BELVEDERE PLANNING COMMISSION
MINUTES
REGULAR MEETING
MEETING HELD VIA ZOOM
JULY 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, and Jim Lynch. Absent: Claire Slaymaker. 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.

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.

Greg Wood, 205 Golden Gate Avenue, requested that the matter of the color of the new roof at 28 Eucalyptus Road be agendized for discussion by the Planning Commission.

Chair Mark replied that staff will contact Mr. Wood.

C. REPORTS
No one wished to speak.

D. OTHER ITEMS
Appointment of Subcommittee to review setbacks for properties in the R-1L zoning district. Three (3) planning commissioners to be appointed to the subcommittee.

Commissioner Stoehr stated that this was his request. He would like to serve on this subcommittee.

Commissioners Lynch and Carapiet agreed to volunteer to serve on the subcommittee.

E. 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 Items 1 through 4 as agendized below. Commissioner Lynch stated he must recuse himself from Item 3 because he owns property within 500 feet of the subject property.
MOVED BY: Marsha Lasky, seconded by Jim Lynch

VOTE:    AYES: Peter Mark, Pat Carapiet, Larry Stoehr, Nena Hart, Marsha Lasky
    NOES: None
    ABSTAIN: None
    RECUSED: Jim Lynch (Item 3)
    ABSENT: Claire Slaymaker, Jim Lynch (lost Zoom connection at time of vote)


2. Planning Commission consideration of application requests for Design Review, an Exception to Total Floor Area and a Variance for an addition/remodel of the existing residence located at **107 Acacia Avenue**. The applicant proposes the conversion of an existing crawl space to be structure. An Exception to Total Floor Area is required as the project proposal exceeds the maximum floor area permitted and a Variance is required for encroachment into the rear yard setback. Applicant: Christie Tyreus (architect). Property Owners: Galina Mishnyakova & Michael Varshavsky.


4. Planning Commission consideration of Design Review, Exception to Total Floor Area and Variance approval for a new single-family residence and attached garage located at **218 Bayview Avenue**. This project was previously approved by the Planning Commission in 2017 and the entitlements have expired. The review of this project is required because the entitlements have expired. Property Owner: GCLD LLC; Applicant: Leyla Hilmi.

F. PUBLIC HEARINGS

Chair Mark announced that Item 7 (**270 Beach Road**) will begin the Public Hearings because Commissioner Lynch is recused for this item and this will allow time for him to restore his Zoom connection for the later items.

7. Consideration of Design Review to remove one Magnolia tree growing on the north-west corner of the property on a steep slope at **270 Beach Road**. Applicant: Aleck Wilson Architects; Property Owners: James and Hollie Haynes. Staff recommends approval of the requested application as conditioned. Recused: Commissioner Lynch.

Associate Planner Markwick presented the staff report. A slide show accompanied her remarks.¹ Commissioners had no questions for staff.

Aleck Wilson, project architect presented the request. He described some alternatives to keeping the compromised Magnolia tree, including replacement with a large Camphor tree located to accommodate screening needs of the neighbors. He indicated that the boxed replacement tree would be brought to the site during the construction to help with temporary screening of the construction site until it can be planted in the new location.

John Merten, landscape architect for the project, explained that the proposal would be an improvement over the current situation, in that the existing Magnolia tree had been negatively

¹ The slide show presentation is archived with the record of the meeting.
impacted by its location against the former house and foundations. He indicated that the Camphor tree will do well in the proposed, well-protected, location.

Commissioners asked whether the project could be staged by other means such as use of barges or sequencing the work so that the Magnolia could remain in place and if there would be room for it with the new house design. Questions were asked about the choice of a Camphor tree as a replacement and possible issues with that species.

The applicants' team responded that a change to the construction plan would mean more time and expense. Barging is not an option due to the impediment of the City sewer line at the beach. There would be room for the Magnolia to remain, at about 12 inches from the new roofline.

Open public hearing.

Laura Albers and Ned Klingelhofer, 400 Bella Vista Avenue, stated that the effort to keep the tree is more important than the access for the construction. This should have been considered earlier. They requested that the tree remain.

Bert Richards, 266 Beach Road, stated that the initial arborist report stated that the Magnolia tree was in good condition and form. A copy of that report was submitted with their letter. He has not observed that the irrigation and tree protection recommendations are being followed during the construction. The Richards said that they object to the proposed Camphor tree as it would be a lower and denser tree with negative impacts on the light to his property. The impacts of the track construction vehicles on the Redwoods is also a great concern. They do not believe that the applicants have made protection of the trees as a priority. They would agree that leaving the Magnolia would be best.

