BELVEDERE PLANNING COMMISSION

MINUTES

SPECIAL MEETING

MEETING HELD VIA ZOOM

JUNE 16, 2020 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Vice Chair Peter Mark called the special meeting to order at 6:00 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, and Planning and Building 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.

Director Borba has received a request to speak from Mr. Greg Wood.

Greg Wood, 205 Golden Gate Avenue, stated that he believes the roof color approved for 28 Eucalyptus Road was in violation of several sections of the Belvedere Municipal Code.

Chair Mark replied that he will have Planning staff contact him to discuss his options on this matter.

C. REPORTS

Commissioner Stoehr asked for update on the formation of a subcommittee to discuss the Belvedere Municipal Code rear yard Setback Ordinance language in regard to the R1-L (Lagoon Zone) properties.

City Attorney Emily Longfellow stated that she and Director Irene Borba will work on setting up an ad hoc committee (minority of members) and they will be in touch with Commissioners to move this forward.

D. PRESENTATION and DISCUSSION

1. Planning Commission presentation and discussion regarding Objective Design and Development Standards. The City of Belvedere applied with the County of Marin and other local Marin jurisdictions for a SB 2 (Atkins) Building Jobs and Homes Act planning grant to facilitate Housing Element programs. The County and other local jurisdictions are working together to ensure that design guidelines for multifamily housing developments maintain a high quality and will be context sensitive. An effort is underway to prepare Objective Design and Development Standards (ODDS) that will result in a toolkit of standards that, when adopted, will provide a clear review and approval process. This will also ensure that design and aesthetic of developments address topics such as architectural style while accommodating current and future legislation requirements. Dave Javid from Plan to Place will be presenting.
Director of Planning and Building Irene Borba introduced the item to the Planning Commission. She stated that Belvedere received a State grant in 2019 to be used to help facilitate the creation of Objective Design and Development Standards (ODDS). These are intended to facilitate the development of more housing for all income levels through a clearer review and a more streamlined approval process. The Planning Directors of Marin County jurisdictions have been working jointly to create these standards with the consultants. Each jurisdiction will have standards that are designed for their own jurisdiction. She introduced Dave Javid from Plan to Place to lead the report.

Dave Javid, Plan to Place, facilitated the presentation. He introduced Stefan Pellegrini from Opticos Design of Berkeley, to make the report. A slide show presentation accompanied his remarks. He covered 5 topics: What are Objective Design Standards, Why should Communities Have Them; Where should Objective Design Standards Apply, How will Marin Create Objective Design Standards, and a Case Study: Novato.

Commissioners asked for clarification of the applicability of ODDS standards in Belvedere; how would “by-right” projects come into play.

Mr. Pellegrini replied that by-right projects are those that would be approvable ministerially, such as projects that under state law would be compliant with the ODDS standards that would regulate that project. An example would be some types of affordable housing projects. In this circumstance no discretionary decision could be made to deny such a project.

Mr. Pellegrini discussed the process of developing the ODDS standards. One step was to create an “Atlas” to identify sites for multi-family infill development across Marin County for cross-commonalities that could help design a template for ODDS standards. Many sites have been identified in existing General Plans. Several sites were submitted for Belvedere to be analyzed and categorized into “Place Types,” along with over 750 other individual sites across Marin. The goal is that design templates can be developed that would be applicable to those Place Type categories in the “Atlas.”

In addition, a County-wide public survey was released to establish an understanding of perspectives and readiness around multi-family infill development, challenges, and opportunities for improved design standards. The survey is open to the end of June and Belvedere citizens are encouraged to take the survey.

The Place Types Atlas can identify Marin County environments that share characteristics across jurisdictions. The Atlas will also be used to show how and where the template can apply in more detail. Building Types in the template can direct the form and character of individual housing types.

The nature of most Marin County jurisdictions is that they are not urban places where one could anticipate mixed use building types in their core areas. Here there is a missing middle scale in which there would be house-scaled buildings of two to three stories in height that are shaped and formed to be compatible to be adjacent to, or integrated into, single family neighborhoods. Environments like Belvedere are anticipated to continue to be low scaled environments, so here the goal would be to establish standards for infill projects can be the appropriate size and scale.

Once the template has been prepared jurisdictions will look how to apply that locally. Some may want to work individually and internally with their own staff to apply it locally. Others may want to get help with administration and review procedures to integrate portions of the template that are

1 The slide show presentation is archived with the record of the meeting.
applicable into their zoning ordinance. We will also be doing work to provide another layer of
detail for architectural standards to further direct the character and style of ODDS tailored to
individual jurisdictions.

