

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

June 21, 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. in the Belvedere Council Chambers. Commissioners present: Pat Carapiet, Larry Stoehr, Marsha Lasky, Nena Hart, and Claire Slaymaker. Commissioners Absent: Ashley Johnson. Staff present: Director of Planning and Building Irene Borba, Assistant City Attorney Ann Danforth, Planning Consultant, Samie Malakiman, 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 agendized for further discussion at a later meeting.

C. REPORTS

There were no reports.

D. CONSENT CALENDAR

1. Draft **Minutes of the May 17, 2022**, regular meeting of the Planning Commission.

MOTION: To approve Item 1 on the Consent Calendar.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

ABSTAIN: None

ABSENT: Ashley Johnson

E. PUBLIC HEARINGS

2. Design Review, Demolition, Variance and Exception to Total Floor Area applications for the property located at **31 Alcatraz Avenue**. The project proposes to demolish the existing garage and to construct a new one in a similar footprint as the existing. The project requires an Exception to Total Floor Area to accommodate an elevator addition. A Variance is required for encroaching into the side yard setback. An interior remodel and landscape and hardscape improvements are also proposed. Applicant: Albert DeLima at Weir Anderson Architects. Property Owners: Mark and Alison Weinzierl. Staff recommends that the Commission approve the project proposal. No Recusals.

Director Borba presented the staff report. A slide show accompanied her remarks.¹

Commissioners did not have any questions for staff.

Open public hearing.

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

Albert DeLima, project architect recapped the revisions to the proposed project and enumerated the changes made so that it will meet all the required findings for approval.

Commissioners asked about public view obstruction, and alternate locations for the air conditioner unit.

The applicant responded that the sound levels for the unit are very low. Measures to keep view corridors open have been incorporated into the design revisions.

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. A majority of the Commissioners can make the findings for the applications. Commissioner Stoehr could not make the findings for the Variance or an Exception to Total Floor Area. 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 Demolition for **31 Alcatraz Avenue.**

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

MOTION: To approve the Resolution granting Design Review for **31 Alcatraz Avenue.**

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

MOTION: To approve the Resolution granting a Variance for **31 Alcatraz Avenue.**

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

MOTION: To approve the Resolution granting an Exception to Total Floor Area for **31 Alcatraz Avenue.**

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

Commissioner Hart recused herself from Item 3 (**400 San Rafael Avenue**) as she owns property within 500 feet of the subject property. She departed from the meeting.

3. Design Review (retroactive) & Variance for the property located at **400 San Rafael Avenue** for the construction of batting cage. A variance is required for encroachment into the setbacks. The structure is already built. Applicant/Property Owner: Joe Miller & Ann Sheridan. Staff recommends that the Commission deny the proposed project. *Commissioner Hart recused.*

Director Borba presented the staff report. A slide show accompanied her remarks.² She reported that late mail had arrived after the issuance of the staff report and was distributed to the Commission.

There were no questions for staff.

Open public hearing.

Joe Miller and Ann Sheridan, property owners and applicants described the reasons they constructed the batting cage for the use to benefit their son and other neighborhood kids. Mr. Miller believes the noise issue is minimal, and does not exceed 60db. There are 19 letters of support from immediate neighbors including some they do not know personally. They are willing to modify the layout to get the two posts out of the setback. Ms. Sheridan explained that they are respectful of the noise ordinance and the prescribed quiet times.

Close public hearing.

Commissioners discussed the project. Several were supportive of the reasons for constructing the batting cage but they are unable to make findings for retroactive Design Review and Variance. The noise factor is in conflict with the quiet nature of the residential neighborhood. Here the project seems to have been constructed without permits, even after the approval process was discussed with the applicants. The height, size, and location in the setback are in conflict with the Design Review and Variance findings.

MOTION: To approve the draft Resolution denying Design Review and Variance at 400 San Rafael Avenue.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

Commissioner Hart rejoined the Planning Commission meeting.

1. Design Review, ADU, Variance, and Revocable License applications for the property located at **310 Beach Road**. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed

² The slide show presentation is archived with the record of the meeting.

on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. *Staff recommends that the Commission hear the proposed project, open public comment and provide direction to the applicants.* **No Recusals.**

Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks³.

Commissioner Stoehr asked for clarifications regarding the plans for the Revocable License area improvements.

Mr. Malakiman suggested that the architect is present and can clarify.

Open public hearing.

Steve Wisenbaker project architect, presented the project to the Commission accompanied by slides of the plans. They have determined that they can reconfigure the plans to eliminate the need for Variances. He described the scope of work, construction methodology, including utilization of a mechanical elevator-like system for removal of excavation materials uphill to be trucked out. The exact route of the stairs to the dock will be determined after a further professional analysis of the soils and geological details, but the drawing for the Revocable License tonight is close to what will be the final layout.

Commissioners received clarifications of project details, including the retaining walls, cut and fill, construction methods, site stairs, tree removals and design details.

Open public hearing.

Michele Kyrouz, 300 Golden Gate Avenue spoke in opposition to the proposed roof deck which, with the required railing, will impede her views. She suggested that construction and debris removals might be less impactful on the neighborhood if the removals were taken out possibly from the waterside instead of the impact on the street.

Mr. Conroe spoke in response regarding the concerns of Ms. Kyrouz.

Close public hearing.

Commissioners commented on the project scope. It was clarified that the ADU itself is not under review as it is eligible for ministerial approval, but the roof deck is being considered in the current Design Review.

Open public hearing.

Ms. Kyrouz stated that if the Commissioners could visit her property they could observe the potential view impacts of the proposed roof deck.

Close public hearing.

Commissioners discussed the project. They were pleased that the Variances would no longer be needed based on information that there have been some recent revisions that will be presented at the next hearing. There was discussion as to the proposed stairs on the public land below the property, and what would be the justification for approval new stairs in the proposed Revocable License. In any case, lighting should not be installed on those stairs. An elevation of the house

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

from the waterside viewpoint was requested for the future meeting. The ADU windows might be reduced in size and preserving the lower windows as they are now should be considered.

Commissioner Lasky asked how the City can allow for the use of a dock but not provide a way for the property owners to get to it, even if across public land. She stated that the proposed stairs will improve safety and hill stability in the zig-zag configuration. Preservation of the large tree at the street would be encouraged. The lower tree might also be preserved if the wall is designed to go around it. Plantings on the retaining walls would provide for an attractive green appearance.

Chair Carapiet stated that the question of public benefit would be essential to approval of the new stairs, so that may need to be studied.

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

Mr. Wisenbaker replied that would be acceptable.

MOTION: To continue the applications at **310 Beach Road** to a future meeting.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker.

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

Meeting was adjourned at 8:45 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on July 19, 2022, by the following vote:

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

APPROVED: _____

Pat Carapiet, Planning Commission Chair

ATTEST: _____

Beth Haener, City Clerk