Dan Wolf, project manager, responded that the access plan is tied to the schedule to complete the project. They considered alternative plans for construction but those would take additional weeks longer.

Mike Esker, site superintendent stated that the trees are being watered and mulched to protect them and are following the tree protection plan

Close public hearing.

City Attorney Longfellow stated that the issue for consideration tonight is a Design Review application.

Commissioners discussed and agreed that leaving the Magnolia in place as originally planned would be the appropriate way to honor original commitments made at the time of the project approval, as well as to screen the construction site. Every effort should be made to retain and protect the Magnolia tree. None of the Commissioners were able to make the findings for Design Review.

MOTION: To deny Design Review to remove a Magnolia tree at 270 Beach Road.

MOVED BY: Marsha Lasky, seconded by Nena Hart.

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

Commissioner Hart stated she must recuse herself from Item 5 because she owns property within 500 feet of the subject property. She shut off her Zoom screen and muted herself for the duration of the item.

Commissioner Lynch rejoined the Zoom meeting.
5. Planning Commission consideration of Design Review to paint the home at **309 San Rafael Avenue**. The property owners are requesting to be paint the exterior of the home including the trim and fencing white; “Chantilly White”. Applicant and Property Owner: Hedy Holmes. Recused: Commissioner Hart.

Director Borba presented the staff report.

There were no questions for staff.

Open public hearing.

Hedy Holmes, property owner, applicant, is available for questions. She stated the property is heavily screened by landscaping.

Commissioners asked the applicant if she had considered a less stark white color, and also whether she would consider a differentiation of color for the trim and the fence.

Ms. Holmes replied that she compared the sample of this color to other area homes and it was right in line with many of the other homes. She stated that the style of the home is mid-century and not appropriate for contrasting trim. She believes she should be able to get the same approvals as other homes in the area.

No one from the public wished to speak.

Close public hearing.

Commissioners discussed the fact that the home is heavily screened from the street and behind a high fence. Some felt that the Chantilly Lace color is too stark to be used on both the house as well as the fence. They asked the applicant if she would consider painting the fence a different color.

Open public hearing.

Ms. Holmes replied that she would rather not leave the fence as is and painting it a different color would not be that visible behind the landscaping and trees.

Close public hearing.

MOTION: To approve Design Review for paint color at **309 San Rafael Avenue**.

MOVED BY: Jim Lynch, seconded by Peter Mark.

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

Commissioner Lasky stated she must recuse herself from Item 6 because she owns property within 500 feet of the subject property. She shut off her Zoom screen and muted herself for the duration of the item.

6. Consideration of Design Review to paint a portion of the home at **39 West Shore Road**

Benjamin Moore “Swiss Coffee” and installation of a hot tub. Applicant: William Melton/Night Palm Interior Design; Property Owner One Five LLC. Staff recommends approval of the requested application as conditioned. Recused: Commissioner Lasky.
Associate Planner Markwick presented the staff report. A slide show accompanied her remarks. She noted that the hot tub is very far back from the property line.

Open Public Hearing.

Bill Melton, applicant, explained the application is to repaint the concrete surfaces of the home. The requested hot tub is one of the quieter models, will be screened with plants, and has a small footprint for privacy both for the neighbors and for the owner.

Commissioners asked if there was consideration of lowering the hot tub, which, at 38.5” high would be very visible, and whether the deck strong enough to support the weight of the hot tub and the water. They asked whether the applicants have considered moving it farther back towards the house. One Commissioner wanted to know if the applicant might consider a third, different color for the fence.

Mr. Melton replied that the round hot tub is a natural wood finish to be consistent and mesh into the space. They do not want to open up the deck with the related potential structural impacts. An existing planter box has material that is already higher than the proposed hot tub. The location is over one of the piers which is adequate for support. Moving it back would be in front of a door or else in the BBQ area. The concept is that the owner would have the benefit of the water view while being shielded from neighbors. The suggestion of a different color for the fence would not be acceptable in that there is already a third color for the house with the bronze windows and downspouts in addition to the wood and the painted surfaces.

In response to the a question as to whether there is documentation that the hot tub would have 42db sound level, Mr. Melton replied that the CEO of the company provided a letter that was submitted to the City, but there is no published specification or data to that effect available. Mr. Melton stated that the consensus amongst hot tub vendors is that people are asking for quiet hot tubs so that is what is being provided.

