BELVEDERE PLANNING COMMISSION
REGULAR MEETING AGENDA
MARCH 16, 2021 6:30 PM
REMOTE MEETING

COVID-19 ADVISORY NOTICE

Due to COVID concerns and consistent with State Executive Orders No. 25-20 and No. 29-20, the meeting will not be physically open to the public. Members of the Planning Commission and staff will participate in this meeting remotely. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing the Director of Planning and Building at: iborba@cityofbelvedere.org Please write "Public Comment" in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the Planning Commission and included in the public record for the meeting. Those received after this time will be added to the record and shared with Planning Commission member after the meeting.

City of Belvedere is inviting you to a scheduled Zoom meeting.
Topic: Belvedere Planning Commission Meeting
Time: March 16, 2021 06:30 PM

Join Zoom Meeting
https://us02web.zoom.us/j/81356434594?pwd=NlVOUXc3UEYvNWFnTE9IOVBQYU1lQT09

Webinar ID: 813 5643 4594
Passcode: 747264

888 -788- 0099 (Toll Free)
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The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write "I wish to make a public comment" in the chat section of the remote meeting platform. At the appropriate time, the Meeting Host will allow oral public comment through the remote meeting platform. Any member of the public who needs special accommodations to access the public meeting should email the **Director of Planning and Building**, iborba@cityofbelvedere.org who will use her best efforts to provide assistance.

HEARING PROCEDURE:

The Planning Commission will follow the following procedure for all listed public hearing items:

1) The Chair will ask for presentation of the staff report;
2) The Commissioner will have the opportunity to question staff in order to clarify any specific points;
3) The applicant and project representative will be allowed to make a presentation, not to exceed 10 minutes for large, or 5 minutes for small, projects, as total for the applicant's design team;
4) The public hearing will be opened;
5) Members of the audience in favor or against the proposal will be allowed to speak, for a maximum of 3 minutes per speaker;
6) The applicant will be given an opportunity to respond to comments made by the audience, for a maximum of 5 minutes total for the applicant's design team;
7) The public hearing will be closed; and
8) Discussion of the proposal will return to the Commission with formal action taken to approve, conditionally approve, deny or continue review of the application.

A. CALL TO ORDER OF REGULAR MEETING

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.

C. 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.

D. 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 wished 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.

1. Draft **Minutes of the January 19,** 2021 regular meeting of the Planning Commission.

2. Design Review and Exception to Total Floor Area for modifications to approved plans for an addition/remodel at **20 Eucalyptus Road**. The project proposal includes a bathroom addition (approximately 66 SF) to the existing pool house, located at the rear of the property. An Exception to Total Floor Area is required as the property currently exceeds the allowable floor area and with the proposed project it will further increase the allowable floor area by the additional square footage (66 SF). Applicant/Property Owner: Elizabeth Mitchell. ***(Recused Chair Mark, Commissioners Hart & Slaymaker).*** *Staff recommends that the Commission adopt the Resolution(s) of approval.*

3. Design Review and Variance applications for a remodel at **312 Beach Road**. The home is currently under construction and the project proposal includes a reroof, windows and doors, lighting, and a remodel. The Variance is required because there is an existing non-conforming side yard setback, and the project proposes to alter the building wall in the non-conforming setback. Applicant: David Hamblem- Synetic Design; Property Owner: Scott L. Robertson. *Staff recommends that the Commission adopt the Resolution(s) of approval.*

4. Consideration of Historic Designation of property at **308 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant and Property Owners: James and Susan DuMolin AB Living Trust. *Staff recommends that the Commission adopt the Resolution(s) of approval.*

E. PUBLIC HEARINGS

5. Planning Commission consideration of Design Review for two (2) Olive trees located at the driveway entrance in the city right-of-way at **339 Golden Gate Avenue.** Applicant/Property Owners: David & Julie Flaherty. *Staff recommends that the Commission considers the information & associated Resolution(s) to either approve or deny the proposal.*

APPEALS: The Belvedere Municipal Code provides that the applicant or any interested person may appeal the action of the Planning Commission on any application. The appeal must be in writing and submitted with a fee of $523.00 not later than ten (10) calendar days following the date of the Planning Commission action. Appeals received by City staff via mail after the tenth day will not be accepted. Please note that if you challenge in court any of the matters described above, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Planning Commission at, or prior to, the above-referenced public hearing. [Government Code Section 65009)b)(2)].

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other writings distributed to the Planning Commission are available for public inspection at the following locations:
Online at www.cityofbelvedere.org
Belvedere City Hall, 450 San Rafael Ave, Belvedere (Writings distributed to the Planning Commission after the posting date of this agenda are available for public inspection at this location only);
Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.
To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

NOTICE: AMERICANS WITH DISABILITIES ACT

The following accommodations will be provided, upon request, to persons with a disability; agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at the Office of the Planning Department or by calling (415) 435-3838. Whenever possible, please make your request four working days in advance of the meeting.

Items will not necessarily be heard in the above order, not, because of possible changes or extenuating conditions, be hear. For additional information, please contact City Hall, 450 San Rafael Ave, Belvedere CA 94920. (415) 435-3838.

City of Belvedere
Regular Planning Commission Meeting

March 16, 2021

Conflict of Interest Statement

Planning Commission Member:

If you live within 500-feet of any property involved in any matter coming before the Commission at this meeting, please immediately let staff know and be prepared to disqualify yourself from participating in any Planning Commission consideration regarding the matter(s). ***After publicly announcing your disqualification, you should step down from the dais and retire to the City offices where you cannot be seen or heard from the Council Chambers. If you wish to say something as a private citizen, you may do so during the time public comments are solicited from the audience. Before leaving the Chambers, let staff know if this is your intention so they can summon you at the appropriate time to make your statement. When the matter is concluded, a staff member will let you know it's time to come back in and proceed on to the next agenda item.*** **Disqualification is automatic if you reside within 500 feet of the property that is the subject of the matter being considered by the Planning Commission.**

20 Eucalyptus Road
Mark, Slaymaker, Hart

308 Golden Gate
None

312 Beach Road
None

339 Golden Gate Avenue
None

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

JANUARY 19 2021 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

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, Pat Carapiet, Nena Hart, Claire Slaymaker, and Larry Stoehr. Absent: None. Staff present: Director of Planning and Building Irene Borba, Senior Planner Rebecca Markwick, City Attorney Emily Longfellow, Building Official Brian Van Son and Planning & Building Permit 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.

No one wished to speak.

C. REPORTS

There were no Reports.

D. 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 Items1-3, as agendized below.

MOVED BY: Nena Hart, seconded by Marsha Lasky.

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

1. Draft **Minutes of the November 17, 2020** regular meeting of the Planning Commission.
2. Draft **Minutes of the November 10, 2020** *special* meeting of the Planning Commission.

3. Design Review and Exception to Total Floor Area applications for **118 Bayview Avenue**. The project consists of a kitchen remodel and 13 SF addition. The project requires an Exception to Total Floor Area because the house is proposed at 3,381 SF and 3,368 is existing. Applicant: John Swain; Property Owners: Sandra and Brian Saputo. ***(No recusals).*** *Staff recommends that the Commission adopt the Resolution(s) of approval.*

E. PUBLIC HEARINGS

4. Demolition, Design Review, Exception to Total Floor Area, Variance and Accessory Dwelling Unit applications for **30 Cliff Road**. The project proposes to demolish the existing home and construction of a new three-story home with an attached garage including a second unit. The project requires an Exception to Total Floor Area because the house is proposed at 4,533 SF and 3,819 SF is permitted. The Variance is required for retaining walls to exceed the allowable height in the setback. The project proposes a new swimming pool and landscaping throughout the property. Applicant: Debra Contreras, Regan Brice Architects; Property Owners: Ben and Devorah Jacoby. (No recusals*) Staff recommends that the Commission adopt the appropriate Resolution(s) of approval.*

   Senior Planner Rebecca Markwick presented the staff report. A slide show presentation accompanied her remarks.[1] The proposed pool deck height is corrected to be 4'10". The proposed ADU is included for informational purposes only but will be approved administratively. Four neighbors have submitted letters of support.

   Chair Mark asked if there are any Planning Commission considerations relative to the access to the ADU?

   Ms. Markwick stated that ADU exterior access is required but not subject to any specific approvals by the Planning Commission.

Ben and Devorah Jacoby, property owners, explained that the project has been planned to accommodate site and neighbor considerations.

Debra Contreras, Regan Brice Architects, presented the project concept and design. A slide show presentation accompanied her remarks.

Commissioners asked for clarifications on some of the details for the pool, lighting, and landscaping.

Ms. Contreras described some of the minor revisions to be made to the pool and pool landing location, stairs, lighting, all of which may be reviewed with the final landscape plan.

Open public hearing.

Jerome Bellach, 10 Cliff Road spoke about issues of damage by construction projects (current) and future (this project) one on Cliff Road. The street is being damaged by trucks.

Building Official Brian Van Son explained the process for review of the construction staging plan, the establishment of the existing street conditions by pre-construction video and inspection, and the likelihood that a deposit and/or roadway bond that may be required for the project by the Public Works department.

Mr. Bellach asked whether he reviewed the street conditions at this time with an engineer.

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

Mr. Van Son replied the engineer was not available today but he and the contractor from 46 Cliff Road did walk the street. The Engineer will be out to the street in the future.

Close public hearing.

Commissioners discussed the project. There was general agreement that the project should be approved and can make the findings for the design and other applications. They expressed appreciation of how the applicants have taken in great consideration of the neighbors in their project. Findings were made as to the way the design has mitigated any issues of mass and bulk by siting, choices of materials, and articulation of the massing of the home. Retention of existing trees and landscaping and tasteful added landscaping benefits the project.

Commissioner Stoehr supports the design and style of the project in this location. However, the size of the project seems overly large to him. He stated that the Belvedere Municipal Code discourages the grant of an Exception to Total Floor Area in Section 19.52.120(B)…" if the proposed alteration is so extensive as to be deemed a demolition under this Title, the applicant shall be required to comply with all applicable zoning and design review standards."

Chair Mark responded that he believes the grant of an Exception to Floor Area addresses this requirement. He suggested that the applicants look further at their plan for better access to the ADU. Some adjustments to the project can be approved under the condition of approval for the review and approval of the final landscape plan by the Chair and Planner.

MOTION: To adopt the Resolution for demolition of the existing home at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution granting no Historical or Cultural Resource at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for Design Review at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for an Exception to Total Floor Area at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

MOTION: To adopt the Resolution for a Variance for height of a retaining wall and deck at **30 Cliff Road.**

MOVED BY: Marsha Lasky, seconded by Nena Hart

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

5. Public hearing to consider recommending City Council approval of **proposed amendments to the Belvedere Municipal Code, Chapter 16.20 Floodplain Management and 20.04 Design Review, and Administrative Policy 14.7, Administration of Substantial Improvement Requirements for Projects within Designated Floodplains**, as recommended by the Floodplain Analysis Subcommittee. (No recusals) *Staff recommends that the Commission recommend to City Council approval of the Amendments.*

Building Official Brian Van Son presented the staff report. He outlined proposed changes to the Belvedere Municipal Code and Administrative Policy Manual (APM).

Commissioners asked for clarifications of proposed changes: Is the Planning Commission finding for Substantial Improvement final?

Mr. Van Son replied that the Planning Commission considers the finding but the final determination of Substantial Improvement is made by the Floodplain Administrator.

Open Public hearing.

No one wished to speak.

Close public hearing.

Commissioner Stoehr requested that the proposed language be changed to state that the determination of Substantial Improvement be made prior to the issuance of the Building Permit, not afterwards. A Demolition is usually determined to be a Substantial Improvement before the permit is issued; however, should the scope of work in progress increase after issuance of the Building Permit even to the extent it becomes a 'Demolition' the actual determination of Substantial Improvement would have to be determined based on the new project cost.

Chair Mark agreed that at no point after the issuance of a permit, even if the project should it become a 'Demolition' would that automatically make the project become a Substantial Improvement. This determination would be determined by the analysis of the increased scope of work and costs.

Commissioner Carapiet stated that the Floodplain Administrator is still the one to make the determination based on cost whether or not the project is defined as a "Demolition."

Mr. Van Son agreed.

After further discussion Commissioners agree to modify the first sentence of Paragraph 1 in Section 14.7.2 to stat as follows: (changed language underlined)

This Administrative Policy provides that any project located in a designated flood zone that meets the definition of a demolition in BMC section 19.08.136, <u>as determined at the time of building permit issuance</u> is presumptively a substantial improvement subject to Floodplain regulations, unless the individual facts and circumstances of the project indicate otherwise.

The Commission discussed other provisions of proposed amendments to the Administrative Policy Manual and no additional changes were proposed.

MOTION: Adopt resolution recommending City Council adoption of Ordinance amendments to Design Review, Chapter 20.04, adding section 20.04.200 regarding analysis of "substantial improvement" for floodplain regulation purposes.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker

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

MOTION: Adopt resolution recommending City Council approval of amendments to the Administrative Policy Manual regarding application of substantial improvement analysis for floodplain regulation purposes as amended per the discussion at this meeting.

MOVED BY: Pat Carapiet, seconded by Claire Slaymaker.

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

ADJOURNMENT

The meeting was adjourned at 8:01 pm.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on March 16, 2021 by the following vote:

VOTE: AYES:
NOES:
ABSTAIN:
RECUSED:

APPROVED: _____

Peter Mark, Planning Commission Chair

ATTEST: _____

Beth Haener, City Clerk

CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT

REPORT DATE:	2/08/2021	**CONSENT CALENDAR AGENDA ITEM: 2**
MEETING DATE:	2/16/2020	
TO:	City of Belvedere Planning Commission	
FROM:	Irene Borba, Director of Planning and Building	
REVIEWED BY:	Emily Longfellow, City Attorney	
SUBJECT:	Design Review and Exception to Total Floor Area for an addition/remodel of the existing detached pool house located at **20 Eucalyptus Road**	

RECOMMENDATION

The applicant is requesting Design Review and Exception to Total Floor Area applications for an addition/remodel to an existing detached pool house to construct a new bathroom addition to the pool house. The property is located on the property of 20 Eucalyptus Road. Currently, the main residence on the property is under construction for an addition/remodel. The applications for the current proposal are included as **Attachment 3** and the project plans are included as **Attachment 4**.

Staff recommends that the Planning Commission conduct the required public hearing and take the following actions:

MOTION 1 Adopt the Resolution granting Design Review addition/remodel to an existing detached pool house for the property located at **20 Eucalyptus Road**, (**Attachment 1**).

MOTION 2 Adopt the Resolution granting an Exception to Total Floor Area to allow 5,721 SF where 4,850 SF is permitted at **20 Eucalyptus Road, (Attachment 2)**.

Project Address:	20 Eucalyptus Road
APN:	060-162-16
Project Applicant:	Throtmorton Ventures (Elizabeth Mitchell - architect)
Property Owner:	Elizabeth Robinson Mitchell 2010 Family Trust
GP Designation:	Low Density Residential SFD: 1.0 to 3.0 units/net acre
Zoning:	R-15 Zoning District, Belvedere Island
Existing Use:	Single Family Residential

Site Characteristics: The subject property is a large 27,342-square-foot with a steeply sloping topography from the front of the property. The site is adjacent to single-family homes. The property is developed with an existing single-family residence and carport with an existing detached pool house and pool and other site improvements. The site is developed with mature vegetation.

ZONING PARAMETERS

ELEMENT	PRESCRIBED	EXISTING	PROPOSED
Lot Area	15,000 SF	27,342 SF	No Change
Total Floor Area	4,850 SF	5,655 SF	5,721 SF (66sf addition)
Lot Coverage	30%	20.6%	20.9%
Side Yard Setback - Left	10’	5’-5”	No Change
Side Yard Setback - Right	10’	29’-10”	No Change
Rear Yard Setback	15’	34’-2”	No Change
Front Yard Setback	10’	14’	No Change
Building Height (average)	28’	23’-5”	No Change
Parking Spaces	2	2	No Change

HISTORY/PROJECT ANALYSIS/ DESIGN REVIEW

Planning Commission 2019 Design Review Approval (Resolution Nos. 2019-019 and 2019-020)

In 2019, the Planning Commission approved applications for Design Review and an Exception to Total Floor Area 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 (approx., 505 SF) and a new deck (approx., 344 SF). Additionally, an addition at the front entry of the home was approved for an expansion of the living room and to create a new vestibule connecting the main house to an existing bedroom (approx., 233 SF). The approval included a deck expansion on the rear of the main residence and a roof deck on the middle level of the residence (approx., 246 SF). The approved project submitted by the applicant included two new fountains, one adjacent to the exiting carport and one in the new deck/patio area at the lower level of the existing residence and new exterior stairs along the side (north elevation) of the main residence. This project is currently *under* construction.

