

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

APRIL 21, 2020 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Vice Chair Peter Mark called the regular meeting to order at 6:30 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Peter Mark, Marsha Lasky, Larry Stoehr, Pat Carapiet, Nena Hart, Jim Lynch and Claire Slaymaker. Absent: None. Staff present: Director of Planning and Building Irene Borba, Associate Planner Rebecca Markwick, City Attorney Emily Longfellow, 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.

Staff verified there were no requests to speak from members of the public via Zoom or email.

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: Larry Stoehr, seconded by Claire Slaymaker

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

1. Draft **Minutes of the February 18, 2020** regular meeting of the Planning Commission.

2. Design Review and Exception to Total Floor Area for an addition/remodel of the existing residence located at **278 Bayview Avenue**. The project scope of work is to replace work that was damaged from a flooding event in the home and to seismically upgrade the home. The project includes but is not limited to a complete interior remodel, exterior modifications such as new siding and windows as well as the enlargement of an existing upper floor deck and the modification of existing bay windows. A Revocable License is required for existing improvements in the city right-of-way. Property Owner: Amanda Hoenigman; Applicant: Studio Vara – Maura Abernathy. *Staff recommends that the Planning Commission adopt the required resolutions for approval and recommend to City Council approval of the requested Revocable License.*

Chair Mark stated that Item 3 (**50 San Rafael Avenue**) is being continued to a future meeting at the request of the applicants.

1. Consideration of Historical Designation of property at **50 San Rafael Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. Applicant & Property Owners: David and Wendy McCarthy. *Staff recommends that the Planning Commission recommend to the City Council that the subject property be designated as a local historic landmark.* Recused Commissioner Carapiet.

MOTION: To continue Item 3 (**50 San Rafael Avenue**) to a future Planning Commission meeting.

MOVED BY: Nena Hart, seconded by Jim Lynch.

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

B. PUBLIC HEARINGS

1. 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. *Staff recommends that the Planning Commission adopts the required resolutions for approval and recommends to City Council approval of the requested Revocable License.*

Associate Planner Rebecca Markwick presented the staff report. A slide show presentation accompanied her remarks.¹ She outlined the revisions that have been made to the prior project. She indicated that two letters were received from neighbors after the issuance of the staff report. The letters had been provided to the Commissioners electronically prior to the meeting and are incorporated into the record. Ms. Markwick stated that the need for an additional Variance for Lot Coverage will be required, and if the Planning Commission wishes to approve the project this will need to come back to the next meeting for approval. She stated that the applicant has not been able yet to secure another appraisal due to current shortage of available appraisers. They hope to

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

be able to have this done by the time of the Building Permit submittal and have proposed a methodology for review/approval of the multiple appraisals.

Commissioners asked questions regarding the Lot Coverage Variance details and process for consideration and approval.

Ms. Markwick replied that originally, lot size was calculated based on a prior proposal to expand the lot size by having a new bulkhead location. When that bulkhead location was deleted from the current scope, the resulting recalculation of lot size was not readjusted in the current plans. Now the estimated Lot Coverage is: Existing Lot Coverage 62%, and Proposed Lot Coverage 56% (where 50% is allowed). The Variance will need to be noticed for a future meeting agenda and discussed at that time.

Commissioner Lynch asked whether the proposed appraisal methodology would be acceptable to the Building Department when submitted.

Building Official Brian Van Son replied that it would be acceptable.

Open public hearing.

Sean Bailey, project architect, described modifications made in response to comments from the prior meeting. A slide show accompanied his remarks.² Changes include window reductions in both number and sizes, tinted glazing material for windows facing the Lagoon, added landscaping and trees for screening, lighting fixture reductions and relocations. A study was made regarding relocating the proposed dining room but has resulted in no change because structural issues would make such a change cost prohibitive. The current distance from the dining room to the Lagoon is well set back at 26'9". Details on the plans have been updated for better clarity. An updated budget for the project is now estimated to be \$680,000. A new appraisal is being sought for submittal at the time of the Building Permit application.

Commissioners asked questions of the applicant including: would they consider reducing the height of the windows facing the Lagoon, perhaps by adding a header that would screen out light emissions from interior ceiling lighting, can they provide cut sheets of the proposed light fixtures, whether proposed rear yard trees could be re-sited to be directly in front of the tall windows instead of being offset from them, and if the new appraisal could use a methodology where the valuation of the home is averaged for the total square-footage of the home inclusive of *both* conditioned and unconditioned space.

Mr. Bailey responded that all these requests can be considered.

Open public hearing.

There were no comments from the public received by email or by direct participation in the live Zoom meeting.

Close public hearing.

Commissioners discussed the project in detail. There was general agreement that the design was attractive and well done, and the choices of colors and materials were very tasteful and would be an improvement for the neighborhood. There were no objections to the current Variance applications for garage encroachment at the front yard or dining room at the rear yard setbacks. There were mixed opinions on the use of the dark glazing at the rear façade as to appearance and whether this would be sufficient to address light emission concerns, and that further mitigation

² The applicant's presentation is archived with the record of the meeting.

might be needed by adding a header to the rear windows, a reduction in the size of those windows, or both, as well as a possible relocation of proposed trees for screening from light spillover. One Commissioner requested that one of the front street trees not be removed.