Mr. Pellegrini discussed an example of how this ODDS process has been applied to, and has
benefitted, Novato’s Northwest Neighborhood.

The timeline for the ODDS project is 3-phased. Phase 1 for Project Understanding is done,
currently Phase 2 is underway for the Place and Building Types Atlas and template, and will be
ongoing through this summer working with the Planning Directors’ working group, and Phase 3
in the Fall this will be rolled out for further review of the Architectural Pattern Book and ODDS
standards for community input in individual communities.

Commissioners asked how the Flood Zones and high fire areas will work with these standards.

Mr. Pellegrini replied that typically those would be exempt from ODDS. The geography where
these would be applicable in Belvedere is a fairly-small area.

Director Borba replied that we have very limited areas. The few vacant lots we have are up on the
Island. Staff looked to see if there are other properties in the area that had the potential for
development in the future, places that are close to transit and other public amenities. Jillian Zeiger
from the County is here tonight who may wish to comment.

Ms. Zeiger stated that all of the state legislation exempts areas that are in high fire hazard severity
zones and also in the 100-year flood zones from the ODDS standards. There are a handful of sites
that may possibly be available to study for this project.

Chair Mark asked if with only a few sites, what is the advantage to Belvedere to participate in the
project?

Mr. Pellegrini said that the Marin County participating jurisdictions have been unique in their
approach to the task. By pooling their SB2 funds they are receiving much less expensive and
complicated results than if they had proceeded on their own.

Ms. Zeiger added that developers are getting more savvy about how they can make proposals under
SB35 and SB330, and that jurisdictions will not have much in the way of control over the design,
unless there are ODDS standards. These are a preventative measure to make sure that the
architectural character and form you have worked so hard to have will continue with multifamily
and mixed-use projects.

Commissioner Lasky asked how the architectural design standards work; will there only be a few
certain designs without flexibility so that everything would look the same.

Mr. Pellegrini replied that there are two layers; first there is some assurance of basic standards to
ensure a basic design quality in terms of proportion, design elements, and possibly materials in a
direction to work across different architectural styles. One might propose a building of a whole
variety of styles that would still be compliant with that direction. A second layer would be if/when
a community wants more attention to distinct architectural styles. Many communities want a way
that building proposals could for example be to have a historicist expression to articulate or
emulate the character of their community. This might get into a greater level of details as to
elements that would go on the outside of buildings to help express one or more architectural styles.

Commissioner Slaymaker asked who would be making those decisions – the Planning
Commission, staff or whom.
Mr. Pellegrini replied a by-right project could receive ministerial approval without any review by Commission or Council or staff because it was 100% compliant with the ODDS that are in place. There can be the establishment of a condition where the ODDS could be very prescriptive and would establish the gates to gain by-right approval. However, there could be another layer, where for all projects there might be some opportunity to have some process to allow some, but limited, discretionary discussion on some elements. Communities will vary as to how they feel about the amount of discussion on the details of projects. With ODDS in place there may be fewer elements that are considered in discretionary discussions, for example colors and materials or transitions, etc.

Chair Mark asked for clarification as to who would establish the ODDS to begin with.

Mr. Pellegrini said that the ODDS would come from his group. Once they have been created then they work with the Planning Director and the City would ultimately make the decision as to what parts of these ODDS will be determined to be applicable in their own jurisdiction.

Open public hearing.

Ken Johnson, Belvedere citizen, asked for clarification of the terms “infill projects” – meaning increased housing, “the corridor” and “by-right” projects. Has there been consideration of the transportation aspect into all of this? For example, the way that Tiburon Blvd. narrows down to just a two-lane road at Blackie’s Pasture which has been a huge community concern for traffic issues.

Mr. Pellegrini responded that ODDS is a project that is seeking to provide better regulatory tools to implement the plans that are already in place. When we are talking about infill housing this is not about reconsidering or revising the potential for housing, that has not already been considered and analyzed in the CEQA process under the existing General Plan, Zoning, and housing needs in the Housing Element. The ODDS are a tool to better provide design standards for housing projects at are already anticipated to occur in the current Planning horizon. The Housing Element has cycles about which Ms. Borba may be able to further comment.