Exemption – February 2020

In February of this year, an Exemption from design review was submitted and approved for a reduction in scope of work that was approved. The modification in project scope included a reduction in size for a deck on the west elevation, the elimination of an enclosed covered deck (middle level), the elimination of a roof deck on the upper level and of the vestibule on the middle level and lastly the expansion of a concrete deck on the lower level to replace an existing wood deck.

Planning Commission - May 2020 Design Review Approval (Reso. Nos. 2020-013 and 2020-014)

In May 2020, the Planning Commission approved Design Review and Exception to Total Floor Area applications for *modifications* to approved plans for an addition/remodel of the existing home. The included enclosing the existing lower-level patio under and existing deck, approximately 470 square feet in area. This project is currently under construction.

Current Proposal

The current proposal by the property owner includes Design Review and Exception to Total Floor Area applications for an addition/remodel to an existing detached pool house to construct a new bathroom addition to the pool house. The proposed bathroom addition is approximately 66 SF in area and the addition would match the existing colors and materials of the existing pool house. New wood lattice is proposed for screening the understory area of the structure.

DESIGN REVIEW FINDINGS

The Design Review findings, specified in Belvedere Municipal Code Title 20, state that all new structures and additions should be designed to avoid excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to, and fit in, with others in the neighborhood and should not attract attention to themselves. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony. Landscaping will also soften and screen structures and maintain privacy.

The proposed project includes a modification to approved plans on the lower level of the residence at the rear of the home under an existing deck. The proposed modification to the house is designed

to be balanced and harmonious with the site and the surrounding areas. In staff's review, the requested modifications to the house and to the approved plans comply with Design Review findings and are aesthetically compatible with the site and with the surrounding properties. The proposed addition is not monumental or excessively large and would blend into the existing architecture of the home. Staff can make all the Design Review findings as attached in the draft Resolution **(Attachment 1).**

FLOOR AREA EXCEPTION

The applicant requests Planning Commission approval of a floor area of 5,721 SF. The maximum permitted FAR in the R-15 Zoning District for lots greater than 14,700 square feet in area is 4,850 SF. The lot is large at 27,342 SF, and the existing approved home currently under construction for a remodel exceeds the maximum allowed floor area at 5,655 SF. The applicant is requesting to further exceed the maximum allowed floor area with an additional 66 SF for a bathroom addition to the detached pool house.

ETFA Findings: Pursuant to Section 19.52.120(A)(1) of the B.M.C., in order to grant an Exception to Total Floor Area, the Planning Commission must make each of the following findings:

a. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage;
b. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area;
c. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all design review criteria; and
d. That the additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties.

In staff's opinion the required findings for a Floor Area Exception can be made.

First, primary views from adjacent properties, as well as from the street, would not be significantly impaired by the additional square footage. The additional square footage does not impact views because the location of the addition is in an area of the detached pool house that is downslope on the property & the addition is minor at 66SF.

Second, their are unusual characteristics of the parcel that minimize the impact of the greater floor area in that the home is located on a steep lot. Additionally, the subject parcel is unusually large and exceeds the maximum lot area for parcels in this zoning district and can accommodate the additional square footage. The project, therefore, does not add visual mass or bulk.

Third, the addition will not be visually out of place within the context of the neighborhood or the site. The project is appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meets all design review criteria

Finally, Staff is able to make the finding that the project does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the thoughtful design of the addition in relation to the adjacent neighbors and the surrounding neighborhood, the site, and with the existing residence. Also, the addition is located in a downslope area of the lot that does not impact privacy. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area **(Attachment 2**).

ENVIRONMENTAL DETERMINATION

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On ***February 8, 2021,*** the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities because* the proposed project involves no expansion of an existing use and allows for minor alteration of existing private structures. Additionally, the project is exempt from CEQA by the Common-Sense Exemption, CEQA Guideline section 15061(b)(3), as it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. City action is required by ***April 8, 2021,*** or the project may be deemed approved, unless the applicant agrees to an extension of the Permit Streamlining Act.

CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no potential that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. Additionally, there are no unusual circumstances applicable to the project under CEQA.

As mentioned above, the project is exempted from CEQA by the Common-Sense Exemption. If it can be seen with certainty that a project will not have a significant effect on the environment, it is exempt from CEQA review. (CEQA Guidelines, § 15061(b)(3).) Here a categorical exemption is appropriate because there is no possibility that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. The project is proposed on previously disturbed soil and will be infilling areas under the house. The subject property is categorized as a Medium Sensitivity site for Tribal Cultural Resources in the Belvedere 2030 General Plan Historical Resources Map. Additionally, a Cultural Resources Evaluation was prepared for the subject property by William Roop of Archaeological Resource Services and the Evaluation concluded that no cultural resources were found within the study area and therefore no resource-specific recommendations are warranted.

CORRESPONDENCE

A copy of the public hearing notice for this item was published in *The Ark* newspaper and mailed to all property owners within 300 feet of the subject property. As of writing this report, staff has received comments in support of the proposed project from the neighboring property owners, Justin Wickett and Emily Poplawski of 18 Eucalyptus Road.

CONCLUSION

Staff determines that the findings can be made for the Design Review and Exception to Total Floor and has prepared Resolutions recommending approval.

RECOMMENDATION

Staff recommends that the Planning Commission conduct the required public hearing and take the following actions:

MOTION 1 Adopt the Resolution granting Design Review for the property located at **20 Eucalyptus Gate Avenue** (**Attachment 1**); and

MOTION 2 Adopt the Resolution granting an Exception to Total Floor Area to allow 5,721SF where 4,850SF is permitted at **20 Eucalyptus Road. (Attachment 2)**

ATTACHMENTS

Attachment 1: Draft Design Review Resolution
Attachment 2: Draft Exception to Total Floor Area Resolution
Attachment 3: Project Applications
Attachment 4: Project Plans
Attachment 5: Correspondence

CITY OF BELVEDERE

RESOLUTION NO. 2021

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL FOR MODIFICATIONS TO APPROVED PLANS FOR AN ADDITION/REMODEL OF THE EXISTING DETACHED POOL HOUSE AT 20 EUCALYPTUS ROAD

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for an addition/remodel to an existing detached pool house for the subject property located at 20 Eucalyptus Road; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to pursuant to *Section 15301 Class 1 Existing Facilities* because the proposed project includes the construction of an addition/remodel of an existing detached pool house involving negligible or no expansion of use beyond that existing; and

WHEREAS, project is exempted from CEQA by the Common Sense Exemption CEQA Guideline section 15061(b)(3), because it can be seen with certainty that the project will not have a significant effect on the environment; the property is fully developed with an existing residence and other site improvements and the proposed modification would be constructed in a developed area of the property, with minimal displacement or disturbance of soil. The project site is categorized as a site of Medium Sensitivity for Tribal Cultural Resources. A Cultural Resource Study was prepared by William Roop of Archaeological Resources, archaeological consultants. The report concluded that there was no evidence of prehistoric archaeological resources discovered during the course of the study; and

WHEREAS, there is no possibility of an adverse impact to the significance of an historical resource under CEQA the property does not constitute an historical resource; and

WHEREAS, the Planning Commission held a properly noticed hearing on March 16, 2021, and

WHEREAS, the Planning Commission finds based upon the findings set forth in **Exhibit A** attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code for modifications to approved plans for an addition/remodel of the existing residence with the following conditions:

a) The property owner shall defend and hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval, shall cooperate with the City in the defense of any such action, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result; counsel in any such legal action shall be selected by the City in its sole reasonable discretion.

b) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans prepared by Throtmorton stamped received by the City of Belvedere on January 28, 2021.

c) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.

d) All requirements of the City Engineer shall be met at time of building permit including but not limited to:

- Please provide the revised total impervious surface area for this project. If this area is 2,500 square feet or more then the project is subject to BASMAA Post Construction Manual requirements for a "Single Family Home." This will require submittal of a **Preliminary Stormwater Control Plan (SCP)** that follows the appropriate template in the most recent version of the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. All water treatment or storm water control feature shall be clearly identified on the plan.
- Please provide drainage connection details for new roof system under deck.
- An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Manager.
- This project will require a **video recording of the condition of the haul route** prior to start of construction. The applicant will be responsible for any damage, beyond normal wear and tear, to the roadway or other improvements along the haul route caused by the removal or delivery of materials by truck. To ensure any damage is repaired to the satisfaction of the City, a deposit may be required. The deposit amount (estimated range from $10,000 to $30,000) will be determined by the City Engineer at the time of the Building Permit review and is dependent upon the duration of the project and total project valuation. If it is determined that project construction caused damage, the amount to repair said damage shall be withheld from the deposit amount, with the remaining amount to be returned to the property owner.

e) Changes to the existing landscaping and or exterior lighting not granted as part of this approval shall require additional Planning review/approval.

f) All requirements of the Fire Marshal shall be met at time of building permit including but not limited to:

1. Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas.
2. Vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. A Vegetation

management Plan shall be submitted for review and approval by the Tiburon Fire Protection District.

3. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2

g) The general contractor shall submit a proposal to the City Manager, for review and approval, addressing the schedule for construction and parking locations for construction vehicles. Prior to the issuance of a building permit, the applicant shall update the Construction Management Plan to the satisfaction of the Building Official.

h) Design Review approvals expire twelve (12) months from the date of approval unless a Building Permit has been issued or an extension has been granted.

i) Construction shall be completed within the Construction Time Limit established for this project.

j) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.

k) In the event unanticipated archaeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

l) These restrictions shall be binding upon any successor in interest of the property.

m) Prior to the issuance of a building permit the property owner shall demonstrate compliance with State/BAAQMD air quality requirements related to the dust generated by grading and construction.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on March 16, 2021, by the following vote:

VOTE: AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSED:

APPROVED: _____
Patricia Carapiet, Planning Vice Commission Chair

ATTEST:_____
Beth Haener, City Clerk

DESIGN REVIEW FINDINGS

The following sections are edited versions of Sections 20.04.110 to 20.04.120 of the Belvedere Municipal Code and the Design Review Criteria. In order for a design review application to be approved, the Planning Commission must find the project to be in substantial conformance with these criteria.

Preservation of existing site conditions. To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

The majority of the site will remain in its natural state. The proposal is for an addition/remodel of the existing detached pool house on the lower portion & downward slope of the site. The project has been designed to minimize cut and fill in order to stay in harmony with the neighborhood.

Relationship between structures and the site. There should be a balance and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land-forms and step with the slope in order to minimize the building mass and bulk and to integrate the structure with the site.

The proposal is for an addition/remodel of the existing detached pool house located on the downward side of the property. The proposed modifications is in keeping with the existing style, architecture and form of the main residence & with the existing pool house. As proposed, it is balanced and harmonious with the existing structures on the site and with adjoining properties. The design elements and materials (to match existing) will complement existing colors and materials. Additionally, the project as designed conforms to the topography of the site and integrates into the existing structure.

Minimizing bulk and mass.

A. All new structures and additions should be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to draw attention to themselves.

The addition to the detached pool house for a bathroom has been designed in such a way that it will fit well on the site and will be compatible with the existing residence on the property and other residences in the neighborhood. The proposed modifications would not be massive or out of scale with the site or surroundings. The proposed improvements fit in with others in the neighborhood and are not designed to draw attention to it.

B. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony.

The project avoids monotony and the impression of bulk. The design includes a mix of vertical and horizontal elements that will add architectural variety and blend nicely with the mature landscaping and other properties in the neighborhood. There is no monotony or impression of bulk, or large expanse of any one material and as designed the additions provide some articulation and interest to the existing architectural structure. The proposed addition will match existing materials of the detached pool house and the main residence.

Materials and colors used. Building designs should incorporate materials and colors that minimize the structures visual impacts, that blends with the existing landforms and vegetative cover, that relate to and fit in with structures in the neighborhood, and that do not attract attention to the structures themselves. Soft and muted colors in the earthtone and woodtone ranges are preferred and generally should predominate. Trim and window colors should be compatible with and complementary to the other building colors.

As the colors and materials for the detached pool house addition will match existing colors and materials they will blend in with the existing neighborhood, therefore minimizing visual impacts and would not attract attention to the structures themselves.

Fences and screening.

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

Not applicable as no new fences are proposed.

Privacy. Building placement, and window size and placement should be selected to give consideration to the privacy of adjacent buildings.

The addition is placed on the property to avoid privacy impacts to the neighbors. The new addition to the detached pool house as proposed will not have an impact to the adjacent neighbors as they are placed far from the neighbor's properties and oriented away from neighbors and will be screened by the mature landscaping on the property.

Drives, parking and circulation. Walkways, driveways, curb cuts and off-street parking should be planned and designed so as to minimize interference with smooth traffic flow, to encourage separation of pedestrian from vehicular traffic, and to be as safe and convenient as is practical. They should not be out of relationship with the design of the proposed buildings and structures on the site, and should not intrude on the privacy of, or conflict with the appearance or use of neighboring properties.

Not applicable as the primary access will remain unchanged.

<u>Exterior lighting, skylights, and reflectivity.</u> Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights coordinated with the approved landscape plan. Skylights should not have white or light opaque exterior lenses.

All exterior lighting will be required to be shielded and or directed downward.

<u>Consideration of nonconformities.</u> The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.

The applicant requests an Exception to Total Floor Area that would allow the property to exceed the maximum allowable floor area in the R-15 zoning district for the size lot. The existing /property currently exceeds the allowable floor area. Because the findings for a Floor Area Exception can be made, it is not reasonable or feasible to mitigate or eliminate the existing or proposed nonconformity.

<u>Landscape plans -- Purpose.</u>

Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters. B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design. C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.

<u>Landscape Plans – Materials</u>. A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided. B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age. C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

Not applicable as no landscaping is proposed.

CITY OF BELVEDERE

RESOLUTION NO. 2021

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING AN EXCEPTION FROM SECTION 19.52.120 OF THE BELVEDERE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 20 EUCALYPTUS ROAD

WHEREAS, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code to permit a maximum floor area of 5,721 square feet where 5,655 square feet currently exists and 4,850 square feet is permitted at 20 Eucalyptus Road; and

WHEREAS, the project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Floor Area Exception on March 16, 2021; and

WHEREAS, the Planning Commission made each of the following findings of fact, as required by section 19.52.120(A)(1) of the Belvedere Municipal Code:

a. **That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage.**

   Primary views from adjacent properties, as well as from the street, will not be significantly impaired by the additional square footage. The additional square footage does not impact views because the location of the addition is in an area of a detached pool house that is downslope on the property and the addition is minor at 66 square feet.

b. **That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area.**

   There are u unusual characteristics of the parcel that minimize the impact of the greater floor area in that the home is located on a steep lot. Additionally, the subject parcel is unusually large and exceeds the maximum lot area for parcels in this zoning district and can accommodate the additional square footage. The project, therefore, does not add visual mass or bulk.

c. **That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all design review criteria.**

   The project meets all Design Review criteria and it fits in with the size, scale, and mix of homes in the R-15 Zoning District. The addition to the detached pool house fits in well to the character of the existing neighborhood. The pool house and the addition to the pool house will match the main residence.

ATTACHMENT 2

d. That the additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties.

The project as designed does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the thoughtful design of the addition in relation to the adjacent neighbors and the surrounding neighborhood, the site. Also, privacy is not impacted because the addition is in a downslope area of the property

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant an Exception to Total Floor Area to allow a maximum floor area of 5,721 square feet where 5,655 square feet currently exists and 4,850 square feet is permitted at 20 Eucalyptus Road.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on March 16, 2021, by the following vote:

VOTE: AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSED:

APPROVED:_____
Patricia Carapiet, Planning Vice Commission Chair

ATTEST: _____
Beth Haener, City Clerk

Project Address: 20 EUCALYPTUS RD

APPLICATION FOR DESIGN REVIEW

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Planning Comm. Approval ☐
Design Review Exception ☐
Amount: _____ Receipt No.: _____ Staff Approval ☐

Parcel No.: _____ Zone: _____

Located in Flood Zone ☐ AE ☐ VE ☐ N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes ☒ Permit No.: 20190251

Is this property adjacent to a City Owned Lane? No ☒ Yes ☐

Is there an Existing Revocable License for this property? No ☐ Yes ☐ Lic # _____

Does this project have Planning Commission approval? No ☐ Yes ☐

Address of Property: 20 EUCALYPTUS RD, BELVEDERE

Record Owner of Property: ELIZABETH ROBINSON MITCHELL 2010 FAMILY TRUST

Mailing Address: 20 EUCALYPTUS RD
Daytime Phone: 415-816-2929
Fax: _____
Email: EMITCHELL@THEOTMORTON.COM

Owner's Representative: ELIZABETH MITCHELL

Mailing Address: 20 EUCALYPTUS RD
Daytime Phone: 415-816-2929
Fax: _____
Email: EMITCHELL@THEOTMORTON.COM

Project Description: NEW UNCONDITIONED 66 SQFT POOL HOUSE BATHROOM WITH TOILET, SINK & SHOWER. THIS BATHROOM IS FREESTANDING AND "TUCKED" ON THE SIDE OF THE EXISTING POOL HOUSE & POOL RETAINING WALL AT A LOWER ELEVATION THAN POOL HOUSE & POOL DECK.

