lights in the landscaping plans.

The applicant was requested to endeavor to supply data on the existing grade prior to the unpermitted lawn are installation. This is required for height measurements.

Open public hearing.

Eva Hassan, 101 Golden Gate Avenue, requested the garage project and elevator be reduced or return to the previously approved project. A detailed letter has been submitted for the record.

John Wilton, 2 Eucalyptus Road, has 3 concerns: the unpermitted retaining wall and lawn area, retaining walls violate setbacks, and tree protection previously required by the Planning Commission is proposed to be removed. A detailed letter has been submitted for the record.

Roy Wickland, 15 Belvedere Avenue, support stabilization of the hillside across the street and above his property. They request additional time to discuss more mitigation measures in a revised submittal. Evaluate the existing lawn area in place until a geotechnical engineer can do an assessment; removal may be more destabilizing than leaving it in place. If lawn elevation is retained, the proposed retaining walls could be moved back uphill and reduced in height to not more than 4 feet. Additional landscaping should be considered. The lowest wall might better be located closer to the street. The entire bulk and mass of the pool structure should be reduced. Some of the existing Acacia trees are not stable but screening should be replaced. Retaining walls should go the entire length of the property along Belvedere Avenue. He requests construction commence at the Belvedere Avenue frontage first and be completed and then the rest of the project be staged from Golden Gate Avenue. A detailed letter has been submitted for the record.

Giao Trac and her husband Tony, 19 Belvedere Avenue, spoke to preservation of existing trees and objections to the large retaining walls facing them. They are concerned with the safety of the work on the hill. The noise of the infinity pool may be a disturbance. Limited work from Belvedere Avenue should be encouraged.

Close public hearing.

Commissioners commented on the project scope. All have visited the site and several of the neighbors. No Commissioners could make findings for Design Review or for an Exception to Floor Area.

Suggestions included:

Revisit the project design to require no Variances or Exceptions.

Reduce the massive retaining walls or reconfigure.

Limit the amount of excavation under the existing home; address stability concerns.

Address the concerns re impacts of the garage and elevator on the neighbor.

Lower the pool.

Consider alternatives to the garage location as proposed.

Provide plans as requested.

Compliance with preservation of existing site conditions.

Preservation of mature trees.

Reconfigure the design appropriate for a sloped site.

The applicant was asked if they would agree to a continuance to rework the project for a future Commission hearing.

Mr. Bailey replied they would agree to a continuance.

MOTION: To continue the applications at **105 Golden Gate Avenue** to a future meeting.

MOVED BY: Marsha Lasky seconded by Nena Hart.

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

5. Public Hearing to consider recommending City Council approval of Amendments to the Zoning Code and adding a new Title to the Zoning Code; Title 22 for the **Objective Design and Development Standards (ODDS)**. No recusals.

Director Borba presented the staff report. The task before the Commission tonight is to receive comments from the Commission and the public in effort to recommend the Amendments to the City Council for adoption.

Commissioner Mark discussed the changes made to the draft document since the last review by the Planning Commission. Most of the changes are corrections, edits for consistency in the document, formatting, and to incorporate more available styles while remaining consistent with existing Zoning Codes for the applicable zones.

Commissioners suggested additional corrections and revisions and discussed clarifications of sections of this ODDs document. A number of items have been submitted to the Subcommittee as suggested final edits.

A question was asked as to whether future revisions may be made after the City Council adopts this ODDs Ordinance.

Attorney Danforth replied there is a provision that if amendment is considered. the Planning Commission would have to review the report first.

Open public hearing.

Jane Cooper, resident, thanked the Subcommittee and the Commission for all the hard work. She asked this be passed for City Council approval.

Close public hearing.

Commissioner Mark read the following additional list of corrections and edits to be made to the ODDs document. It is suggested that these be incorporated into the final Resolution of recommendation to the City Council.

Zone Map - P. 4/5 Zones slightly modified to more accurately follow property lines. Property lines around Teal Road, and Cove Road Pl.

p. 11 - Added Stoop to T3SN

p. 12 - Added "min" to base flood elevation +1

p. 12 - Added Accessory Structure height limit (16') - same for all zones

p. 13 - Correct foot note relating to setback adjacent to Lagoon for side and back, same for all zones

- p. 13 - Clean up upper story encroachment language, same for all zones
- p. 14 - Changed 1.5 min parking to 2, same for all zones
- p. 14 - Added footnote addressing rear parking adjacent to lagoon, same for all zones
- p. 14 - Corrected Allowable Public Frontage reference (22.05.060.C.1 -> 22.05.050.C.1) and other zones also
- p. 16 - Footnote 2 is hanging, corrected reference
- p. 28 - Added reference in #4 to the table above
- p. 28 - 5 B (1) Added clarification that height must remain within standards
- p. 30 - Wattage to voltage, added max mature height of tree to building height?
- p. 38 - Border and stormwater, changed to feet, not inches
- p. 39 - Fixed title number on table
- p. 40/41 - Fixed the 060 to 050
- p. 43 - Removed reference to since deleted 22.05.050 Slope Standards
- p. 66 - Wings not allowed conflicts with next page, removed conflict
- p. 73 - Added Footnote saying only 2 in T3 zone
- p. 93 - Corrected Sloped roof text
- p. 134 -At all deck illustrations, added footnote saying no roof decks allowed
- p. 105 - Corrected Finish level above sidewalk, conflicts with BFE +1, in all types
- p.105 - Removed Porch Engaged, inconsistent with Setbacks, removed references throughout
- p. 148 - Added roof colors to Materials Pages, for all types also
- p. 163,175 G added ornamental max size max
- p. 121 - 13 b iii change Title 24 to 22
- p. 265 - 2b9 ->40 feet, not 50 feet
- p. 270 - Corrected existing grade reference

It was agreed that these be incorporated into the final Resolution of recommendation to the City Council and into the final draft ODDs document.

MOTION: To adopt the Resolution recommending City Council adoption of Amendments to the Zoning Code and adding a new Title to the Zoning Code; Title 22 for the **Objective Design and Development Standards (ODDS)** as corrected and amended per the discussion at this meeting

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

Meeting was adjourned at 10:05 PM.



Belvedere Planning Commission Minutes

May 19, 2022

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**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

VOTE:        AYES:  
               NOES:  
               ABSTAIN:  
               RECUSED:  
               ABSENT:

**APPROVED:** \_\_\_\_\_

Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_

Beth Haener, City Clerk