There was also mixed opinion as to whether the project could be approved without having the revised appraisal available for consideration. Chair Mark stated that the Commission needs to know when it is approving a project that it can be built as approved, as opposed to having to learn later that it would need modification to be compliant or might need to become a phased project.

The applicants were asked to consider whether they would prefer a conditioned decision tonight, or a continuance to address the comments of the Commission, since they must return next month anyway to get approval of the additional Lot Coverage Variance request. The applicants replied they would prefer a decision tonight if possible.

Commission discussed further and decided that they would like to continue the item so the applicant can make modifications discussed to the windows, lighting and landscaping plans for full review by the Commission at the same time they would be considering the added Lot Coverage Variance.

MOTION To continue the item for **4 Windward Road** to the next Planning Commission meeting.

MOVED BY: Nena Hart, seconded by Pat Carapiet.

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

2. Planning Commission consideration to modify specific conditions of approval related to the barging of equipment & materials to the subject property and off-hauling of soils and other materials from the Bay for a project currently under construction at **46 Cliff Road** for a new single-family dwelling. Applicant: Mark Swanson, Jamba Construction; Property Owners: Rudolph G. Koppl Trust. *Staff recommends that the Planning Commission adopts the required resolutions for approval.*

Director Borba presented the staff report. A slide show presentation accompanied her remarks.³ Letters received from neighbors that have been received after the issuance of the staff reports had been provided to the Commissioners electronically prior to the meeting and are incorporated into the record. A revised draft Resolution has been provided to clarify details of the modifications to the approval.

Commissioners had no questions for staff.

Mark Swanson, Jamba Construction, applicant and contractor for the project presented the project modification request. A slide show presentation accompanied his remarks.⁴ The detailed report outlined the history of project approvals, and the need for modifications to the original approval Resolution granted by the Planning Commission. These modifications are to address additional concerns received from outside agencies regarding restrictions and regulations for accessing the site with equipment and materials arriving from the shoreline waters. Mr. Swanson presented a

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

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

plan for modified construction methods to allow for continued progress on the project while he continues to address the outside agencies with additional information and planning to mitigate any impacts on the biology of the shoreline and shoreline waters. He discussed also plans to regularly communicate and coordinate with affected neighbors regarding construction processes, such as many concrete pours (to be spaced apart on alternate Fridays), equipment or materials deliveries, vanning for workers, and other efforts to make the project progress with the least impact possible.

Commissioners asked when the applicant might expect the outside agencies to issue permits for work from the water to resume.

Mr. Swanson stated he is unsure, probably not until June or July, especially given the current public health situation. Biological information and other information requests are being prepared for submittal and review. The agencies seem to be working collaboratively to move the process along.

Open public hearing.

There were no requests for public comment via the Zoom meeting portal or received by email.

Close public hearing.

Commissioners discussed the requested modifications. There was consensus that the applicant has a clearly understood plan to continue the project with as little impact as is possible on the community. They were pleased with the outreach to neighbors, suggesting that additional communications with the affected residents of Belvedere Avenue and Belvedere Way might be helpful.

MOTION: To adopt the resolution approving modifications to the conditions of approval for **46 Cliff Road**.

MOVED BY: Marsha Lasky, seconded by Larry Stoehr.

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

3. Consideration of a Resolution recommending **City Council adoption of an Ordinance amendment to Belvedere Municipal Code Title 20, "Architectural and Environmental Design Review,"** Section 20.04.050 Effect of Noncompliance removing automatic retroactive design review penalties and utilizing City's existing code enforcement mechanisms. The City of Belvedere's Design Review Code chapter 20.04 provides that all new building, structures, and other exterior physical improvements require design review approval, and that any such improvement constructed without design review approval constitutes a nuisance and violates the Municipal Code; and Section 20.04.050 provides that the City may issue a stop work order for any structure or improvement that is being constructed without design review approval, and that the City may enforce design review requirements by all available legal and administrative remedies including but not limited to: Nuisance Abatement (Municipal Code Chapter 8.12); Administrative Remedies (Municipal Code Chapter 1.14); and/or 3) Administrative Citations (Chapter 1.15), and that all remedies are cumulative; and the City desires to clarify procedures necessary to correct

design review violations, including structures that were constructed without design review approval, utilizing the existing enforcement mechanisms, deadlines, and procedures in Title 1 of the Municipal Code (the "Ordinance Amendment"). *Staff recommends that the Planning Commission recommend to City Council approval of the proposed Ordinance modifications.*

City Attorney Emily Longfellow presented the staff report.

There were no questions from the Commission.

Open public hearing.

There were no requests for public comment via the Zoom meeting portal or received by email.

Close public hearing.

Commissioners discussed and agreed that the modifications to the Ordinance will provide clarity and consistency for the processing of retroactive applications and for enforcement of noncompliance.

MOTION: To recommend to the City Council approval of the proposed Ordinance modifications.

MOVED BY: Jim Lynch seconded by Marsha Lasky

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

ADJOURNMENT

The meeting was adjourned at 8:35 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on May 19, 2020 by the following vote:

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

APPROVED: _____


Peter Mark, Planning Commission Chair

ATTEST: _____


Christina Cook, City Clerk