ATTACHMENT 3

Project Address: 20 EUCALYPTUS

ZONING PARAMETERS:

	Required	Existing	Proposed
Lot Area	15,000	27,342	27,342
Lot Coverage	8,203	5,655	5,721
Total Floor Area	4,850	5,433	5,499
BATH Front Yard Setback	10'		160'
BATH Left Sideyard Setback	10'		55'
BATH Right Sideyard Setback	10'		45'
BATH Rear Yard Setback	15'		35'
BATH Building Height Maximum	28'		10'-7"
BATH Building Height Average	18'		10'-7"
Parking Spaces	2		

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

Date Filed: 12/3/20 *(To Be Completed by Applicant)*

General Information

1. Name and address of developer or project sponsor: ELIZABETH MACHELC, 20 EUCALYPTUS
2. Address of project: 20 EUCALYPTUS
3. Name, address, and telephone number of person to be contacted concerning this project: ELIZABETH MACHELC, 20 EUCALYPTUS - 415 816 2929
4. Indicate number of the permit application for the project to which this form pertains: 1
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: 20190251
6. Existing zoning district: R-15
7. Proposed use of site (Project for which this form is filed): SINGLE FAMILY RESIDENCE
8. Year built: 1962 Original architect: HENRIK BULL

Project Description

9. Site size: 27,342 SF
10. Square footage: 66 SF
11. Number of floors of construction: 1
12. Amount of off-street parking provided: 2
13. Plans attached? YES
14. Proposed scheduling: IMMEDIATE

Project Address: 20 EUCALYPTUS RD

15. Associated projects, such as required grading or staging. EXIST PERMIT OPEN FOR HOUSE REMODEL + ADDITION

16. Anticipated incremental development. NONE

17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. EXIST HOUSE IS A SINGLE FAMILY RESIDENCE

18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. N/A

19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. FLOOR AREA EXCEPTION

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

		Yes	No
20.	Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	☐	☒
21.	Change in scenic views or vistas from existing residential areas or public lands or roads.	☐	☒
22.	Change in pattern, scale or character of general area of project.	☐	☒
23.	Significant amounts of solid waste or litter.	☐	☒
24.	Change in dust, ash, smoke, fumes or odors in vicinity.	☐	☒
25.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	☐	☒
26.	Substantial change in existing noise or vibration levels in the vicinity.	☐	☒
27.	Site on filled land or on slope of 10 percent or more.	☐	☐
28.	Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	☐	☒
29.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	☐	☒
30.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	☐	☒
31.	Relationship to a larger project or series of projects.	☐	☐
32.	Changes to a structure or landscape with architectural or historical value.	☐	☒
33.	Changes to a site with archeological or cultural value such as midden soil.	☐	☒

Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. EXIST PROJECT SITE IS SLOPED AND THERE IS CURRENTLY A SINGLE FAMILY RESIDENCE WITH POOL HOUSE. THERE ARE NO SIGNIFICANT PLANTS OR ANIMALS OR ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. PROJECT IS IN A RESIDENTIAL NEIGHBORHOOD - SINGLE FAMILY. SURROUNDING PROPERTIES ARE SIMILAR IN SIZE, HEIGHT AND USE.

Project Address: 20 EUCALYPTUS RD

SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this section does not apply. Design Review approvals expire twelve (12) months from the date of approval unless granted a longer duration by the Planning Commission.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code.

B. Construction Time Limit Required. This Chapter shall apply to any project for which a design review approval is required, any project requiring a building permit with an estimated construction value of $50,000 or greater, and/or any landscaping project with an estimated construction value of $50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The maximum time for completion of project shall not exceed six months for additions and remodeling up to $100,000 in value; 12 months for construction up to $500,000 in value; and 18 months for construction valued at more than $500,000. Failure to complete construction in the agreed upon time will result in fines ranging from $600 per day to $1200 per day with a $300,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.

Estimated cost of construction: $ 10,000

Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

☒ 1. For new construction, the demonstrable value of which is estimated to be less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 2. For new construction, the demonstrable value of which is estimated to be more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $100,000.
Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.

☐ 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or that wish to exceed the time limit that was approved by the Planning Commission, the following is the "Extension of Construction Time Limit" process (BMC Section 20.04.035(D):

D. Extension of Construction Time Limit.

1. An applicant may request a construction time limit extension at the time of the design review hearing or after the issuance of a building permit. An applicant is limited to one construction time limit extension per project.

2. The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection. The Planning Commission's decision may be appealed in writing to the City Council.

3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant's option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee's decision to the Planning Commission and the Planning Commission's decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.

4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.

5. Projects with an initial 18-month construction time limit may receive a maximum 6-month extension for a total time limit of 24 months. Projects with an initial 6 or 12-month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.

6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90-day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.

7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:

a. Site topography
b. Site access
c. Geological issues
d. Neighborhood considerations
e. Other unusual factors
f. Extreme weather events
g. Unanticipated discovery of archeological resources
h. Other conditions that could not have been reasonably anticipated at the time of project application

SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Hourly billing costs as of July 1, 2018, (subject to change without notice):

Director of Planning & Building	$ 85.00
Associate Planner	$ 59.00
City Attorney	$ 240.00
Specialized Planning Consultant	Actual costs + 25% overhead

For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. To avoid misunderstandings regarding changes to building plans that have received Design Review, please read and acknowledge the below information. To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be <u>identical</u> to the plans approved for design review. (BMC §20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)

Project Address: 20 EUCALYPTUS RD

SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site **at least twenty (20) days** prior to the first meeting date at which this application will be heard. **Final Story Poles** must be placed at the site **at least ten (10) days** prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. **Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.**

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. **Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.**

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 20 EUCALYPTUS RD

Assessor's Parcel No(s). of subject property: 060-162-16

➤ **Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity**

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One or more of the following documents *may* contain the necessary information.

- **For Trusts: the Trust Document or a Certificate of Trust, including any attachments thereto; Property Deed; Certificate of Title Insurance.**
- **For other entities: Articles of Incorporation; Partnership Agreement; Property Deed; Certificate of Title Insurance; written certification of facts** by an attorney.

Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.

I, ELIZABETH MICHELL, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a Trust, LLC, Corporation,

Partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, Corporation, Partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record. If more than one signature is required by the owner entity to make this application, please have all signers sign below.

Signed this 3RD day of DECEMBER, 2020 at Belvedere, California.

Signature [signature] Signature _____

Title(s) TRUSTEE Title(s) _____

☒ Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other _____

Name of trust, LLC, corporation, or other entity: _____

➤ **Properties Owned by Individuals**

I, _____, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record.

Signed this _____ day of _____, 20___, at Belvedere, California.

Signature _____

Project Address: 20 EUCALYPTUS RD

➤ Designation of Owner's Representative (Optional)

I hereby authorize_____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finaled or until the designation is rescinded in writing.

Signature of Owner: _____ Date:_____

Signature of Representative: _____ Date:_____

Project Address: 20 EUCALYPTUS RD

APPLICATION FOR EXCEPTION TO TOTAL FLOOR AREA

CITY OF BELVEDERE • PLANNING COMMISSION
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Amount: _____ Receipt No.: _____

Assessors Parcel No: _____ Zone: _____

TO BE COMPLETED BY APPLICANT

Address of Property: 20 EUCALYPTUS

Type of Property: SINGLE FAMILY RESIDENTIAL

Record Owner of Property: ELIZABETH ROBINSON MITCHELL 2010 FAMILY TRUST

Mailing Address: 20 EUCALYPTUS RD

Daytime Phone: 415-816-2929

Fax: _____

Email: EMITCHELL@THEOMORTON.COM

Owner's Representative: ELIZABETH MITCHELL

Mailing Address: 20 EUCALYPTUS RD

Daytime Phone: 415-816-2929

Fax: _____

Email: EMITCHELL@THEOMORTON.COM

ORDINANCE REQUIRES: 4,850 **sq. ft.** **YOUR APPLICATION HAS:** 5,499 **sq. ft.**

As provided in Belvedere Municipal Code Section 19.52.120(1), I hereby apply for an exception to the floor area requirements in the Zoning Ordinance. I propose that the Planning Commission make the following findings of fact:

1. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage, because: THE PROPOSED POOL HOUSE BATHROOM IS "TUCKED" AT THE SIDE OF THE EXIST POOL HOUSE & EXIST RETAINING WALL @ A LOWER ELEV THAN THE EXIST POOL HOUSE / POOL PATIO.

Project Address: 20 EUCALYPTUS

2. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area, because: THE LOCATION IS PURPOSELY AS UNOBTRUSIVE AS POSSIBLE AND THE 66 SQFT IS MINIMAL.

3. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all Design Review criteria, because: SEE #2

4. That the additional square-footage will not substantially reduce the privacy otherwise available to residents of adjoining properties, because: THE LOCATION OF PROPOSED BATHROOM IS OVER 115' FROM NEIGHBORING PROPERTY 18 EUCALYPTUS AND IS SITUATED TO BE AT LOWER ELEV THAN EXIST POOL HOUSE.

In addition, Section 19.52.120(2) includes guidelines that the Planning Commission must follow. I propose that the following guidelines can be met:

5. That the proposed new construction would not create a new or expand on existing nonconformity on the property, because:

Project Address: 20 EUCALYPTUS

(For purposes of this Section, floor area in the existing structure which is in excess of the requirements of this chapter shall not be considered to be an "existing nonconformity" on the property, and the grant of a floor area exception hereunder shall not be deemed to create a "new nonconformity." Additionally, for purposes of this section, where an applicant proposes to construct new and additional parking spaces, construction of parking structure or spaces within a setback shall not be deemed to create a nonconformity.)

6. That the proposed new construction is not a continuation, expansion, or subsequent phase of a project for which one or more variances were granted, which project was completed within two years prior to the floor area exception application, because: _____

I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for approval of the exception as requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

Signature: Elizabeth Mitchell

Name: ELIZABETH MITCHELL

Date: DEC 3, 2020

DocuSign Envelope ID: FF5D6059-FF1D-4D34-9A62-6B6243756EB3

January 30, 2021

Irene Borba
City of Belvedere
450 San Rafael Ave
Belvedere, CA 94920

RE: Pool House Bathroom
Mitchell Residence
20 Eucalyptus Road

Dear Irene,

Emily Poplawski and I are both the owners of 18 Eucalyptus Road. We are writing to state that we have no objections to Elizabeth Mitchell's proposal to add a bathroom to her pool house as described in greater detail in the attached Exhibit A1.0 and Exhibit A2.0. Our approval is based on our understanding that the residents of 20 Eucalyptus will continue to maintain adequate privacy screen trees and shrubbery to minimize the view into this proposed pool house bathroom from 18 Eucalyptus Road. It is also based on minimal light being emitted from the proposed pool house bathroom, specifically in the direction of 18 Eucalyptus Road. It is our opinion that Elizabeth Mitchell has adequately addressed these concerns through her proposal which includes the addition of: (i) one (1) single dark-sky compliant exterior wall sconce from Modern Forms, (ii) a mutually-agreed to opaque film on the bathroom door as manufactured by Solyx and marketed as "most private" to block all light emissions, and (iii) three (3) low-voltage exterior path lights from Solara.

Thank you for your careful consideration of these matters. We greatly appreciate your attention to detail and all that you do to ensure the very best for our community. Please do not hesitate to contact us with any further questions.

Regards,

DocuSigned by:
Justin Wickett
9800256187F8439...
Justin Wickett
18 Eucalyptus Road

DocuSigned by:
Emily Poplawski
5AFBCF406214499...
Emily Poplawski
18 Eucalyptus Road

ATTACHMENT 5

MITCHELL RESIDENCE

POOL HOUSE BATHROOM PLANNING SUBMITTAL

PROJECT INFORMATION

SITE INFORMATION

ZONE DISTRICT	R–15
ACCESSOR'S PARCEL NO.	060–162–16

BUILDING AREA	EXISTING S.F.	PROPOSED S.F.	
MAIN RESIDENCE – 3 STORY BUILDING			
LOWER LEVEL	1,846 S.F. – Conditioned	1,846 S.F. – Conditioned	
MIDDLE LEVEL	1,498 S.F. – Conditioned	1,498 S.F. – Conditioned	
UPPER LEVEL	1,009 S.F. – Conditioned	1,009 S.F. – Conditioned	
SUB TOTAL	4,353 S.F. – Conditioned	4,353 S.F. – Conditioned	
POOL HOUSE BATHROOM	0 S.F. – Unconditioned	66 S.F. – Unconditioned	
CARPORT	437 S.F. – Unconditioned	437 S.F. – Unconditioned	
STORAGE	445 S.F. – Unconditioned	445 S.F. – Unconditioned	
POOL HOUSE	198 S.F. – Unconditioned	198 S.F. – Unconditioned	
(NOT INCLUDED – POOL EQUIPMENT – LESS THAN 6' CLG)	(41 S.F. – Unconditioned)	(41 S.F. – Unconditioned)	
SUB TOTAL	1,080 S.F. – Unconditioned	1,146 S.F. – Unconditioned	
TOTAL:	5,433 S.F.	5,499 S.F.	4,850 S.F.
	EXISTING S.F.	PROPOSED S.F.	MAX ALLOW COV

LOT COVERAGE AREA	EXISTING	PROPOSED	REQUIRED
LOT AREA	27,342 S.F.	27,342 S.F.	15,000 S.F.
LOT COVERAGE			
BUILDING AREA	5,433 S.F. (19.8%)	5,499 S.F. (20%)	
COVERED DECK– UPPER ENTRANCE	222 S.F. (.81%)	222 S.F. (.81%)	
TOTAL LOT COVERAGE:	5,655 S.F. (20.6%)	5,721 S.F. (20.9%)	8,203 S.F. (30%)

NOT INCLUDED IN LOT COVERAGE CALCULATION

(ROOF DECKS –MIDDLE LEVEL – ENCLOSED)	(175 S.F.)	(175 S.F.)
(ROOF DECKS –MIDDLE LEVEL – NOT ENCLOSED)	(246 S.F.)	(246 S.F.)
(UNCOVERED DECKS – MIDDLE LEVEL WEST DECK – 15' ABOVE GRADE)	(219 S.F.)	(219 S.F.)
UNCOVERED/ UNENCLOSED DECKS:	0 S.F.	0 S.F. 13,671 S.F. (50%)

SETBACK ALL BUILDINGS ON SITE	EXISTING	PROPOSED	REQUIRED
FRONT YARD SETBACK	14'	14'	10'
LEFT SIDEYARD SETBACK	5'–5"	5'–5"	10'
RIGHT SIDEYARD SETBACK	29'–10"	29'–10"	10'
REAR YARD SETBACK	34'–2"	34'–2"	15'
BUILDING HEIGHT–MAIN HOUSE	9'–6" FRONT, 23'–5" REAR	9'–6" FRONT, 23'–5" REAR	28'
PARKING SPACES	2 IN CARPORT	2 IN CARPORT	2

SETBACK ON POOL HOUSE BATHROOM	
FRONT YARD SETBACK	160'
LEFT SIDEYARD SETBACK	55'
RIGHT SIDEYARD SETBACK	45'
REAR YARD SETBACK	35'
BUILDING HEIGHT–POOL HOUSE BATHROOM	10'–7"

2

CONDITIONED/ UNCONDITIONED CHART - (MEASUREMENTS TO OUTSIDE OF WALL)

