

Open public hearing.

Doug Norby, 39 West Shore Road, stated that story poles may be needed to illustrate whether there is any potential that the boat lift and boat may block his view of the City.

Close public hearing.

Commissioners asked staff to clarify some details of the proposal.

Ms. Allsep replied the railing would be about the same height from the deck as the existing one. A boat lift is proposed but Section 20.06 of the Belvedere Municipal Code also governs and limits the position of the boat and the heights of the dock. The nearest neighbor to the project was consulted and had no issues. The existing pier is being raised to the maximum allowed height, which in this case is 1.5 feet.

Commissioners discussed that story poles might be helpful to inform their decision.

MOTION: To continue the item for **43 West Shore Road** to a future meeting to allow for the placement of story poles for public review.

MOVED BY: Nena Hart, seconded by Claire Slaymaker.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Claire Slaymaker, Nena Hart
RECUSED: Marsha Lasky.
ABSENT: Peter Mark.

Commissioners Hart and Mark are recused from Item 4 (**1 Belvedere Way**) because they own property within 500 feet of the subject property. Commissioner Slaymaker is recused because she is the applicant.

4. Design Review, Exception to Total Floor Area, Variance and Revocable License to convert the existing carport into a garage for the property located at **1 Belvedere Way**. The subject property is currently over the allowed floor area and an Exception to Total Floor Area is required to further exceed the allowable floor area. The project also requires a Variance to encroach into the side yard setback. A Revocable License is required for existing and proposed improvements in the city right-of-way. Applicant: Walker and Moody Architects; Property Owner: Robert and Claire Slaymaker.

Commissioner Stoehr stated he removed the item from the Consent Calendar to make a comment that the request is asking for improvements in the right of way. The terracing that would improve the support of the street area would provide a public benefit, but the garage is on public property and does not provide a public benefit. It is true this is a conversion of an existing carport on public property, so because of this, he can support the project.

Open public hearing.

No one wished to speak.

Close public hearing.

MOTION: To approve Design Review for the property located at **1 Belvedere Way**.

MOVED BY: Marsha Lasky, seconded by Larry Stoehr.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky.
RECUSED: Claire Slaymaker, Peter Mark, Nena Hart.

MOTION: To adopt the Resolution granting an Exception to Total Floor Area for the property located at **1 Belvedere Way**.

MOVED BY: Marsha Lasky, seconded by Larry Stoehr.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky.
RECUSED: Claire Slaymaker, Peter Mark, Nena Hart.

MOTION: To adopt the Resolution granting a Variance to allow the garage side yard setback at minus 3'3" where minus 2'8" exists and 10' is permitted at **1 Belvedere Way**.

MOVED BY: Marsha Lasky, seconded by Larry Stoehr.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky.
RECUSED: Claire Slaymaker, Peter Mark, Nena Hart.

MOTION: To recommend a Revocable License to the City Council for private improvements in the City right-of Way at **1 Belvedere Way**.

MOVED BY: Marsha Lasky, seconded by Larry Stoehr.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky.
RECUSED: Claire Slaymaker, Peter Mark, Nena Hart.

Commissioner Lasky recused herself from Item 5 (**31 West Shore Road**) because she owns property within 500 feet of the subject property. She retired from the Council Chambers.

5. Retro-Active Design Review to replace the existing front yard fence and gate located at **31 West Shore Road**. The new fence and gate will replace the existing. Applicant: McCauley Construction; Property Owner: Andrew Price.

Associate Planner Markwick presented the staff report. A slide show accompanied her remarks.¹

Commissioner Stoehr asked if Retroactive Design Review is approved would a new Revocable License be required?

Ms. Marwick replied there is currently no new Revocable License required because the location of the fence has not changed.

Commissioner Stoehr asked whether Section 20.04.050 allows for a fine to be imposed on a per day basis as well as the \$1000 per violation? If so, then how many days would be involved here? In addition, if the Retroactive Design Review is denied, what would be the result?

City Attorney Longfellow replied that amount of the fine is at the discretion of the Planning Commission up to the maximum allowed of \$100,000 at \$1000 per violation and per day. If the Retroactive Design Review is denied then the denied improvement might be required to be removed. Consideration of a new Revocable License cannot be considered tonight because that would need to be noticed for a future public hearing.

Chair Lynch requested that if the item is continued tonight, staff might clarify how the number of days of a violation is established – for example would the filing date of the application for Retroactive Design Review be used or some other criteria? Would there be an additional issue of continued work after the Stop Work was posted also to be considered?

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

Open public hearing.