Director Borba added that the current RHNA cycle is asking for 16 more units to be provided. Belvedere has largely been able to provide units through ADUs and JADUs. Moving forward HCD is looking at a new methodology to calculate how much housing each jurisdiction will be required to provide in the next cycle. Those numbers are likely to go up quite a bit and each jurisdiction will be required to provide more housing.

Ms. Zeiger added that in hearing the new housing unit requirements that Southern California jurisdictions have been receiving there is a significant increase. All the housing sites that are added to the Housing Elements have to go through an environmental review, including transportation. Currently based on vehicle miles traveled. This is a typical issue for many Marin jurisdictions.

Close public comment.

Commissioner Hart asked is this whole ‘development’ discussion about funded government development or private development?

Director Borba this is about creating standards for private developers to have a toolkit so that when they are designing a project they have standards around which to design.

Chair Mark added that these are guideline standards that are also meant to protect the City. He asked what comes next.
Director Borba stated that staff will be working on next steps with the consultants and the Marin County Planning Directors working group. She will report to the Planning Commission probably in the early fall at another public meeting, staff will keep the City informed as to the developments of the project. She thanked the consultants for their presentation.

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, follow the remote meeting procedures referenced above, state your name in the “chat” section of the remote meeting platform, and indicate the item. If you do not have access to the Zoom meeting platform, please email the Director of Planning and Building, Irene Borba at iborba@cityofbelvedere.org and indicate that you would like to remove a consent calendar item and identify the item. After removing the item, the City will call for comment at the appropriate time.

MOTION: To approve the Consent Calendar for Item 2 as agendized below:

MOVED BY: Nena Hart, seconded by Claire Slaymaker.

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

2. Draft Minutes of the May 19, 2020 regular meeting of the Planning Commission.

Chair Mark reported that Consent Calendar Item 3 (218 Bayview Avenue) is to be continued.

3. Extension of time for Design Review, Exception to Total Floor Area and Variance approval for a new single-family residence and attached garage located at 218 Bayview Avenue. Property Owner: GCLD LLC; Applicant: Leyla Hilmi.

E. PUBLIC HEARINGS

4. Planning Commission consideration of Design Review to paint the home at 5 Golden Gate Avenue. The home is currently under construction and the homeowners would like the hardie plank to be painted Artic White. Applicant and Property Owners: Amy DeVincenitis and James Mersfelder. Staff recommends that the Planning Commission adopt the required design review resolution for approval.

Associate Planner Rebecca Markwick presented the staff report. A slide show presentation accompanied her remarks.²

Commissioner Lynch asked whether the proposed color relates to the color of the home before the construction project.

Ms. Markwick replied she believes it was originally a little darker.

Commissioner Lasky asked if the applicant can comment on the proposed trim color.

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

Amy DeVincenitis, property owner, would like to use the Arctic White color to go well with the landscaping.

Commissioner Lasky asked if the owner would be willing to paint the trim a contrasting trim color.

Ms. DeVincenitis replied she would.

Open public comment.

Director Borba did not see any requests for public comment.

Close public comment.

Commissioners discussed the application. Several recalled that the previous house was white. There was agreement to have a contrasting trim color and the foliage around the property to soften the color. They agreed that the blue door color is very nice. There was consensus to agree with the findings in the staff report.

MOTION: To adopt the Resolution granting Design Review for the property located at 5 Golden Gate Avenue.

MOVED BY: Jim Lynch, seconded by Marsha Lasky.

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

NOES: None

ABSTAIN: None

RECUSED: None

Chair Mark, Commissioners Hart and Slaymaker recused themselves from Item 5 (18 Eucalyptus Road) because they own property within 500 feet of the subject property. They departed from the Zoom Meeting. Vice Chair Pat Carapiet presided.

5. Planning Commission consideration of an application for Design Review for an addition/remodel of the existing home for the property located at 18 Eucalyptus Road. The proposal includes the remodeling of the existing two bedroom and two bath home to become three bedrooms with four baths. The proposal includes removing one of the existing bedrooms on the upper level and replacing it with a larger master bedroom closet and new stairs to the lower floor of the residence. The lower floor existing recreation room is proposed to be remodeled and an addition of 221SF is proposed to be added to construct two new bedrooms and bathrooms. Additionally, landscaping modifications are proposed for the addition of 21 new trees (oaks). These trees have already been planted at the front of the property. A Revocable License is also required for improvements in the right-of-way. Applicant/Property Owner: Stephen and Pamela Pasquan. Staff recommends that the Planning Commission adopt the required resolutions of approval. Recused Chair Mark, Commissioners Slaymaker and Hart.