EXISTING CONDITIONED AREA
4,353 sqft

EXISTING UNCONDITIONED AREA
1,080 sqft

ADDED CONDITIONED AREA
0 sqft

ADDED UNCONDITIONED AREA
66 SQFT

PROPOSED TOTAL CONDITIONED AREA
4,353 + 0 = 4,353 sqft

PROPOSED TOTAL UNCONDITIONED AREA
1,080 + 66 = 1,146 sqft

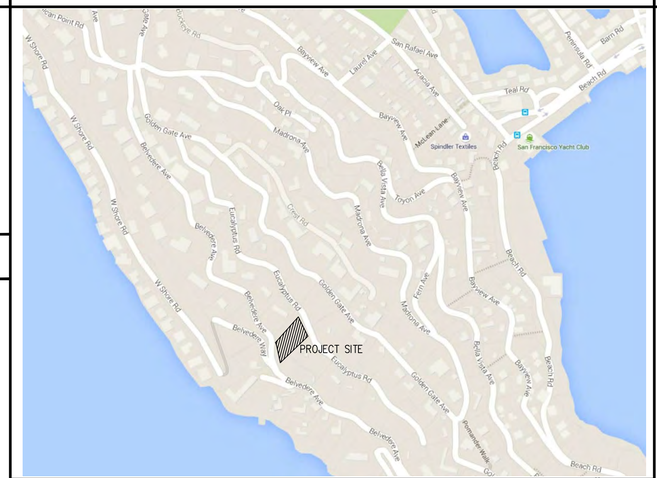
IMPERVIOUS SURFACE AREA

TOTAL IMPERVIOUS SURFACE – 4,193 sqft
- Main House Building Footprint 1,846
- Pool House 198
- Carport 437
- Pool Deck 1098 (pool is 592)
- Mstr Patio 255
- Pool House Bathroom 66

EXTERIOR LIGHTING AND LANDSCAPING

NOTE – (1) NEW EXTERIOR WALL SCONCE
(4) NEW PATH LIGHTS
NOTE – (5) SCREENING SHRUBS HAVE BEEN PLANTED TO SCREEN PROPOSED POOL HOUSE BATHROOM

VICINITY MAP



BELVEDERE, CA

ARCHITECTURAL SYMBOLS

- 3 / A3.12 — BUILDING ELEVATION NUMBER / SHEET NUMBER
- 3 / A3.12 — BUILDING SECTION NUMBER / SHEET NUMBER
- 3 / A3.12 — DETAIL NUMBER / SHEET NUMBER
- INTERIOR ELEVATION NUMBERS / SHEET NUMBER
- FLOOR ELEVATION OR DIMENSION POINT
- 1 — REVISION
- LIGHT FIXTURE ROUGH–IN REFERENCE
- ROOM / XX — ROOM NAME / ROOM NUMBER
- 3 — DOOR MARK
- A — WINDOW OR LOUVER MARK
- 6 — REFERENCE NOTE

CODES

- The 2016 CBC , 2016 CRC, 2016 CMC, 2016 CPC, 2016 C Elect C, 2016 C Energy C, and the 2016 CFC are to be used for the design of the project.
- CalGreen is also included as a governing code.
- Building located in Wildland-Urban Interface area and shall comply with the provisions of Chapter 7A of CBC

SHEET INDEX

A0.1 COVER SHEET
A0.2 VEGETATION MANAGEMENT PLAN
A1.0 SITE PLAN
A2.0 EXISTING AND PROPOSED FLOOR PLANS AND ELEVATIONS

PROJECT DIRECTORY

CLIENT	Elizabeth Mitchell 20 Eucalytus Road Belvedere, CA 94920	Phone 415–816–2929 emitchell@throtmorton.com
ARCHITECT OF RECORD	Elizabeth Mitchell, AIA Throtmorton Ventures 20 Eucalytus Road Belvedere, CA 94920 License # C–26551	Office 415–816–2929 emitchell@throtmorton.com
STRUCTURAL	SMITHWORKS ENGINEERING Bob Smith 706 View Point Road Mill Valley, CA 94941 License # 5679	Office 415–559–9721 E–mail robert@sworksengineering.com
SURVEYOR	ALBION SURVEYS, INC J. Sullivan 1113 Hunt Avenue St. Helena, CA 94574 License # 6709	Office 707–963–1217 Fax 707–963–1829
GEOTECHNICAL	RGH CONSULTANTS Travis Whitted P.O. BOX 852 MIDDLETOWN, CA 95461	Office 707–987–4602 E–mail travis@rghgeo.com
CIVIL	TARNOFF ENGINEERING Michael Tarnoff 1442 A. Walnut St., #428 Berkely, CA 94709 License # 48596	Office 415–279–5996 E–mail michael@tarnoffengineering.com
TITLE 24	ENERGY CALC CO. Westly Keister 45 Mitchell Blvd, #16 San Rafael, CA 94903 #R16–18–20113	Office 415–457–0990 E–mail jobs@energycalcco.com

SCOPE OF WORK

POOL HOUSE BATHROOM:
- New unconditioned 66 sqft Pool House Bathroom with toilet, sink and shower.

- General Notes
  - Electrical Notes:
    - Bathroom to be supplied by separate 20-amp circuit.
    - New outlets in bathroom to be GFCI.
    - All new electrical will be to current code and all bathroom fixtures will be high efficiency.
    - LED lighting is required to be certified to the Energy Commission before it can be classified as high efficiency. Manufacturer's tech sheet for each LED fixture to confirrm compliance at final inspections.
    - UFER ground is to be installed in the new foundation.
    - New outlets on new interior wall, spaced 6' apart.
    - All receptacles shall be tamper resistant - CEC 210.52
    - New outlets for appliances and 2 separate 20 amp circuits are to be provided in the Kitchen for small appliances.
    - All small appliance receptacles to be GFCI protected pe 2016 CEC
    - All Bathrooms to be supplied by separate 20-amp circuit.
    - All 120 Volt, single phase, 15 and 20 AMp branch circuits supplying outlets installed in Dwelling Unit (Family Room, Dining Room, Living Room, Dens, Bedrooms, Closets, Hallways or similar rooms or areas) will be AFCI protected
  - Mechanical/ Plumbing Notes:
    - Bathroom to be mechanically vented

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THROTMORTON ventures
20 EUCALYPTUS DRIVE
BELVEDERE, CA 94920
T 415.816.2929 F 415.435.2929
EMITCHELL@THROTMORTONCOM

MITCHELL RESIDENCE
POOLHOUSE BATHROOM
20 EUCALYPTUS ROAD
BELVEDERE, CALIFORNIA
APN - 060-162-16

Date	11.24.20
Drawn By	ERM
Checked By	
Project No.	20161
Date	Issue
01.28.21	2 Permit Rev

COVER SHEET

SCALE :

A0.1

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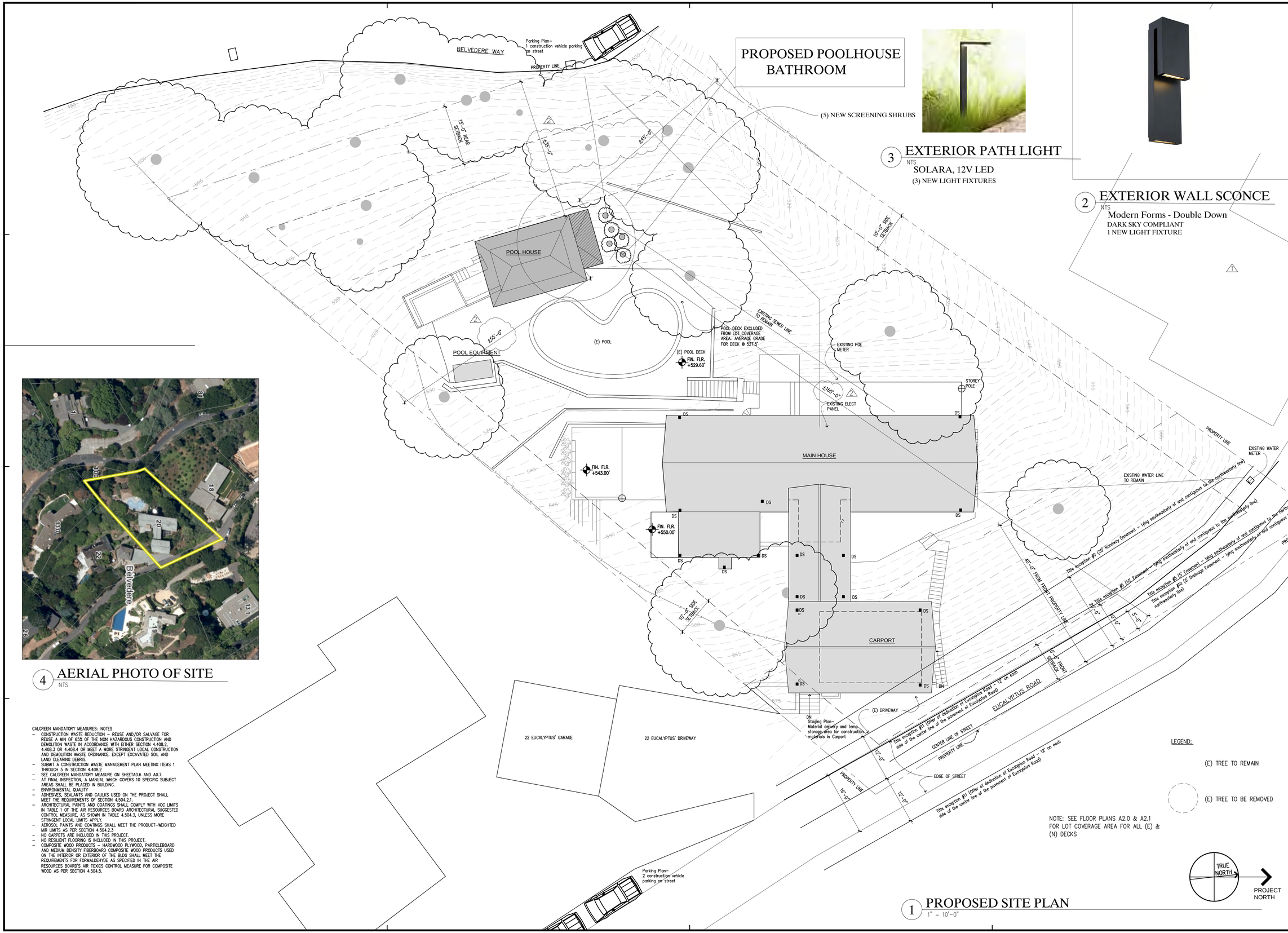

3 EXTERIOR PATH LIGHT
NTS
SOLARA, 12V LED
(3) NEW LIGHT FIXTURES

2 EXTERIOR WALL SCONCE
NTS
Modern Forms - Double Down
DARK SKY COMPLIANT
1 NEW LIGHT FIXTURE

4 AERIAL PHOTO OF SITE
NTS

CALGREEN MANDATORY MEASURES: NOTES

- CONSTRUCTION WASTE REDUCTION – REUSE AND/OR SALVAGE FOR REUSE A MIN OF 65% OF THE NON HAZARDOUS CONSTRUCTION AND DEMOLITION WASTE IN ACCORDANCE WITH EITHER SECTION 4.408.2, 4.408.3 OR 4.408.4 OR MEET A MORE STRINGENT LOCAL CONSTRUCTION AND DEMOLITION WASTE ORDINANCE. EXCEPT EXCAVATED SOIL AND LAND CLEARING DEBRIS.
- SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN MEETING ITEMS 1 THROUGH 5 IN SECTION 4.408.2
- SEE CALGREEN MANDATORY MEASURE ON SHEETA0.6 AND A0.7.
- AT FINAL INSPECTION, A MANUAL WHICH COVERS 10 SPECIFIC SUBJECT AREAS SHALL BE PLACED IN BUILDING.
- ENVIRONMENTAL QUALITY
- ADHESIVES, SEALANTS AND CAULKS USED ON THE PROJECT SHALL MEET THE REQUIREMENTS OF SECTION 4.504.2.1.
- ARCHITECTURAL PAINTS AND COATINGS SHALL COMPLY WITH VOC LIMITS IN TABLE 1 OF THE AIR RESOURCES BOARD ARCHITECTURAL SUGGESTED CONTROL MEASURE, AS SHOWN IN TABLE 4.504.3, UNLESS MORE STRINGENT LOCAL LIMITS APPLY.
- AEROSOL PAINTS AND COATINGS SHALL MEET THE PRODUCT-WEIGHTED MIR LIMITS AS PER SECTION 4.504.2.3
- NO CARPETS ARE INCLUDED IN THIS PROJECT.
- NO RESILIENT FLOORING IS INCLUDED IN THIS PROJECT.
- COMPOSITE WOOD PRODUCTS – HARDWOOD PLYWOOD, PARTICLEBOARD AND MEDIUM DENSITY FIBERBOARD COMPOSITE WOOD PRODUCTS USED ON THE INTERIOR OR EXTERIOR OF THE BLDG SHALL MEET THE REQUIREMENTS FOR FORMALDEHYDE AS SPECIFIED IN THE AIR RESOURCES BOARD'S AIR TOXICS CONTROL MEASURE FOR COMPOSITE WOOD AS PER SECTION 4.504.5.

1 PROPOSED SITE PLAN
1" = 10'-0"

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ventures
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MITCHELL RESIDENCE
POOLHOUSE BATHROOM
20 EUCALYPTUS ROAD
BELVEDERE, CALIFORNIA
APN - 060-162-16

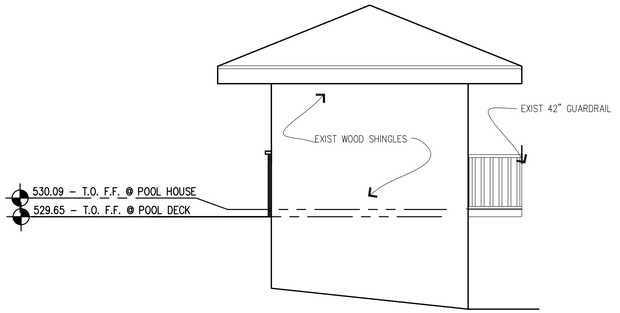
Date	11.24.20
Drawn By	ERM
Checked By	
Project No.	20161

Date	Issue
01.21.21	1 Permit Rev
01.28.21	2 Permit Rev

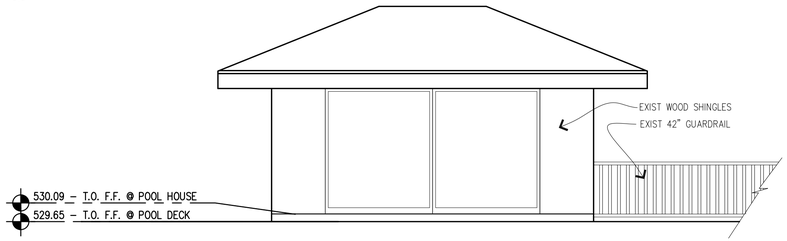
PROPOSED ARCHITECTURAL SITE PLAN

SCALE : 1"=10'-0"

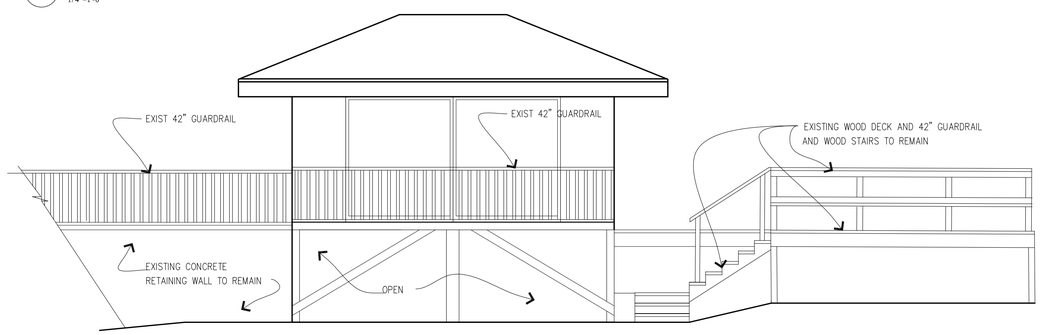
A1.0



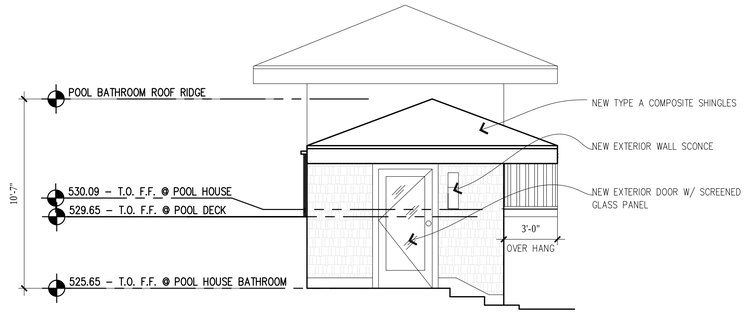
1 EXISTING NORTH EXTERIOR ELEVATION
1/4"=1'-0"



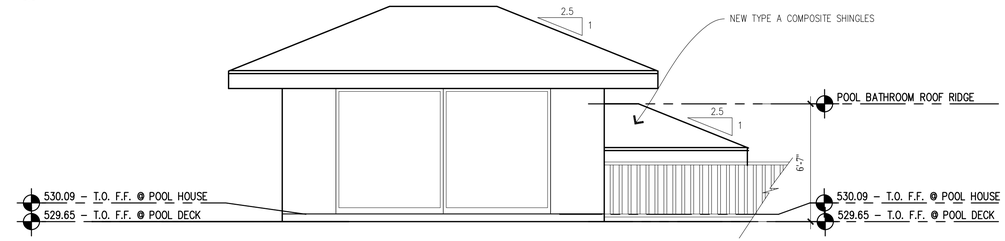
2 EXISTING EAST EXTERIOR ELEVATION
1/4"=1'-0"