No one from the public wished to speak.

Close public hearing.

Some Commissioners expressed concerns with the hot tub location relative to neighbor privacy. One had concerns with painting the fence the same color as the other concrete areas. The chosen Swiss Coffee color is acceptable for the home by some of the Commissioners especially with the modified stain color of the wood. Findings in favor of the light paint color include that the painted areas for the light color are broken up. There has been no objection submitted by neighbors.

MOTION: To approve Design Review for the property located at 39 West Shore Road.

MOVED BY: Jim Lynch, seconded by Peter Mark.

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

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2 The slide show presentation is archived with the record of the meeting.
8. Planning Commission consideration of Design Review for the property located at 339 Golden Gate Avenue for site modifications including but not limited to landscaping, exterior lighting, the addition of a trellis and arbor structures, new railings & gate and planters. Applicant/Property Owners: David and Julie Flaherty.

Director Borba presented the staff report. A slide show presentation accompanied her remarks. Commissioners asked for clarification as to existing lighting shown and not shown on the current plans, which lighting has been approved, and which lighting is being requested for removal, as well as information relative to the approvals the Olive trees.

Ms. Borba responded to questions and indicated that the property owner will be able to further clarify the information.

Open public hearing.

David Flaherty, property owner, explained that the lights that are not shown on the current plans are the landscape lighting on the building itself, on the street wall, the LED lights on the tower deck under the parapet, above the garage doors, and the back LED lights across 8 doors, and the tower lights. Approved step lighting that was modified at the front of the property were moved from the stair treads to the side walls to reduce light into the street.

Mr. Flaherty stated that the installation of the larger Olive trees was intended to mute the front wall at the right side. Just as the existing Palm tree has been substantially thinned out, they will do the same to the Olive trees. They will keep these to 12 feet in height per City code, although they are elevated somewhat because they are the 5.5’ berm.

He stated that the louvered lights in the street wall were added for safety after witnessing several incidents from vehicles during the construction.

The 3 lights above the garage are small LEDs now turned down to 5%. The same has been done to the tower lights. The interior house lighting will be reduced to 25%. He believes the interior chandelier in the tower is the source of much of the light seen in the photos submitted by neighbors.

To address complaints, the lights along his daughter’s balcony were turned off several months ago and the 8 lights above the 8 doors at the back deck are now turned off. For safety they put the LED strip along the edge of the glass rail on the deck. He would offer to keep the fixtures at 5% but if that is not sufficient he will offer to have the electrician disconnect the fixtures rather than remove the fixtures because of the potential for damage to the plaster and will commit to an agreement with the City.

The original trellis that was deleted from the scope they now would like to install, as previously approved. Another new trellis on the wall and the proposed new planter on the deck, and the new railings are to be added to the new plans.

Commissioners asked questions of the applicant.

Mr. Flaherty had the following responses:

The tower chandelier is located above the landing leading to the door to the outdoor platform and can be turned down or have some bulbs removed. It is not used all the time.

Drawings for the new trellis and planter boxes have not yet been provided but will be made available for the Chair and Director’s approval.

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3 The slide show presentation is archived with the record of the meeting.
LED lighting under the parapet is not visible off site.

The owner knew that the ancient Olive trees he planted were twice the approved box size but he feels they are more beautiful and would not grow much taller. There is an intention to prune and thin them in the fall.

Signatures are still being sought from neighbors regarding the hedges, as noted in the submittal. The LED lights on back deck are not visible to others so would not need to be dimmed.

The 6 speakers on the back deck may have been omitted on the approved plans.

The numbers and locations of the step lights at the front entry are not installed as approved. The mushroom lights are also not on plans and they may be more visible as they are at a higher elevation than the street.

Carmen and Tom Freiberger, 312 Golden Gate Avenue, stated they object to the lights along the wall on the street. This is not typical in Belvedere. The Olive trees that were planted are not as approved and are much taller. They are at least 15 feet above the 42-inch berm. A promised view to the right of the garage was opened up initially, but then it was filled in with the Olive tree. They asked what would be the enforcement of any maintenance restrictions for the height of the trees.

Sandy Donnell, Golden Gate Avenue, submitted a photo taken last night. Was the chandelier on?

Mr. Flaherty replied that the chandelier was on.

She stated that she would support permanently turning off the exterior tower down lights.