Director Borba presented the staff report. A slide show accompanied her remarks.\(^3\) One letter of support from the neighbor at 20 Eucalyptus Road was submitted which was included in the staff report. Ms. Borba stated that the City Attorney has drafted some additional language for the

\(^3\) The slide show presentation is archived with the record of the meeting.
Resolution as a possible added condition of approval related to the Oak trees, which can be discussed after public comment.

Commissioner Lynch asked if it is correct if the proposed Revocable License is only to be for clarifying an existing encroachment, but without any new work proposed in the right of way.

Ms. Borba confirmed that is correct.

Open public hearing.

Director Borba stated another letter was received by email from Sandy Donnell, 137 Golden Gate Avenue, to be read during public comment at the meeting. Director Borba read the letter into the record.

Michael Pasquan, owner’s representative, stated that the proposed addition is to achieve a conforming 3-bedroom, 4 bath home. The footprint and colors and materials remain the same as the rest of the house. The only affected neighbor from 20 Eucalyptus Road has submitted a letter of support for the addition. The 21 California Live Oak trees were planted behind the fence in the front of the property which is 12 feet back from the edge of the street, and the property line is in the middle of the street. In that 12 feet, there is a 3-car gravel parking strip and the six-foot fence is covered heavily with creeping fig. As a result, when driving down the street one cannot see the water. The trees are planted 14 feet from edge of pavement, and although close together, they are under a canopy of 3 very large 40-foot Oak trees so they will never grow taller than those due to the light and air. We are willing to sign this Revocable License and engage in periodic trimming and maintenance, so they create a nice, pleasing screen from the street of the house from below, and to provide privacy for visual and noise. People drive fast in this stretch of the road. We hope to make the wording of the Revocable License to create a workable maintenance agreement. If we need to remove every other tree, we could plant those elsewhere on the very large lot.

Director Borba stated there have been no other comments submitted from the public on the Zoom meeting.

Close public hearing.

Commissioner Lynch stated that he reviewed the plans and reports and is familiar with the property. He can make the findings for the remodel and addition and can recommend the revised Revocable License. He cannot make the findings for Design Review for the trees. It is not clear to him that any fire hazard is an issue, but he would agree with Ms. Donnell that the property is already heavily screened, which might be an additional finding for denial of the trees.

Commissioner Stoehr agrees with Commissioner Lynch. He can make the findings for the addition and remodel but not for the trees. The trees are planted so close together that they constitute a hedge that is over 6 feet high. He does not think that any agreement for maintenance would be appropriate. He can recommend the Revocable License to the City Council.

Commissioner Lasky can support the addition as it fits nicely into the existing home and on the large property. She can also recommend the Revocable License to the City Council. She stated she cannot support the request for the trees. She agrees that the new trees may not grow given their location and lack of light. It would be difficult to enforce a maintenance agreement, especially as properties change hands. She would recommend that the applicant reapply separately for Design Review for the trees.

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4 The letter is archived with the record of the meeting.
Belvedere Planning Commission Minutes  
June 16, 2020  
Page 8

Vice-Chair Carapiet stated she can make the findings for the addition to the home and to recommend the Revocable License to the City Council. She agrees with the staff report and cannot make the findings for the trees.

City Attorney Longfellow stated that some revised language in regard to the trees might be considered as follows in the draft Resolution:

“The 21 Oak trees as shown on the landscaping plan are not approved and shall be removed. Notwithstanding anything to the contrary in this condition, the applicant may submit a new landscape Design Review application that includes a portion of the oak trees. If this Design Review application is submitted and granted within a reasonable time, certain oak trees as approved may remain. However, the remainder must be removed.

Except as approved in any subsequent landscaping Design Review application explained above, the oak trees shall be removed within 90 days…”

MOTION: Adopt the Resolution as conditioned, and including the revised condition just read by the City Attorney, granting Design Review for the addition and remodel, and denying Design Review for the planting of Oak trees at 18 Eucalyptus Road.

MOVED BY: Jim Lynch, seconded by Marsha Lasky.

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

MOTION: To recommend to the City Council approval of an updated Revocable License for improvements located in the public street right-of-way along Eucalyptus Road and roadway easement.

MOVED BY: Jim Lynch, seconded by Marsha Lasky.

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

ADJOURNMENT

The meeting was adjourned at 7:58 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on July 21, 2020 by the following vote:

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

APPROVED: [Signature]

ATTEST: [Signature]  
Beth Haener, City Clerk