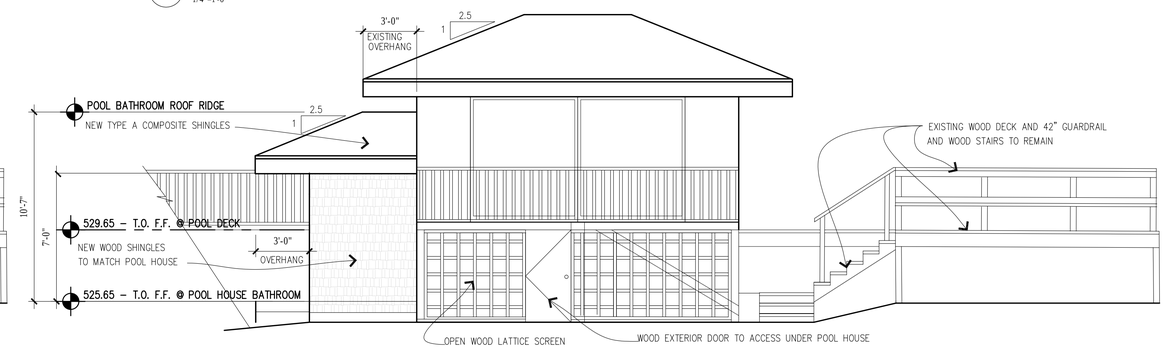
3 EXISTING EAST EXTERIOR ELEVATION
1/4"=1'-0"



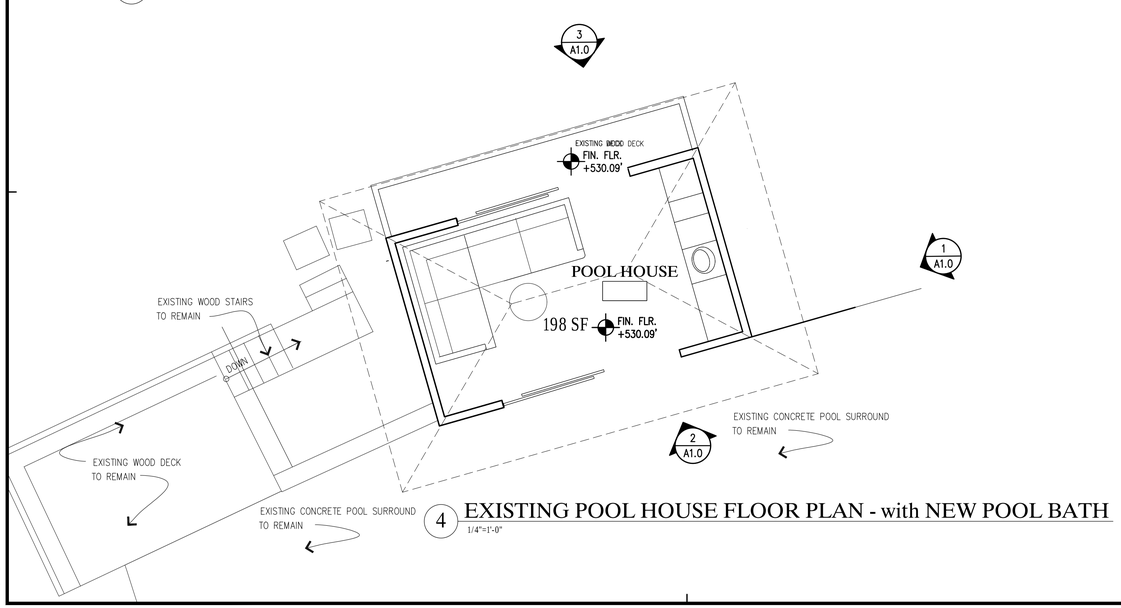
5 PROPOSED NORTH EXTERIOR ELEVATION
1/4"=1'-0"



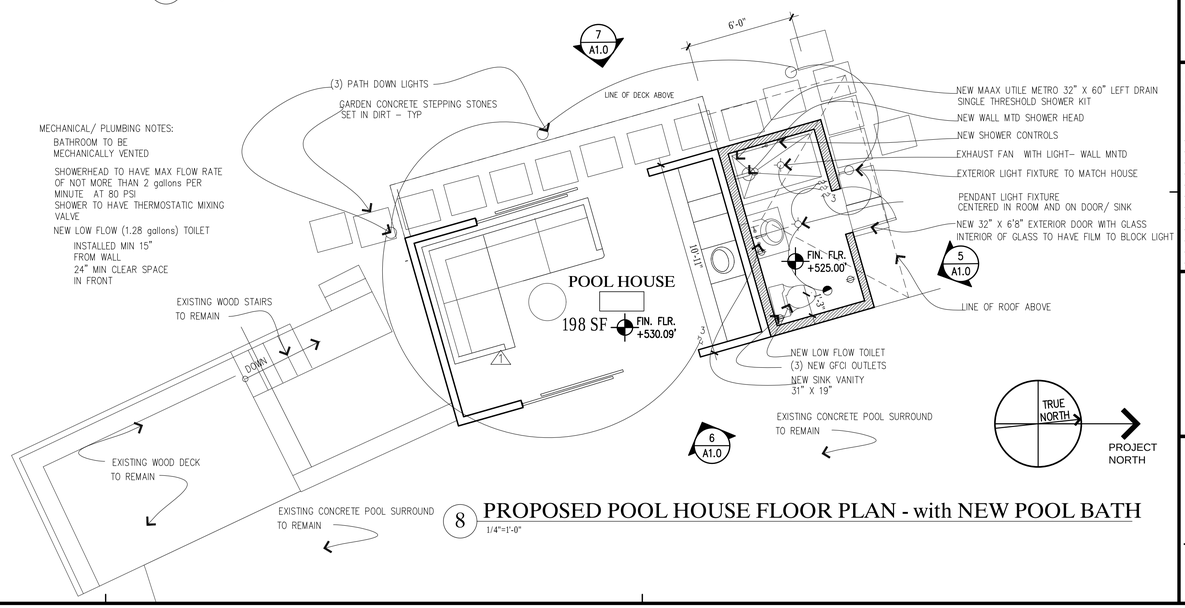
6 PROPOSED EAST EXTERIOR ELEVATION
1/4"=1'-0"



7 PROPOSED EAST EXTERIOR ELEVATION
1/4"=1'-0"



4 EXISTING POOL HOUSE FLOOR PLAN - with NEW POOL BATH
1/4"=1'-0"



8 PROPOSED POOL HOUSE FLOOR PLAN - with NEW POOL BATH
1/4"=1'-0"

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MITCHELL RESIDENCE
POOLHOUSE BATHROOM
20 EUCALYPTUS ROAD
BELVEDERE, CALIFORNIA
APN - 060-162-16

Date	11.24.20
Drawn By	ERM
Checked By	
Project No.	20161
Date	Issue

EXISTING and PROPOSED FLOOR PLANS and ELEV

SCALE 1/4"=1'-0"

A2.0

CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT

REPORT DATE:	March 9, 2021	**CONSENT CALENDAR**
		AGENDA ITEM: 3
MEETING DATE:	March 16, 2021	
TO:	City of Belvedere Planning Commission	
FROM:	Rebecca Markwick, Senior Planner	
REVIEWED BY:	Irene Borba, Director of Planning and Building Emily Longfellow, City Attorney	
SUBJECT:	**Design Review and Variance for a remodel located at 312 Beach Road**	

RECOMMENDATION

The applicant requests approval of Design Review and a Variance for a remodel to the existing single-family home. The application is included as **Attachment 3** and project plans are included as **Attachment 4**.

Staff recommends that the Planning Commission conduct the required public hearing and take the following actions:

MOTION 1 Adopt the Resolution granting Design Review for the property located at **312 Beach Road**, (**Attachment 1**);

MOTION 2 Adopt the Resolution granting a Variance for the property located at **312 Beach Road**, (**Attachment 2**)

PROPERTY SUMMARY

Project Address:	312 Beach Road
APN:	060-233-081
Project Applicant:	David Hamblen-Synetic Design
Property Owner:	Scott L Robertson
GP Designation:	Low Density Residential SFD -1.0 to 3.0 units/net acre
Zoning:	R-15 Zoning District, Belvedere Island
Existing Use:	Single Family Residential

Site Characteristics: The project site is located on the east side of Belvedere Cove and is surrounded by residential properties, private piers, floating docks and open waters of Belvedere Cove. The lot is 12,250-square-feet, steeply down-sloping, in the R-15 Zone. The site affords views of Belvedere Cove, Raccoon Straits, and Angel Island. The subject property abuts City property the BLC "The Strip".

ZONING PARAMETERS

ELEMENT	PRESCRIBED	EXISTING	PROPOSED
Lot Area	15,000 SF	12,250 SF	No Change
Total Floor Area	4,042 SF	3,249 SF	3,706 SF
Lot Coverage	30% Structures	19% Structures	No Change
Left Side Yard Setback	10'	2'7"	No Change
Right Side Yard Setback	10'	5'2.75"	No Change
Rear Yard Setback	20'	38'5"	No Change
Front Yard Setback	15' or 0'	3'6"	3'6"
Building Height Maximum	28' or 36' if slope at footprint is over 30 percent	24'6"	No Change
Parking Spaces	2	2	2

PROPERTY HISTORY

1977- Design Review Exception approval to build a tool storage room under the existing garage.

1978- Revocable License approved for the existing dock. The Revocable License was approved jointly with the owners of 310 and 312 Beach Road.

2003- Staff Design Review approval to replace an existing floating dock and gangway with a new floating dock and gangway.

2004- Staff Design Review approval to replace the existing roof with a new light grey composition shingle roof.

2013- Design Review Exception approval to repair the existing deck, and to install windows where doors were located.

2018- Planning Commission approval of Demolition, Design Review, Exception to Total Floor Area and Revocable License applications to demolish the existing house and construction of a new home. A building permit was not pulled for this project and the new home was not built.

2020- Planning Exemption approved for an interior remodel.

2020- Building permit for an interior remodel of the home.

PROJECT DESCRIPTION

The applicant requests Planning Commission review and approval of Design Review and a Variance for a remodel to the existing single-family dwelling and garage. In September of 2020, the building department issued a building permit for an interior remodel of the kitchen, main floor bathroom and second floor bathroom, as well as the installation of hydronic heating throughout the house. As the project was under construction the homeowners realized that a few more interior changes would improve the flow of the home. The project includes an interior remodel, including an addition at the rear in an area counted towards the total floor area as well as a small addition in the front under an existing overhang. The project also includes new shingle siding, a new roof, replacement of the windows and doors and new windows at the rear of the home. The Variance is required because the existing left side (North) building wall encroaches into the setback. The project proposes to alter the wall and rebuild it. According to section BMC 19.76.030, alterations to non-conforming structures shall conform in its entirety to all current laws and regulations. The new building wall will not meet the required setbacks.

The applications are included as **Attachment 3**. Project Plans are included as **Attachment 4**.

The applicant proposes to reroof the existing house with composition shingle roofing in "cool black." The shingle siding will be replaced with shingles to match the existing. The new railings at the deck at the rear will match the existing. There are no other changes proposed to the exterior of the home.

A 243 SF addition is proposed on the lower level of the home, at the rear under the existing upper-level deck. The addition will accommodate a new bathroom. Additionally, there are new windows and a door proposed at the rear that will lead out to a new deck. The upper floor includes a 23 SF addition at the front. All the windows and doors are either being replaced in the home or are proposed in new locations to accommodate the remodel. The total existing glazing is 697 SF and the proposed is 702 SF. There are 17 new lights proposed on the exterior of the home spread out over the south, west, and east elevations of the existing home.

PROJECT ANALYSIS

Design Review Findings

The Design Review findings, specified in Belvedere Municipal Code Title 20, state that all new structures and additions should be designed to avoid excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to, and fit in, with others in the neighborhood and should not attract attention to themselves. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony. Landscaping should also soften and screen structures and maintain privacy.

In summary, staff is able to make the required findings for Design Review because the project minimizes cut and fill areas, and grade changes, and the project is in harmony with the neighborhood. As noted above, the entire property has been developed with structures, hardscape, planted landscape areas, and other site improvements and the proposal is to renovate the entire home. There is a balanced and harmonious relationship between the structures on the site and adjoining properties that relate to the natural landforms and minimize bulk and mass.

Exterior lighting will not create glare, hazard, or annoyance to neighboring property owners or passersby; the lights as proposed are downward facing lights. The colors and materials will blend well into the neighborhood as there is a mix of modern and traditional homes in the neighborhood.

The existing landscaping is compatible with the character of the site and surroundings to soften the structure and provide privacy between the neighbors and is not proposed to change.

Staff is able to make the required findings for Design Review as stated in the draft resolution of approval (**Attachment 1**).

VARIANCE SIDEYARD

The applicant requests Planning Commission consideration and approval of a Variance from Sections 19.26.040 of the Belvedere Municipal Code (BMC) to encroach into the required side yard setback in the R-15 zone. Key provisions of the BMC that relate to this Variance request are below:

The applicants have applied for a Variance for encroachment into the ten-foot side yard setback. The existing building wall currently sits 2'7" inches from the side property line. As mentioned above, the Belvedere Municipal Code allows:

> *Section 19.76.030 Alterations and additions to nonconforming structures. A. A nonconforming structure may be repaired or otherwise maintained, or portions thereof replaced in order to keep the structure in good condition.*
>
> *B. A nonconforming structure may be enlarged, extended to occupy a greater volume of space or different area of land than is occupied at the time it first became nonconforming, or its exterior design altered, where such enlargement, alteration or extension conforms in its entirety to all current laws and regulations, so long as the total floor area added during any ten -year period does not exceed fifty percent of the existing gross floor area of the building.*

The applicants are doing an interior remodel which will affect the building wall that encroaches into the side yard setback. The remodel includes demolishing a portion of the wall and reconstructing it in the same location of the existing wall. To grant the Variance the Planning Commission must make the following findings:

1. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
2. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance section would deprive this property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss.

3. The granting of this Variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, or to the quiet enjoyment of their premises.

Staff finds that the proposed Variance for encroachment into the side yard setback would not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone because the Variance will allow the applicant to maintain the existing house with a more cohesive interior floor plan. Given the scope of work that will allow the applicant to maintain the existing house, the requested small change to the existing building would not be considered a special privilege inconsistent with limitations upon other properties in the area. The special circumstance applicable to the property is that the lot is very steep, and the building wall has existed in the same location since the house was built in 1909. The strict application of the setback requirements of the Zoning Code would deprive the owners of the ability to enjoy a moderate size home similar to that enjoyed by other properties in the vicinity under identical zoning classifications and similar to what currently exists. This Variance will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements of owners of other premises, or to the quiet enjoyment of their premises.

Staff recommends that the findings for the Variance can be made as reflected in the attached draft Resolution (**Attachment 2**).

ENVIRONMENTAL DETERMINATION

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On ***March 8, 2021,*** the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project consists of a renovation of the existing single-family dwelling. City action is required by ***May 8, 2021,*** or the project may be deemed approved.

As explained more fully above, CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no possibility that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. The subject property is categorized as a Low Sensitivity site for Tribal Cultural Resources.

Also as explained above, staff finds that the property is not historic under CEQA, nor eligible for listing in the local historic register. The discussion regarding CEQA historical issues is incorporated here by reference.

CORRESPONDENCE

A copy of the public hearing notice for this item was published in *The ARK* newspaper and mailed to all property owners within 300 feet of the subject property. As of the writing of this report, Staff has not received any comments from the neighbors.

CONCLUSION

Staff can make all of the required findings for Design Review Permit and Variance applications.

