

1. Draft **Minutes of the April 21, 2020** regular meeting of the Planning Commission.
2. **Annual Housing Report** pursuant to California Government Code Section 65400(a)(2) on implementation of the existing City Belvedere Housing Element. Applicant and Property Owner: Citywide. Staff recommends that the Commission accept the Annual Housing Report.

MOTION: To approve the Consent Calendar for Item 3 as agendized below:

3. Planning Commission consideration of an application for Design Review and an Exception to Total Floor Area for modifications to approved plans for the property located at **20 Eucalyptus Road**. The proposal is for the enclosure of an existing lower level patio under an existing deck at the rear of the home. Applicant/Property Owner: Elizabeth Mitchell. Staff recommends that the Planning Commission adopts the resolutions of approval for Design Review and the Exception to Total Floor Area. *Recused: Commissioners Mark, Hart and Slaymaker.*

MOVED BY: Larry Stoehr, seconded by Jim Lynch

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

B. PUBLIC HEARINGS

4. Design Review, and Variances 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 including a reduction in the area and dimensions of glazing on the rear of the home to 276 sf (reduced from 303 sf), and relocation of trees for screening of windows. A new appraisal was submitted prior to the meeting a few hours earlier. The Flood Plain Administrator/Building Official was able to review the new appraisal and his comment was that the inconsistencies in the appraisal may lead to the project being deemed a Substantial Improvement at the time of the Building Permit review.

In response to Commissioner requests to elaborate on the Building Official's comments on the new appraisal, Ms. Markwick read from an email received this afternoon.² She added that the draft Resolution of approval contains a condition of approval for submittal of a third independent appraisal should the project be approved by the Planning Commission.

Chair Mark noted that the new appraisal today included some outdoor improvements that should not have been included and without those, the current project cost valuation would exceed the 50% threshold.

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

² The Building Official's email comments are archived with the record of the meeting.

Sean Bailey, project architect, described the design changes including added headers on the rear windows, reduction of window heights, a shift of the locations for two Japanese Maple trees and addition of blackout shades. He has not yet had the opportunity to review the new appraisal completely but he requested that the project be considered for approval with the approach that any such issues would be addressed at the Building Permit stage.

Commissioners asked for clarification as to the why there is a proposed outward relocation of the bulkhead in the current submittal.

Mr. Bailey replied that the engineers feel that moving the bulkhead out would be needed to support the planter to have enough depth for the trees. If not approved, he indicated that he could look at alternatives.

Pete Pedersen, landscape architect for the project, stated that the weight of the planter to accommodate the requested trees necessitates the small relocation of the bulkhead.

Commissioner Lasky asked if the design of the project may change due to the appraisal.

Mr. Bailey replied that possibly the standing seam roof replacement might be done in a later phase.

Commissioner Slaymaker asked are there any alternatives to the planters with the Japanese Maples.

Mr. Pedersen replied that they would be fine with putting in alternative plantings; this design was specifically to accommodate the Maple trees that the Commission had requested.

Commissioner Lynch asked whether there is any reaction by the applicants to the new appraisal.

Mr. Bailey replied that they have not yet had an opportunity to review this in detail as it was only just received today.

Vice-Chair Carapiet observed that any fill added to the Lagoon for the bulkhead would necessitate a CEQA review, so consideration of a revision to the planting plan to work with the current bulkhead location will be needed.

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.

Commissioner Lynch expressed concern with approving this project in-light of the new appraisal. Although a very nice design, he also has concerns with Lot Coverage in the current project.

Commissioner Slaymaker agreed with Commissioner Lynch. She agreed that the design is very nice but the problems with the new appraisal make her uncertain as to whether it can be approved.

Commissioner Stoehr liked the changes to the windows, including the headers. He is concerned about the issue that allowing the movement of the bulkhead would be creating a precedent which results from moving the setback line. In-regards to the appraisal from today this project valuation seems to be over the FEMA threshold at 53%.

Commissioner Stoehr asked staff if it would be better to continue the project to address this cost issue rather than approve it and wait for the Building Department to determine it could not meet the FEMA requirements. He asked if the applicants would have to do the entire Design Review process all over again if that were to occur.

Ms. Markwick replied that a decision on this application is required tonight because of the Permit Streamlining Act. If the project needed to change to address the FEMA limitations the applicants would have to come back for Design Review. Depending on the type and scope of changes the project might be reviewed as a Design Review Exception (staff level) approval.

Commissioner Lasky stated that the changes that were made were very beneficial, especially the glazing changes. The large trees are important, they need to be kept for screening of light onto the Lagoon. This is a very well thought out design. She can make the findings for Design Review and Variances, and she hopes that the applicant can make changes to address the appraisal.

Commissioner Hart stated that if this bulkhead is moved outwards then the lot size increases. She asked if there is no fill behind it, is that void area behind the bulkhead still counted as lot square-footage.