Elizabeth Brekhus, Brekhus Law Partners, is representing the applicant, Mr. Price. The fees submitted to date amount to 3 times a regular application. No prior discussion has been held with staff regarding the subject of \$1000 per day as a possible penalty nor was it discussed in the staff report for tonight. She would want to be able to discuss this with her client. Because the pool is in the front yard a fence is a necessity. In regards to the Revocable License there has also been no prior discussion. There is a recorded agreement with the neighbor regarding the side fence and front fence which provides that 31 West Shore would move a pre-existing shed at that side of the property back to their own property, relocate the side fence to their own property and would release a claim of an easement along the side of the property. In return, the existing front yard fence would remain in the current location which encroaches over the neighbor's property, until the time that either property changes hands.

Chair Lynch how can the Planning Commission not find that the work was intentionally continued after the City posted a Stop Work notice?

Ms. Brekhus replied she would like to consult with the owner as to how this occurred and put the complete information before the Commission for consideration at a future meeting.

MOTION: To continue the item for **31 West Shore Road** to a future meeting, to be re-noticed to include discussion of the Revocable License issue.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Nena Hart, Claire Slaymaker
RECUSED: Marsha Lasky
ABSENT: Peter Mark

Commissioners Hart and Slaymaker recused themselves from Item 6 (**20 Eucalyptus Road**) because they own property within 500 feet of the subject property.

6. Design Review, Exception to Total Floor Area and a request for a Construction Time Limit Extension for an addition/remodel for the property located at **20 Eucalyptus Road**. The project proposes to repair/replace the existing foundation of the residence and to construct an addition on the lower level to create a new master bedroom/suite, guest room and media room. Additionally, an addition at the front entry of the home is proposed for an expansion of the living room to create a new vestibule connecting the main house to an existing bedroom. The project proposes a deck expansion on the rear of the main residence and a roof deck on the Middle level of the residence. The subject property is currently over on floor area and an Exception to Floor Area is required to further exceed the allowable floor area. A Revocable License is required for existing and proposed improvements in the city right-of-way. Property Owner & Applicant: Elizabeth Mitchell.

Director Borba presented the staff report. A slide show accompanied her remarks.² A letter of support received recently has been provided tonight to the Commission. She stated that the application for extended Construction Time Limits was not complete in time for this meeting and may be agendized for a future meeting.

Elizabeth Mitchell, owner and architect for 20 Eucalyptus Road described the project.

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

There were no questions for the applicant.

Open public hearing.

There were no comments from the public.

Close public hearing.

Commissioners commended the applicant for the nice design and appropriate requests. They discussed the project and stated that after site visits and study of the staff report and plans they agreed that they can make the findings as stated in the staff report.

MOTION: To approve Design Review for the property located at **20 Eucalyptus Road**.

MOVED BY: Marsha Lasky, seconded by Pat Carapiet.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky
RECUSED: Peter Mark, Nena Hart, Claire Slaymaker

MOTION: To adopt the Resolution granting an Exception to Total Floor Area to allow 5,278 square feet where 4,850 square feet is permitted for the property located at **20 Eucalyptus Road**.

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky
RECUSED: Peter Mark, Nena Hart, Claire Slaymaker

MOTION: To recommend a Revocable License to the City Council for private improvements in the City right-of way at **20 Eucalyptus Road**.

MOVED BY: Marsha Lasky, seconded by Pat Carapiet

VOTE: AYES: Jim Lynch, Larry Stoehr, Pat Carapiet, Marsha Lasky
RECUSED: Claire Slaymaker, Peter Mark, Nena Hart

7. Demolition, Design Review, Exception to Total Floor Area, Variance and Revocable License for the property located at **6 West Shore Road**. The project proposes to demolish the existing house and attached garage and construction of a new 5,750 square foot house, attached garage, pool house and extensive landscaping through the property. The project requires an Exception to Total Floor Area to exceed the allowable floor area. The project also requires a Variance because a portion of the proposed new home will exceed the allowable height. A Revocable License is required for proposed improvements in the city right-of-way. Applicant: Reba Jones, Butler Armsden Architects; Property Owner: The Holland-Jager Family Trust.

Associate Planner Markwick presented the staff report. A slide show accompanied her remarks.³ A number of letters were received after the issuance of the staff reports. Copies have been provided on the dais for the Commissioners.

Discussion was held regarding possible amendment to the draft Resolution regarding CEQA findings.

Commissioners asked for clarification of recommended proposed conditions of approval. Ms. Markwick outlined those conditions as found on page 2 of the draft Design Review Resolution. They are listed in condition 2 with four bullet points.

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

Lewis Butler, Butler Armsden Architects, presented the project as described in their plans and project applications. A slide show accompanied his remarks.⁴

Commissioners asked Mr. Butler to comment on the possibility of reducing the height and relocation of the guest (pool) house, and removal of the kids' viewing platform. Mr. Butler responded they would be flexible to consider those suggestions.