RECOMMENDATION

MOTION 1 Adopt the Resolution granting Design Review for a remodel at the property located at **312 Beach Road** (**Attachment 1**)**;**

MOTION 2 Adopt the Resolution granting a Variance for the property located at **312 Beach Road (Attachment 2)**

ATTACHMENTS

Attachment 1: Draft Resolution for Design Review Resolution
Attachment 2: Draft Variance Resolution
Attachment 3: Project Applications
Attachment 4: Project Plans

CITY OF BELVEDERE
RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL FOR A REMODEL AND ADDITION TO THE RESIDENCE AT 312 BEACH ROAD

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for a remodel & addition to the existing residence at 312 Beach Road; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities; and

WHEREAS, CEQA categorical exemption Section 15301 is appropriate because the proposed project involves no expansion of an existing use and allows for minor alteration of existing private structures and there is no potential that the project would cause a substantial adverse effect on any Tribal Cultural Resources that may, or may not, exist on the site because proposed project will be constructed on previous disturbed soil and therefore there is no resource integrity; and

WHEREAS, the Planning Commission held a properly noticed hearing on March 16, 2021; and

WHEREAS, the Planning Commission finds based upon the findings set forth in Exhibit A attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.005 and 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code to renovate the existing residence, and an addition to the house and garage, with the following conditions:

a) The property owner shall defend and hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval, shall cooperate with the City in the defense of any such action, with counsel selected by the City in its discretion, and shall indemnify the City for any award of damages and/or attorneys' fees and associated costs that may result. This approval is conditioned upon the accuracy of all facts stated in the application and supporting documents

b) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans and shall conform to the drawings prepared by Synectic Design stamped received by the City of Belvedere on February 11, 2021.

c) Within five (5) days of approval a Notice of Exemption shall be filed with the County of Marin County Clerk by the City of Belvedere Planning Department. A $50.00 filing fee is required. A check shall be provided to the City of Belvedere Planning Department and made payable to the County of Marin.

d) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.

ATTACHMENT 1

e) All requirements of the City Engineer shall be met.

f) An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Manager.

g) An updated **Revocable License** will be required for private improvements within the public right-of-way, City-owned parcels and lanes.

h) This project will require a **video recording** of the condition of the haul route prior to start of construction. The applicant will be responsible for any damage, beyond normal wear and tear, to the roadway or other improvements along the haul route caused by the removal or delivery of materials by truck. To ensure any damage is repaired to the satisfaction of the City, a deposit may be required. The deposit amount (estimated range from $10,000 to $30,000) will be determined by the City Engineer at the time of the Building Permit review and is dependent upon the duration of the project and total project valuation. If it is determined that project construction caused damage, the amount to repair said damage shall be withheld from the deposit amount, with the remaining amount to be returned to the property owner.

i) A **Geotechnical Investigation or geotechnical review letter** is required. The geotechnical investigation/letter should address site preparation, foundation, grading and drainage recommendations. The Geotechnical Engineer of record shall review the proposed Grading & Drainage Plans for conformance with their recommendation prior to Building Permit issuance.

j) **Topographic Survey** information shall be included either on the site plan or on a separate plan. The basis for determining elevations (assumed, NGVD, or NAVD) should also be clearly indicated. The surveyor's name and license number shall be included.

k) The project requires a **Site Plan** showing the property line locations (referencing the survey source and mapping information), any existing easements, building setbacks, encroachments etc.

l) The project will require a detailed **Grading Plan & Drainage Plan** showing cut and fill earth volumes. Said plans shall incorporate, as appropriate, the MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County. This can be found at the following website:

http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/~/media/Files/Departments/PW/mcstoppp/GuidanceforApplicantsv_2508.pdf

m) Prior to issuance of a building permit and where required by City of Belvedere municipal code Section 8.36.090 D., permanent stormwater controls for new and redevelopment projects, the applicant shall develop, submit and implement an approved **Stormwater Control Plan (SCP)** that follows the appropriate template in the most recent version of the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual.

n) The project will require a **Utility Plan** (if not shown on the Site Plan) showing the existing site utilities and their alignment and locations, along with any proposed new locations or alignments for sewer, water, irrigation, gas, electrical, telephone, cable TV, etc.

o) The project will require an **Erosion Control Plan** incorporating, as appropriate, the MCSTOPPP Minimum Erosion/Sediment Control Measures for Small Construction Projects: http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/~/media/Files/Departments/PW/mcstoppp/development/MECM_final_2009.pdf

p) All requirements of the Fire Marshal shall be met including but not limited to the following:

q) Any new exterior lighting requires Design Review approval.

r) The general contractor shall submit a proposal to the City Manager, for review and approval, addressing the schedule for construction and parking locations for construction vehicles. Prior to the issuance of a building permit, the applicant shall update the Construction Management Plan to the satisfaction of the Building Official.

s) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans.

t) Design Review approvals expire twelve (12) months from the date of approval.

u) Construction shall be completed within the Construction Time Limit established for this project.

v) In the event unanticipated archaeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions t at shall be undertaken.

w) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.

x) These restrictions shall be binding upon any successor in interest of the property.

y) Prior to the issuance of a building permit the property owner shall demonstrate compliance with State/BAAQMD air quality requirements related to the dust generated by grading and construction.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on March 16, 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSED:

APPROVED:_____
Peter Mark, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

EXHIBIT A

Preservation of existing site conditions. To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

No changes to the existing landscaping are proposed. There will be no cut and fill as part of this project.

Relationship between structures and the site. There should be a balanced and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land-forms and step with the slope in order to minimize the building mass and bulk and to integrate the structure with the site.

The project proposal maintains a balanced and harmonious relationship between the structure and its site and adjoining properties because the proposed small additions to the house have been designed to relate to and fit in with the existing house and topography of the site. The additions are designed to minimize the bulk and mass. The addition are designed to integrate with the existing house and garage as well as integrating into the existing neighborhood. The additions are designed to fit into the natural land forms and the landscaping will provide screening to help minimize the mass and bulk.

Minimizing bulk and mass.

A. All new structures and additions should be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to draw attention to themselves.

The additions are designed to avoid appearing monumental or excessively large in size. The additions are small and will not add bulk or mass as they are proposed under an eve in the front and the back. The entire remodel will blend into the neighborhood and is in character with the surrounding dwellings.

B. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony.

The entire house and garage will be appear the same. updated, there is not a large expanse of one material and there are no retaining walls proposed. The new exterior materials will add architectural variety and will break up building walls to avoid monotony.

<u>Materials and colors used.</u> Building designs should incorporate materials and colors that minimize the structures visual impacts, that blends with the existing landforms and vegetative cover, that relate to and fit in with structures in the neighborhood, and that do not attract attention to the structures themselves. Soft and muted colors in the earthtone and woodtone ranges are preferred and generally should predominate. Trim and window colors should be compatible with and complementary to the other building colors.

The proposed materials: a new composition shingle roof, cedar shingles and railings to match the existing are proposed for the exterior of the home. The materials are appropriate for the residence in that they are quality materials that blend in well with the surrounding properties and match the existing dwelling.

<u>Fences and screening.</u>

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

There are no new fences, garbage areas or mechanical equipment proposed with this project.

<u>Privacy.</u> Building placement, and window size and placement should be selected to give consideration to the privacy of adjacent buildings.

Building placement, and window and door size and placement has been selected to consider the privacy of adjacent buildings. All of the existing windows and doors are proposed to be replaced, and there are some reconfiguration of windows and doors to accommodate the remodel. The windows and doors on the addition have been placed in a manner that there will be no privacy impacts to the adjacent neighbors as they will not be visible.

<u>Drives, parking and circulation.</u> Walkways, driveways, curb cuts and off-street parking should be planned and designed so as to minimize interference with smooth traffic flow, to encourage separation of pedestrian from vehicular traffic, and to be as safe and convenient as is practical. They should not be out of relationship with the design of the proposed buildings and structures on the site, and should not intrude on the privacy of, or conflict with the appearance or use of neighboring properties.

There are no changes proposed to the existing garage.

<u>Exterior lighting, skylights, and reflectivity.</u> Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights coordinated with the approved landscape plan. Skylights should not have white or light opaque exterior lenses.

There are 17 new light fixtures proposed on the exterior of the home. All lighting will be down lit and have covered bulbs.

<u>Consideration of nonconformities.</u> The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.

Because the findings for a Variance can be made, it is not reasonable or feasible to condition the project upon the mitigation or elimination of nonconformities. Although the existing house does not conform to the side yard setback, it is not feasible or reasonable to require that the structures be moved to conform to the setbacks. The house was built in 1909 and it is not reasonable to require the applicant to demolish the house so that it conforms to the setbacks. The project proposes a Variance to construct a new portion of the home in the side yard setback, exactly where the building wall is now.

<u>Landscape plans -- Purpose.</u>
A. Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters. B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design. C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.
<u>Landscape Plans – Materials</u>. A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided. B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age. C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall.

There are no changes proposed to the existing landscaping.

CITY OF BELVEDERE

RESOLUTION NO. 2021

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS OF THE BELVEDERE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 312 BEACH ROAD

WHEREAS, a proper application has been submitted for a Variance from 19.26.040 of the Belvedere Municipal Code to allow for the home to encroach into the side yard setback at 312 Beach Road; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Variance on March 16, 2021; and

WHEREAS, the Planning Commission made the following findings of fact:

1. **The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

   Granting a side yard setback variance and allowing the home to encroach into the side yard of the property does not grant a special privilege to this particular lot because the project will allow the property owners to enjoy an interior remodel to an existing home which will make their home more functional, similar to improvements enjoyed by homes in the vicinity and zone. Given where the existing residence is sited on the property it is infeasible to require the structures to be moved to accommodate the required setback in the R-15 zoning district. Due to the size and the location of the existing house on the lot, it is not feasible to require the homeowners to reconfigure the house so that the building wall is outside of the setbacks. Granting a Variance to allow the building wall to be built in the setbacks is not considered a special privilege given the circumstances described above.

2. **Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance section would deprive this property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss.**

   Due to the special circumstance of the location of the existing structures on the lot, the strict application of the setback code sections would deprive the owners of a functional interior floor plan. The special circumstances applicable to the property include the existing siting and location of the home. The building wall currently sits in the side yard setback and the project proposes to replace the wall in the same location, which was constructed in 1909. It is infeasible to require the property owner to move the dwelling so that the wall would be out of the setbacks. Given the location of the dwelling the strict application of the zoning ordinance would be unnecessary hardship on the property owner.

ATTACHMENT 2

3. **The granting of this Variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, or to the quiet enjoyment of their premises.**

   The granting of the Variance for the building wall in a setback will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, as all construction will be governed by the uniform Building Code requirements as well as regulations restricting the construction impacts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant a Variance from the requirements of Title 19 of the Belvedere Municipal Code to allow the house to encroach into the side yard setback at 312 Beach Road.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on March 16, 2021, by the following vote:

AYES:
NOES:
ABSENT:
RECUSED:

APPROVED:_____
Peter Mark Planning Commission Chair

ATTEST:_____
Beth Haener, City Clerk

TRANSMITTAL / SUBMITTAL

Date: 2/10/2021

From: **Scott & Nancy Robertson**
602-549-3359
nancyharrisdesign@gmail.com

To: Rebecca Markwick – Senior Planner
Senior Planner
City of Belvedere
markwick@cityofbelvedere.org
415-435-8931 / 415-404-2932

Re: Scott Robertson Residence Remodel
312 Beach Road / Permit #20200389

Rebecca,

Please find the enclosed items;

-Completed Application For Design Review
-Completed Application For Variance
-Completed Site Visit Form
-8 Full Sets of Architectural Drawings
-3 Sets of Reduced Size Architectural Drawings
-Photos of the existing residence
-Specification Sheet for exterior light fixture (two options are enclosed)

Note: We delivered to you previously a material sample board for the exterior stain color and roofing material.

Please let us know if we are missing any items.
Thank you,
Scott & Nancy Robertson

APPLICATION FOR DESIGN REVIEW

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date:_____ Rec'd. by: _____ Planning Comm. Approval ☐
Design Review Exception ☐
Amount: _____ Receipt No.: _____ Staff Approval ☐

Parcel No.: _____ Zone: _____

Located in Flood Zone ☐ AE ☐ VE ☐ N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes X Permit No.: 20200389

Is this property adjacent to a City Owned Lane? No X Yes ☐

Is there an Existing Revocable License for this property? No X Yes ☐ Lic # _____

Does this project have Planning Commission approval? No ☒ Yes ☐ In process 3/16/2010

Address of Property: 312 Beach Road, Belvedere, California 94920
Record Owner of Property: Scott L Robertson
Mailing 10525 E Rimrock Drive Daytime Phone: 415-559-1238
Address: Scottsdale, AZ 85255 Fax: _____
_____ Email: slr@vanmac.com

Owner's Representative: Architect: David Hamblen – Synetic Design
Mailing: 1111 West University Drive, #104 Daytime Phone: 480-948-9766
Address: Tempe, AZ 85281 Fax: 480-948-9211
_____ Email: dhamblen@sdiaz.us

Project Description: Non-structural remodel to include: exterior shingle siding, new roofing material, replacement of windows & doors, new interior stairs, (foundation work for interior stairs approved by Brian w/building dept.), kitchen remodel, bathroom remodel, insulation and hydronic in floor heat, exterior decorative lighting. Items included in packet for reference: architectural plans, existing exterior photos, sample board for exterior shingle stain color & roof shingle material and exterior lighting spec sheet.

ZONING PARAMETERS:

	Required	Existing	Proposed
Lot Area	15,000.00 SF	12,250.00 SF	12,250.00 SF
Lot Coverage	3,375.00 SF	2,316.00 SF	2,316.00 SF
Total Floor Area	4,402.50 SF	3,249.00 SF	3,706.00 SF
Front Yard Setback	15'	36'5"	36'5"
Left Sideyard Setback	10'	2'7"	2'7"
Right Sideyard Setback	10'	5'2.75"	5'2.75"
Rear Yard Setback	10'	38'5"	38'5"
Building Height Maximum	36"	24'6"	24'6"
Building Height Average	28'	17'5"	17'5'
Parking Spaces	2	2	2

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

(To Be Completed by Applicant)

Date Filed: 02-10-2021

General Information

1. Name and address of developer or project sponsor: Scott L. Robertson
2. Address of project: 312 Beach Road, Belvedere, California 94920
3. Name, address, and telephone number of person to be contacted concerning this project: Scott L Robertson 10525 E Rimrock Drive, Scottsdale, AZ 85255 415-559-1238

4. Indicate number of the permit application for the project to which this form pertains: 20200389

5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: N/A

6. Existing Zoning District: R-15
7. Proposed use of site (Project for which this form is filed): Residence

8. Year built: 1909-1911 Original architect: Albert Farr

Project Description

9. Site size. 12,250 S.F.
10. Square footage. 3,706.00 S.F.
11. Number of floors of construction. 3
12. Amount of off-street parking provided. 2
13. Plans attached? Yes
14. Proposed scheduling. Currently in progress with building permit #20200389

15. Associated projects, such as required grading or staging. Staging for interior staircase foundation work.

16. Anticipated incremental development. N/A

17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. N/A

18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. N/A

19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. Variance for north side of house elevation change. No increase to existing footprint

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

		Yes	No
20.	Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	☐	✠
21.	Change in scenic views or vistas from existing residential areas or public lands or roads.	☐	✠
22.	Change in pattern, scale or character of general area of project.	☐	✠
23.	Significant amounts of solid waste or litter.	☐	✠
24.	Change in dust, ash, smoke, fumes or odors in vicinity.	☐	✠
25.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	☐	✠
26.	Substantial change in existing noise or vibration levels in the vicinity.	☐	✠
27.	Site on filled land or on slope of 10 percent or more.	✠	☐
28.	Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	☐	✠
29.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	☐	✠
30.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	☐	✠
31.	Relationship to a larger project or series of projects.	☐	✠
32.	Changes to a structure or landscape with architectural or historical value.	☐	✠
33.	Changes to a site with archeological or cultural value such as midden soil.	☐	✠

Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. Photos of the existing residence are attached for reference.

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. Adjacent residential properties to both the south and north side. Both neighboring houses are three stories in height. All three properties are landscaped with mature trees and plantings.

SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this section does not apply. Design Review approvals expire twelve (12) months from the date of approval unless granted a longer duration by the Planning Commission.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code.

B. Construction Time Limit Required. This Chapter shall apply to any project for which a design review approval is required, any project requiring a building permit with an estimated construction value of $50,000 or greater, and/or any landscaping project with an estimated construction value of $50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The maximum time for completion of project shall not exceed six months for additions and remodeling up to $100,000 in value; 12 months for construction up to $500,000 in value; and 18 months for construction valued at more than $500,000. Failure to complete construction in the agreed upon time will result in fines ranging from $600 per day to $1200 per day with a $300,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.
Estimated cost of construction: $ 518,000.00
Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

☐ 1. For new construction, the demonstrable value of which is estimated to be less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 2. For new construction, the demonstrable value of which is estimated to be more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $100,000.
Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.

4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

X 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or that wish to exceed the time limit that was approved by the Planning Commission, the following is the "**Extension of Construction Time Limit**" process (BMC Section 20.04.035(D):

D. Extension of Construction Time Limit.

1. An applicant may request a construction time limit extension at the time of the design review hearing or after the issuance of a building permit. An applicant is limited to one construction time limit extension per project.

2. The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection.

The Planning Commission's decision may be appealed in writing to the City Council.