Ms. Markwick replied that the actual property line is in the water. The area for calculating Lot Coverage is from the bulkhead which would be the summer level high water line. In this case the potential issue is that if there is fill going into the Lagoon then a CEQA review is required. This would be verified at the time of the review of the Building Permit plans.

Chair Mark stated that the point of Commissioners Stoehr and Carapiet is that moving this bulkhead might affect and benefit later applications. He would suggest that the applicant look for an alternative solution.

Commissioner Hart expressed concerns with the proposed strip lighting at the garage walls and at the entry gate, in addition to already having lights illuminating the surfaces, which is normally not encouraged. This would be too much lighting on the street frontage. The other changes to the plans are good improvements, but instead of the planters for the trees, a trellis could be substituted with plantings to screen windows.

Vice Chair Carapiet agreed that the bulkhead issue needs a workaround. With the new appraisal it will be difficult for her to approve the project. She agrees that the lighting at the garage is also an issue.

Chair Mark agreed with Vice Chair Carapiet that the relocated bulkhead would require fill which is both subject to CEQA and in conflict with the BLPOA requirements. Because the Commission asked for additional landscaping in front of the windows, it appears that the applicants will need to come back with an alternative solution to screening the windows. The cost equation is difficult considering changes to the project may increase project costs. Lot Coverage is still an issue. He finds the design to be attractive. This project shows that there is a shortfall in the review process, especially about the appraisals coming in so late. He asked if the City Attorney could comment on the appraisal issue.

Attorney Longfellow observed that there is a condition of approval for a third appraisal is in the draft Design Review Resolution. Although this is not a finding for Design Review the City Subcommittee is currently discussing this process. There is a finding in the Design Review Ordinance that discusses nonconformities which are a consideration. Here this valuation and appraisal concern might be considered a nonconformity and could be cause for rejecting the application. In addition, there are some issues with the requested Lot Coverage Variance. If moving the bulkhead could be considered a special privilege, then the associated Variance could not be approved.

Commissioner Stoehr stated that the project approval could be conditioned that the bulkhead remains in the current location.

Attorney Longfellow replied that if such a condition were added that would remove that issue. Additionally, the Resolution could be conditioned to address the needed screening with a subsequent landscaping plan for review.

Commissioners agreed to add the condition for the bulkhead remaining in the same location and the landscaping submittal be required for review and approval by the Chair and Planning staff.

MOTION: To adopt the Resolution granting Design Review approval as conditioned for the bulkhead to remain where it is and the landscaping plan be reviewed by the Chair and Planning staff, for **4 Windward Road.**

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker.

Commissioner Stoehr requested that the condition of approval be changed that the new bulkhead be in the same location as the previous bulkhead which no longer exists.

Commissioner Hart asked that the Resolution also be conditioned to address review of the lighting plan by the Chair and Planning Staff.

A substitute motion was made to reflect the amended conditions as follows:

MOTION: To adopt the Resolution granting Design Review with added conditions that the bulkhead be located in the same place as the prior bulkhead, and that the landscaping and lighting plans be reviewed by the Chair and the Director of Planning and Building for **4 Windward Road.**

MOVED BY: Claire Slaymaker, seconded by Larry Stoehr.

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

MOTION: To adopt the Resolution granting a Variance for the Front Yard setback for **4 Windward Road.**

MOVED BY: Claire Slaymaker, seconded by Jim Lynch

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

MOTION: To adopt the Resolution granting a Variance for the Rear Yard setback for **4 Windward Road.**

MOVED BY: Larry Stoehr, seconded by Claire Slaymaker

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

MOTION: To adopt the Resolution granting a Variance for the Lot Coverage for **4 Windward Road.**

MOVED BY: Larry Stoehr, seconded by Marsha Lasky

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

MOTION: To recommend City Council approval of a Revocable License for **4 Windward Road.**

MOVED BY: Larry Stoehr, seconded by Claire Slaymaker

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

5. Planning Commission consideration of an application for a General Use Permit. The proposed use includes a retail plant nursery and home goods store located at **1520 Tiburon Boulevard.** Property Owner and Applicant: Belvedere Land Company. *Staff recommends that the Planning Commission adopts the required resolution for approval of the Conditional Use Permit.*

Associate Planner Markwick presented the staff report. A slide show accompanied her remarks.³

Staff confirmed that there was no prior Use Permit for the property.

Beth LaDove, co-owner of Ground LLC, the applicant business, introduced herself and was available for questions.

Commissioners had no questions for the applicant.

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 welcomed the new business to the City. It was suggested that the inventory of the nursery include deer resistant plants. All Commissioners expressed support of the application for a General Use Permit.

MOTION: To adopt the Resolution approving a General Use Permit for **1520 Tiburon Boulevard.**

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker.

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

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

RECUSED: None
ABSENT: None

ADJOURNMENT

The meeting was adjourned at 8:00 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on June 16, 2020 by the following vote:

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

APPROVED: _____
Peter Mark, Planning Commission Chair

ATTEST: _____
Christina Cook, City Clerk