Open public hearing:

Carole Bagattini, 3 North Point Circle, has concerns regarding the closeness and height of the new home, the potential to block her views of Mt. Tamalpais, light pollution impacts, and the removal of the Cypress tree. She has submitted letters previously discussing these concerns. A photograph was displayed of the view of the story poles from her home.⁵

Harry Somerfield, 339 San Rafael Avenue, stated that when a home is demolished, the new home should conform to the zoning standards for setbacks, height and floor area.

Hans Ulmark, 1 Golden Gate Avenue, expressed concerns about privacy impacts, especially from the back deck, as well as the height of the proposed new home. The removal of the Cypress tree is also a concern.

Deb Holland, 175 San Rafael Avenue, has submitted a letter previously. She stated they have concerns that the proposed home will impact her light and privacy, is unnecessarily tall, and would cause shadowing of her home and that of several neighbors as well.

Christina Hackwell, 195 San Rafael Avenue, is concerned about the impacts on her sunlight and views from the proposed house.

Aaron Mount, 8 West Shore Road, sent a letter and renderings that illustrate how relocation of the pool house to the middle of the property would remove impacts on light and privacy at his home.

Mr. Butler responded that the height and location of the pool house can be revised to reduce neighbor impacts. The proposed and approved new home at 9 West Shore Road, which he also designed, may be more of a view limiter to the uphill properties than 6 West Shore Road. The writing studio has negligible shadow effects. He presented an alternative profile of the studio with a lower height and changed windows which might be a possible revision they could offer. Additionally some rear windows may be eliminated to reduce light impacts.

Neil Sorensen, attorney for the applicants, stated that the findings for the height Variance can be made as outlined in his recent letter. Re-siting the home to the rear of the property would likely have greater impacts on neighbors.

Commissioner Lasky observed that the applicant's submitted table of height Variances may not be completely fair, because the individual circumstances of some lots may mitigate those heights.

Close public hearing.

Commissioners discussed the project at length. Consensus was that the design and style and colors and materials are very nice. However the size of the home needs to be reduced both in floor area and height. The pool house and pool need to be moved more to the center of the property to respect neighbors' privacy and reduced in size and height. The writer's studio and kids' deck need to be eliminated to address concerns with design, height and privacy impacts. Retention of the Cypress

⁴ The slide show presentation is archived with the record of the meeting.

⁵ The slide is archived with the record of the meeting.

tree and other mature landscaping for as long as possible will mitigate privacy concerns as well as reduce construction impacts. The rear deck should be eliminated. Glazing should be studied and reduced as needed. Proposed fencing and hedges need to be clarified and neighbor approvals obtained as may be required. The front decks over the garage might be eliminated leaving only a central deck over the front door. Commissioners favored continuing the applications for revisions to be resubmitted at a future meeting. The applicant agreed.

MOTION: To continue the applications for **6 West Shore Road** to a future meeting

MOVED BY: Larry Stoehr seconded by Nena Hart.

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

RECUSED: Peter Mark.

8. As remanded by the City Council on an appeal, consideration of Design Review and Conditional Use Permit for waterfront improvements at **121 Belvedere Avenue**. The proposal includes a new private pier, dock, boat lift, platform lift, access stairs, hillavator and above grade deck. Applicant: LAK Associates, Sean Kennings; Property Owners: David McClosky 121 Belvedere Avenue. *(ITEM TO BE CONTINUED) (Commissioners Mark, Hart and Slaymaker recused)*
9. Design Review for new fencing at **405 San Rafael Avenue**. The project proposes to remove a portion of the existing fence at the rear property line and to replace it with a new 4 foot, cedar fence on a portion of the property at the rear. The project also proposes a new 4 foot cedar fence at the left side (south) property. Minor landscape changes are also proposed. Applicant/Owner: Daniel Oakley and Nancy Dapprich *(ITEM TO BE CONTINUED)*.

F. OTHER SCHEDULED ITEMS

10. Appointment of an Ad Hoc Subcommittee regarding the treatment of City-owned lands and consideration of the lease or purchase of public property for certain cases for private improvements in the public right-of-way.

Chair Lynch reported that he would like to appoint Commissioners Mark and Lasky to join him on this Ad Hoc Subcommittee.

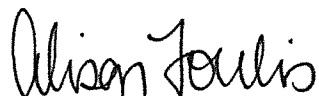
ADJOURNMENT

The meeting was adjourned at 8: 44 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on April 16, 2019 by the following vote:

VOTE: Ayes: Jim Lynch, Marsha Lasky, Pat Carapiet, Claire Slaymaker, Larry Stoehr, Nena Hart
Abstain: Peter Mark (absent from meeting)

APPROVED: 
Jim Lynch, Planning Commission Chair

ATTEST: 
Alison Foulis, City Clerk