3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant's option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee's decision to the Planning Commission and the Planning Commission's decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.

4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.

5. Projects with an initial 18-month construction time limit may receive a maximum 6-month extension for a total time limit of 24 months. Projects with an initial 6 or 12-month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.

6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.

7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:

a. Site topography
b. Site access
c. Geological issues
d. Neighborhood considerations
e. Other unusual factors
f. Extreme weather events
g. Unanticipated discovery of archeological resources
h. Other conditions that could not have been reasonably anticipated at the time of project application

SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Hourly billing costs as of July 1, 2018, (subject to change without notice):

Director of Planning & Building	$ 85.00		
Associate Planner	$ 59.00	City Attorney	$ 240.00
Specialized Planning Consultant	Actual costs + 25% overhead		

For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. To avoid misunderstandings regarding changes to building plans that have received Design Review, please read and acknowledge the below information. To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be **identical** to the plans approved for design review. (BMC §20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)

SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site **at least twenty (20) days** prior to the first meeting date at which this application will be heard. **Final Story Poles** must be placed at the site **at least ten (10) days** prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. **Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.**

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. **Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.**

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 312 Beach Road, Belvedere, CA 94920

Assessor's Parcel No(s). of subject property: 060-233-08

➢ Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One or more of the following documents *may* contain the necessary information.

- For Trusts: the **Trust Document** or a **Certificate of Trust**, including any attachments thereto; **Property Deed**; **Certificate of Title Insurance.**
- For other entities: **Articles of Incorporation**; **Partnership Agreement**; **Property Deed**; **Certificate of Title Insurance**; written **certification of facts** by an attorney.

Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.

I, N/A, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a Trust, LLC, Corporation, Partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, Corporation, Partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, *if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities,"* above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record. If more than one signature is required by the owner entity to make this application, please have all signers sign below.

Signed this _____ day of _____, 20___, at Belvedere, California.

Signature_____ Signature_____

Title(s)_____ Title(s)_____

☐ Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other _____

Name of trust, LLC, corporation, or other entity: N/A

➢ Properties Owned by Individuals

I, Scott L Robertson, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record.

Signed this 10th day of February, 2021, at Belvedere, California.

Signature_____

➢ **Designation of Owner's Representative (Optional)**

I hereby authorize_____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finaled or until the designation is rescinded in writing.

Signature of Owner: _____ Date:_____

Signature of Representative: _____ Date:_____

APPLICATION FOR VARIANCE

CITY OF BELVEDERE • PLANNING COMMISSION
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Amount: _____ Receipt No.: _____

Assessors Parcel No: 60-223-08 Zone: _____

TO BE COMPLETED BY APPLICANT

Address of Property: 312 Beach Road, Belvedere, California 94920

Type of Property: Existing Residence

Record Owner of Property: Scott L Robertson

Mailing Address: 10525 E Rimrock Drive, Scottsdale, AZ 85255

Daytime Phone: 415-559-1238

Fax: _____

Email: slr@vanmac.com

Owner's Representative: Architect – David Hamblen @ Syntec Design, Inc

Mailing Address: 1111 West University Drive, 104, Tempe, AZ 85281

Daytime Phone: 480-948-9766

Fax: 480-948-9211

Email: dhamblen@sdiaz.us

Description of project and variance(s) requested: Re-configuration and Repair of an existing Non-conforming portion of an existing residence. Existing structure on the north elevation is within the setback.

ORDINANCE §	REQUIREMENT	EXISTING	PROPOSED
19.26.040 Or 19.76.020	10' Side Setback No Alteration of Non -Conforming Structure	2'7" Approx No Alteration of Non-Conforming Structure	2'7" Approx Alter Elevation without expanding footprint of non-conforming portion of residence

I hereby apply for a variance from the strict interpretation of the Belvedere Zoning Ordinance to permit the construction described on the previous page. I propose that the Planning Commission make the following findings of fact in order to grant the requested variance:

A. The granting of this variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated because:

The portion of the existing residence being modified does not adversely affect views, drainage, use of privacy of adjacent properties. Existing glazing facing Northern neighbor is being eliminated and outward appearance, along with neighboring residence privacy is improved.

B. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance section would deprive this property of privileges enjoyed by other property in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss, as follows:

Due to the existing conditions and age of this residence, a portion of the building is un-alterable due to ordinance provisions. This condition will prevent the owner from updating the rest of the property and removal would cause loss of use and value.

C. The granting of this variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, or to the quiet enjoyment of their premises because:

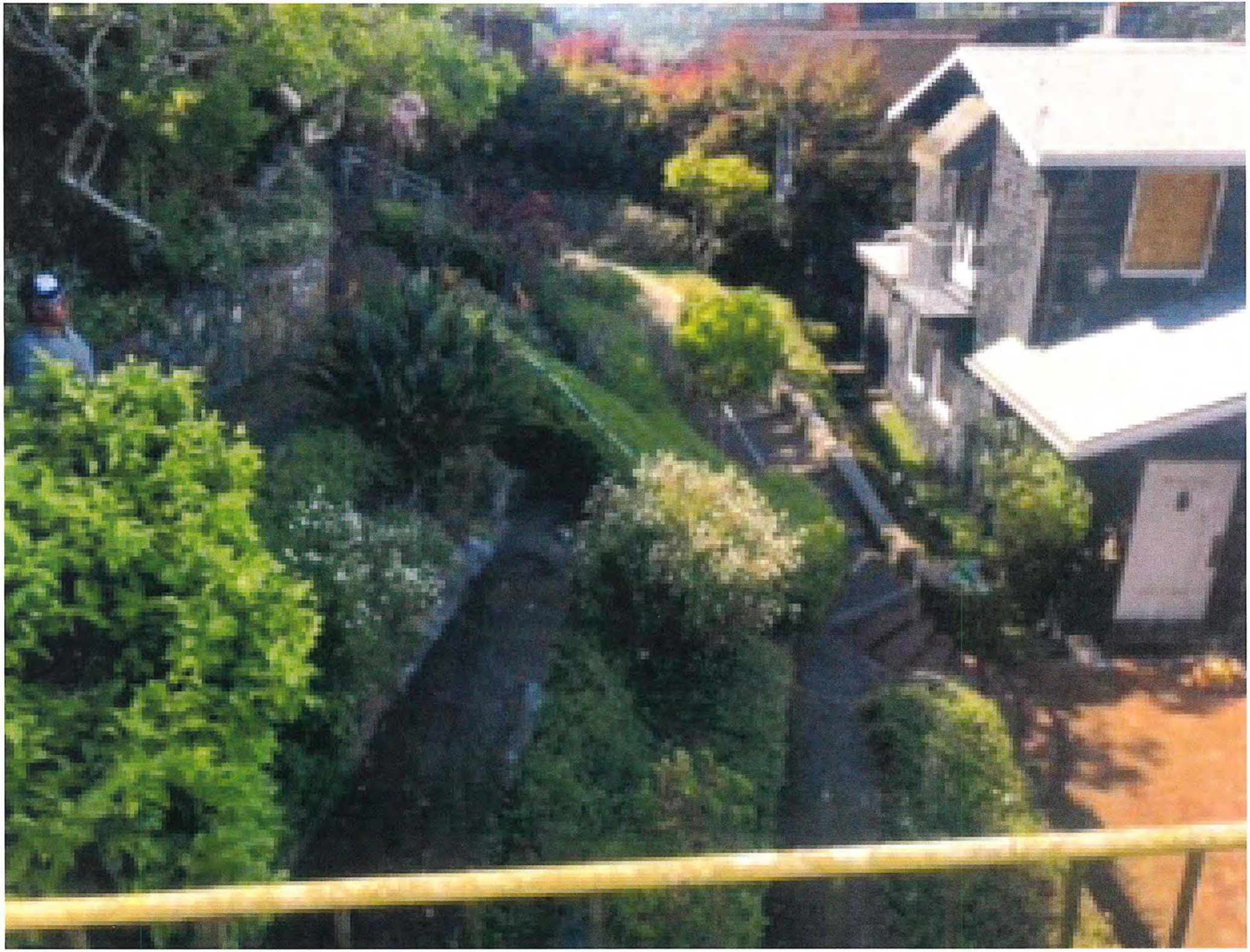
The alterations proposed are cosmetic and do not represent an expansion of the non-conforming portion of the existing structure. There will be no effect on the public health or adjacent property owners. The improvements are part of a larger renovation that is addressing the general neglect of this property. The Project will address Structure, Aesthetics and Energy Efficiency.

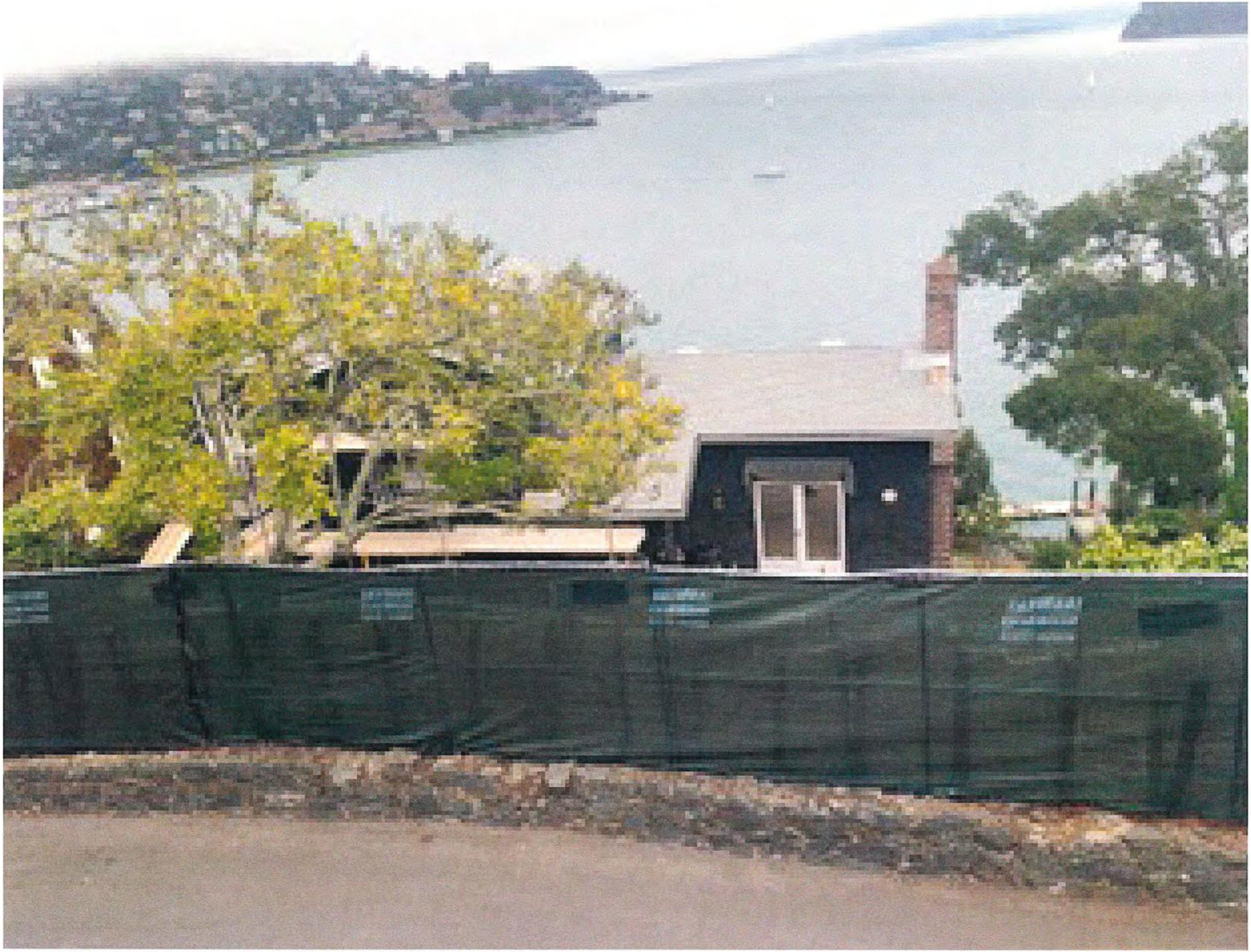
I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for the variance requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

Signature: _____

Name: Scott L Robertson

Date: 02-10-2021

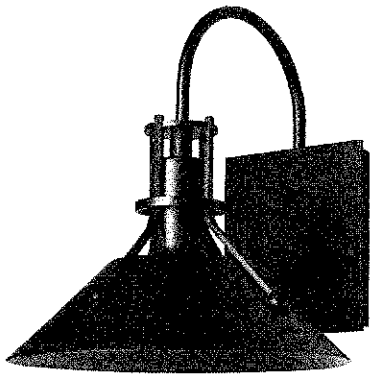




312 Beach Rd

HUBBARDTON FORGE

PRODUCT SPECIFICATIONS



Henry Small Dark Sky Friendly Outdoor Sconce

Base Item #302711
Configured Item #302711-1000

FINISH
Coastal Black - 10

LAMPING
Incandescent

OPTIONS

FINISH

Coastal Black - 10
Coastal Natural Iron - 20
Coastal Gold - 70
Coastal Mahogany - 73
Coastal Bronze - 75
Coastal Dark Smoke - 77
Coastal Burnished Steel - 78

LAMPING

Incandescent

SPECIFICATIONS

Henry Small Dark Sky Friendly Outdoor Sconce
Base Item #: 302711
Configured Item #: 302711-1000

Aluminum direct wire exterior gooseneck wall sconce with finish options. Includes a bulb shield which focuses the light downwards. Designed and built to Dark Sky standards.

- Handcrafted to order by skilled artisans in Vermont, USA
- Lifetime Limited Warranty when installed in residential setting
- Features our robust Coastal Outdoor finish specifically formulated to resist some of the harshest environmental conditions.

Dimensions

Height	10.50″
Width	9.20″
Projection	10.40″
Product Weight	1.40 lbs
Backplate	5.50″ x 4.90″
Vertical Mounting Height	3.90″
Packed Weight	4.00 lbs
Shipping (DIM) Weight	17.00 lbs

Incandescent Lamping
Socket: Medium
Bulb: Par20 (wet location), 50W Max
Number of Bulbs: 1 (not included)
IES Files Available: Y

Location Rating
Outdoor Wet

Safety Rating
UL, CUL listed

Copyright © 2021 Hubbardton Forge. All Rights Reserved. 800-826-4766 | https://www.hubbardtonforge.com

Seaside™ 12" 1 Light Outdoor Wall Light Black

9022BK

SPECIFICATIONS

Certifications/Qualifications

www.kichler.com/warranty

Dimensions

Base Backplate	4.75 DIA
Extension	9.00"
Weight	1.50 LBS
Height from center of Wall opening (Spec Sheet)	6.00"
Height	12.00"
Width	7.75"

Light Source

Lamp Included	Not Included
Lamp Type	A19
Light Source	Incandescent
Max or Nominal Watt	100W
# of Bulbs/LED Modules	1
Socket Type	Medium
Socket Wire	105"