Mr. Flaherty responded that the promised primary view corridor for the Freibergers was toward the lane and the right hand side of the garage, which has been maintained. The Palm tree pruning opened up the view even more to the public. When the Olive trees are pruned this will open views up even more. He will commit to maintaining the trees at 12 feet as a condition in the City agreement. The wall lights are needed for safety along the street.

Chair Mark asked the City Attorney to comment on Code Enforcement mechanisms.

Ms. Longfellow replied there is an Administrative citation process, similar to getting a ticket, with a range of escalating fines, or a larger Code Enforcement process before the City Council with fines up to $1,000 per day per violation.

Carmen and Tom Freiberger stated that the view that Mr. Flaherty promised was of Sausalito and the water. They asked, how is Code Enforcement handled in Belvedere.

Ms. Longfellow responded that generally, as in all jurisdictions, this is complaint-based.

Close public hearing.

Commissioners discussed the project. Points that were made included:

There was agreement that the project is very beautiful but there is a need to clear up the lighting and landscaping issues.

Commissioners agreed that the documentation here tonight is incomplete and hard to review. Plans for all items under consideration need to be complete.

Commissioners agreed that a reduction in the amount of lighting is needed.

The tower chandelier light may be causing the most issues but there is uncertainty as to how to regulate that as it is an interior fixture.
There was agreement that the downlights on the tower should be permanently disabled, or possibly even removed.

There should be elimination or removal of the 8 outside down lights on back deck.

There was mixed opinion about retaining or reducing the number of LED lights by the glass railing.

The number of step lights might be reduced by half to reduce the reflective effect. Path lighting may need to be revisited. There are more lights installed than are shown on the current plans.

There is a need to further review the 6 outdoor speakers.

The fencing, railing, and trellis requests are supported. It was suggested to add an additional safety railing on the outside of the orchard where there is a dangerous drop off.

Olive trees may remain but need to be thinned and limited to 12 feet height. As these are in the right of way it may be easier to document and enforce this as a condition. The planting of the larger trees is a problem and is difficult to decide how to address the unapproved installation.

Consensus was that there needs to be a continuance to address the completeness of the plans both existing and proposed, and to clarify the final items to be considered by the Commission.

Mr. Flaherty responded that he will agree to come back to the Commission for final review.

Chair Mark advised the Commission that Commissioner Lynch just now had to leave the meeting.

MOTION: To continue the item for Design Review for the property located at 339 Golden Gate Avenue.

MOVED BY: Pat Carapiet, seconded by Marsha Lasky

VOTE: 

AYES: Peter Mark, Pat Carapiet, Marsha Lasky, Pat Carapiet, Larry Stoehr

NOES: None

ABSTAIN: None

ABSENT: Claire Slaymaker, Jim Lynch

RECUSED: None

Director Borba informed the Commission that the available time left for the Zoom meeting is close to running out. There would not be sufficient time to hear Item 9, and because Commissioner Lynch is no longer available there isn’t a quorum for Item 10 to be heard.

MOTION: To continue Items 9 and Item 10 (below) to next month’s Planning Commission meeting.

VOTE: 

AYES: Peter Mark, Pat Carapiet, Marsha Lasky, Pat Carapiet, Larry Stoehr

NOES: None

ABSTAIN: None

ABSENT: Claire Slaymaker, Jim Lynch

RECUSED: None

10. Planning Commission consideration for Design Review for an addition/remodel and other site improvements of an existing single-family residence located at 22 Eucalyptus Road. The proposal includes an addition (approx. 642 Sq) at main house upper level for a new master bedroom; complete interior renovation of the existing residence; exterior landscape including replacing the existing pool with new infinity edge pool, new decks at entry, new stairs and gate at street side, new landscaping and new exterior lift from garage level to main floor. The proposal includes replacing the existing stucco with new exterior siding and paint and replacing the existing wood shake roof with new synthetic slate roof as well as the replacement of exiting doors & windows. A Revocable License is required for existing and proposed improvements in the Eucalyptus Road right-of-way. Staff recommends approval of the requested application as conditioned. Recused: Chair Mark, Commissioners Hart, and Slaymaker.

ADJOURNMENT

The meeting was adjourned at 9:44 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on August 18, 2020 by the following vote:

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

NOES: None

RECUSED: Jim Lynch, (Item 3), Claire Slaymaker (absent from meeting)

ABSTAIN: Jim Lynch (Item 8, absent from item)

ABSENT: None

APPROVED: [Signature]

Peter Mark, Planning Commission Chair

ATTEST: [Signature]

Beth Haener, City Clerk