Mounting/Installation

Interior/Exterior	Exterior
Location Rating	Wet

FIXTURE ATTRIBUTES

Housing

Primary Material	ALUMINUM

Product/Ordering Information

SKU	9022BK
Patent	D383239
Finish	Black
Style	Coastal
UPC	783927012959

Finish Options

- Black
- Brushed Nickel
- Olde Brick
- Olde Bronze
- White

ALSO IN THIS FAMILY

310181SBK

310181WZC

9142BK

9142NI

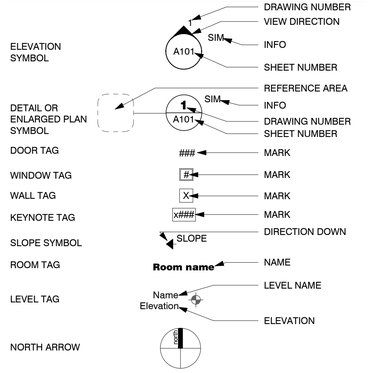
9023OZ

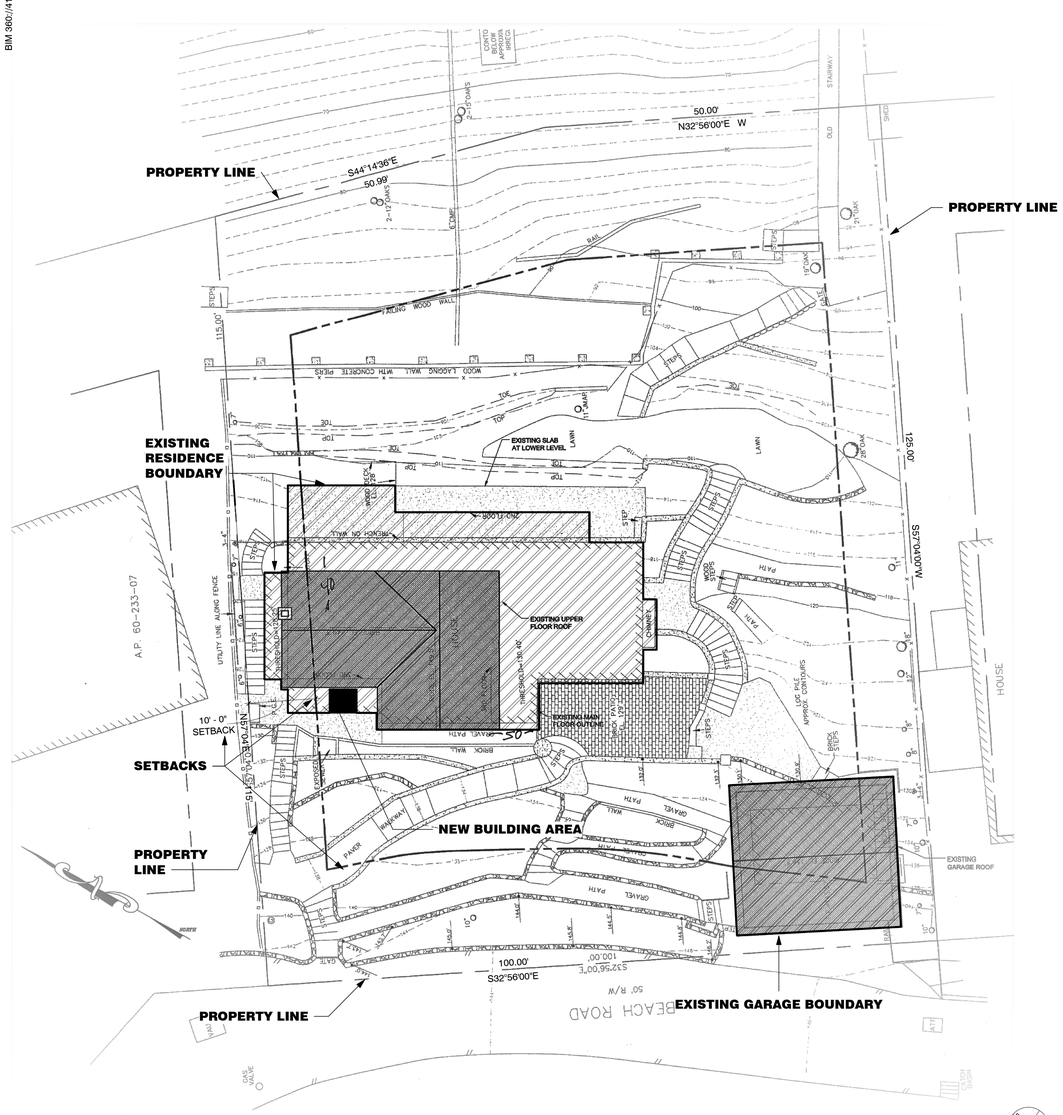
9142OZ

ROBERTSON RESIDENCE DESIGN REVIEW SUBMITTAL

SYNECTIC DESIGN
1111 West University Drive, Suite 104, Tempe, AZ 85281
t:480.948.9766
f:480.948.9211

SYMBOL LEGEND





6 SITE PLAN PHASE 2
3/32" = 1'-0"

WINDOW SCHEDULE EXISTING AREAS				
Base Constraint	#	HEIGHT	WIDTH	Area
LOWER LEVEL	X101	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X102	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X103	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X104	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X105	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X106	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X107	4' - 0"	3' - 4"	13.33 SF
LOWER LEVEL	X108	4' - 0"	2' - 11 1/4"	11.75 SF
LOWER LEVEL	X215	10' - 1"	2' - 6"	26.73 SF
LOWER LEVEL	X216	6' - 7"	4' - 0"	29.96 SF
LOWER LEVEL	X217	6' - 0"	4' - 0"	27.39 SF
MAIN LEVEL	X201	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X202	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X203	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X204	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X205	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X206	5' - 2"	5' - 2"	26.69 SF
MAIN LEVEL	X207	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X208	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X209	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X210	5' - 2"	3' - 6"	18.08 SF
MAIN LEVEL	X211	3' - 8"	3' - 6"	12.83 SF
MAIN LEVEL	X212	4' - 8"	3' - 6"	16.33 SF
MAIN LEVEL	X213	4' - 8"	3' - 6"	16.33 SF
MAIN LEVEL	X214	4' - 10"	4' - 0"	19.33 SF
MAIN LEVEL	X218	4' - 0"	2' - 0"	8.00 SF
MAIN LEVEL	X219	4' - 0"	1' - 11"	7.67 SF
MAIN LEVEL	X220	4' - 2"	3' - 2"	13.19 SF
MAIN LEVEL	X221	4' - 2"	3' - 2 3/8"	13.32 SF
MAIN LEVEL	X222	4' - 2"	3' - 2"	13.19 SF
MAIN LEVEL	X223	2' - 8"	5' - 0"	13.33 SF
GARAGE LOWER LEVEL	X401	3' - 2"	7' - 10"	24.81 SF
GARAGE LOWER LEVEL	X402	3' - 2"	3' - 10"	12.14 SF
UPPER LEVEL	X301	2' - 2"	2' - 8"	5.78 SF
UPPER LEVEL	X302	3' - 2"	3' - 2"	10.03 SF
UPPER LEVEL	X303	4' - 0"	3' - 4"	13.33 SF
UPPER LEVEL	X304	4' - 0"	3' - 4"	13.33 SF
UPPER LEVEL	X305	4' - 0"	3' - 4"	13.33 SF
UPPER LEVEL	X306	3' - 2"	3' - 2"	10.03 SF
GARAGE STREET LEVEL	X501	3' - 2"	7' - 4"	23.22 SF
GARAGE STREET LEVEL	X502	3' - 2"	7' - 4"	23.22 SF
GARAGE STREET LEVEL	X503	3' - 2"	5' - 8"	17.94 SF
GARAGE STREET LEVEL	X504	3' - 2"	5' - 8"	17.94 SF
				697.26 SF

WINDOW SCHEDULE NEW AREAS				
Base Constraint	#	HEIGHT	WIDTH	Area
LOWER LEVEL	101	5' - 8"	3' - 0"	15.02 SF
LOWER LEVEL	102	5' - 8"	3' - 0"	17.00 SF
LOWER LEVEL	105	6' - 6"	2' - 8"	17.33 SF
LOWER LEVEL	106	6' - 6"	4' - 6"	29.25 SF
LOWER LEVEL	107	6' - 6"	2' - 8"	17.33 SF
LOWER LEVEL	108	5' - 8"	3' - 0"	17.00 SF
LOWER LEVEL	109	5' - 8"	3' - 0"	17.00 SF
LOWER LEVEL	110	5' - 8"	3' - 0"	17.00 SF
LOWER LEVEL	111	4' - 0"	2' - 0"	8.00 SF
LOWER LEVEL	112	5' - 8"	3' - 0"	17.00 SF
LOWER LEVEL	113	4' - 0"	2' - 0"	8.00 SF
MAIN LEVEL	201	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	202	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	203	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	204	7' - 0"	3' - 6"	24.50 SF
MAIN LEVEL	205	7' - 0"	5' - 2"	36.17 SF
MAIN LEVEL	206	7' - 0"	3' - 6"	24.50 SF
MAIN LEVEL	207	7' - 0"	3' - 6"	24.50 SF
MAIN LEVEL	208	7' - 0"	3' - 6"	24.50 SF
MAIN LEVEL	209	7' - 0"	3' - 6"	24.50 SF
MAIN LEVEL	210	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	211	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	212	5' - 8"	3' - 0"	17.00 SF
MAIN LEVEL	213	5' - 0"	2' - 4"	11.67 SF
MAIN LEVEL	214	5' - 0"	2' - 0"	10.00 SF
MAIN LEVEL	215	5' - 8"	4' - 0"	22.67 SF
MAIN LEVEL	216	5' - 8"	4' - 0"	22.67 SF
MAIN LEVEL	217	2' - 8"	4' - 0"	10.67 SF
GARAGE LOWER LEVEL	401	5' - 8"	3' - 0"	17.00 SF
GARAGE LOWER LEVEL	402	5' - 8"	3' - 0"	17.00 SF
GARAGE LOWER LEVEL	403	5' - 8"	3' - 0"	17.00 SF
GARAGE LOWER LEVEL	404	5' - 8"	3' - 0"	17.00 SF
UPPER LEVEL	301	3' - 2"	3' - 2"	10.03 SF
UPPER LEVEL	302	2' - 2"	2' - 8"	5.78 SF
UPPER LEVEL	303	3' - 2"	3' - 2"	10.03 SF
UPPER LEVEL	304	3' - 2"	2' - 0"	6.33 SF
UPPER LEVEL	306	4' - 0"	3' - 0"	12.00 SF
UPPER LEVEL	307	4' - 0"	3' - 0"	12.00 SF
GARAGE STREET LEVEL	501	4' - 0"	3' - 0"	12.00 SF
GARAGE STREET LEVEL	502	4' - 0"	3' - 0"	12.00 SF
GARAGE STREET LEVEL	503	4' - 0"	3' - 0"	12.00 SF
GARAGE STREET LEVEL	505	4' - 0"	3' - 0"	12.00 SF
GARAGE STREET LEVEL	506	4' - 0"	3' - 0"	12.00 SF
				702.44 SF

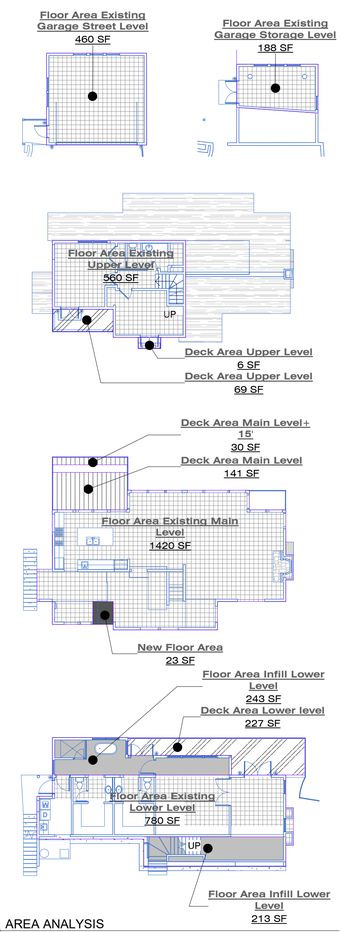
TOTAL NEW FLOOR AREA	
NAME	AREA
New Floor Area	23 SF
	23 SF

TOTAL NEW INFILL FLOOR AREA "EXISTING STRUCTURED SPACE"	
NAME	AREA
Floor Area Infill Lower Level	243 SF
Floor Area Infill Lower Level	213 SF
	456 SF

TOTAL GROSS FLOOR AREA AT COMPLETION	
NAME	AREA
Floor Area Existing Lower Level	780 SF
Floor Area Infill Lower Level	243 SF
Floor Area Infill Lower Level	213 SF
Floor Area Existing Main Level	1420 SF
New Floor Area	23 SF
Floor Area Existing Garage Storage Level	188 SF
Floor Area Existing Upper Level	560 SF
Floor Area Existing Garage Street Level	460 SF
	3887 SF

Area Legend

- Deck Area Existing
- Deck Area New
- Existing Structured Space
- Floor Area Existing
- New Floor Area



1 AREA ANALYSIS
1/16" = 1'-0"

DESIGN REVIEW PROJECT NARRATIVE

THE FOLLOWING DRAWING REPRESENT A SUBMITTAL FOR ADMINISTRATIVE DESIGN REVIEW OF AN EXISTING RESIDENCE. THE SCOPE OF WORK PROPOSED INCLUDES:

A. REPLACEMENT OF ALL WINDOWS AND DOORS WITH NEW ENERGY EFFICIENT UNITS. LOCATIONS AND QUANTITIES ARE BEING ADJUSTED IN SOME INSTANCES.
B. ENCLOSURE OF "EXISTING STRUCTURED SPACE" AT THE LOWER LEVEL. THE NEWLY ENCLOSED AREA WILL BE COMPLETELY UNDER THE EXISTING MAIN LEVEL AND WILL BE SUPPORTED BY AN EXISTING FOUNDATION SYSTEM.
C. NEW FLOOR AREA(<250 S.F.) CREATED BY THE ENCLOSURE OF AN EXISTING EXTERIOR ALCOVE.
D. NEW ROOF LINE AT NORTH FACADE (REPAIR)
E. EXISTING CEDAR SIDING TO BE REPLACED TO MATCH EXISTING.(REPAIR)
F. EXISTING SHINGLE ROOFING WILL BE REPLACED TO MATCH EXISTING (REPAIR)

REFER TO AREA ANALYSIS THIS SHEET FOR QUANTITY OF NEW FLOOR AREA AND INFILL FLOOR AREA (EXISTING STRUCTURED SPACE)
REFER TO SCHEDULES THIS SHEET THAT SHOW NEW VS EXISTING GLAZED AREA.

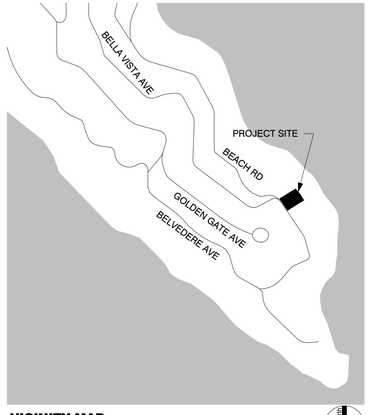
PROJECT DATA

BUILDING AND SITE BASICS:

PROJECT ADDRESS:	312 BEACH RD BELVEDERE, CA 94920
ASSESSORS PARCEL #:	060-233-08
LOT AREA:	12,520 S.F.
LOT COVERAGE:	1,567 EXISTING RESIDENCE 595 GARAGE 23 NEW ADDITION 2,185 TOTAL S.F.< 3,756(.3 X 12,520)
FLOOR AREA:	3,887 GROSS S.F. <4,131(.33 X 12,520)
FENESTRATION:	697.67 S.F. EXISTING 697.11 S.F. NEW

BUILDING CODE INFORMATION:

BUILDING OCCUPANCY(S):	R-3
CONSTRUCTION TYPE:	V-B
STORIES:	3
CLIMATE ZONE:	3



VICINITY MAP

SHEET INDEX - DR	
A0.2	COVER SHEET DR
A2.5	LOWER LEVEL-PHASE 2
A2.6	MAIN LEVEL-PHASE 2
A2.7	UPPER LEVEL-PHASE 2
A2.8	GARAGE-PHASE 2
A2.9	ROOF PLAN-PHASE 1A
A3.1-2	EXTERIOR ELEVATIONS PHASE 2
A3.2-2	EXTERIOR ELEVATIONS PHASE 2
A3.3-2	EXTERIOR ELEVATIONS GARAGE- PHASE 2

ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW
312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
LANCE D. BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/18/2021

REVISIONS

Phase:	CD
Drawn By:	Author
Reviewd By:	Checker
SDI Project No:	4115
Date:	2021-01-12
Sheet:	**A0.2**
	COVER SHEET DR

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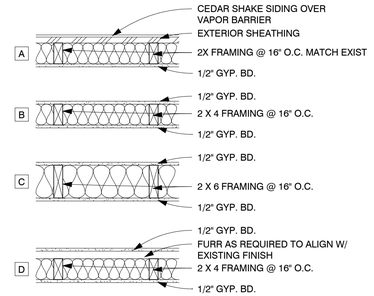
WINDOW SCHEDULE PHASE 2 - LOWER LEVEL

#	TYPE	HEIGHT	WIDTH	GLAZING TYPE	TEMPERED	MAX U-FACTOR	MAX SHGC	NOTES
101	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
102	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
105	A	6' - 6"	2' - 8"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
106	A	6' - 6"	4' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
107	A	6' - 6"	2' - 8"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
108	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
109	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
110	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
111	A	4' - 0"	2' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
112	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
113	A	4' - 0"	2' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER

DOOR SCHEDULE PHASE 2 - LOWER LEVEL

#	TYPE	WIDTH	HEIGHT	GLAZING TEMPERED	MAX U-FACTOR	MAX SHGC	NOTES
N101	B	6' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N102	B	5' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N103	A	3' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N104	C	3' - 0"	8' - 0"				PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N105	C	2' - 4"	6' - 8"				PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N106	C	2' - 4"	6' - 8"				PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N107	C	3' - 0"	8' - 0"				PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N108	D	6' - 0"	8' - 0"				PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER

WALL TYPE LEGEND

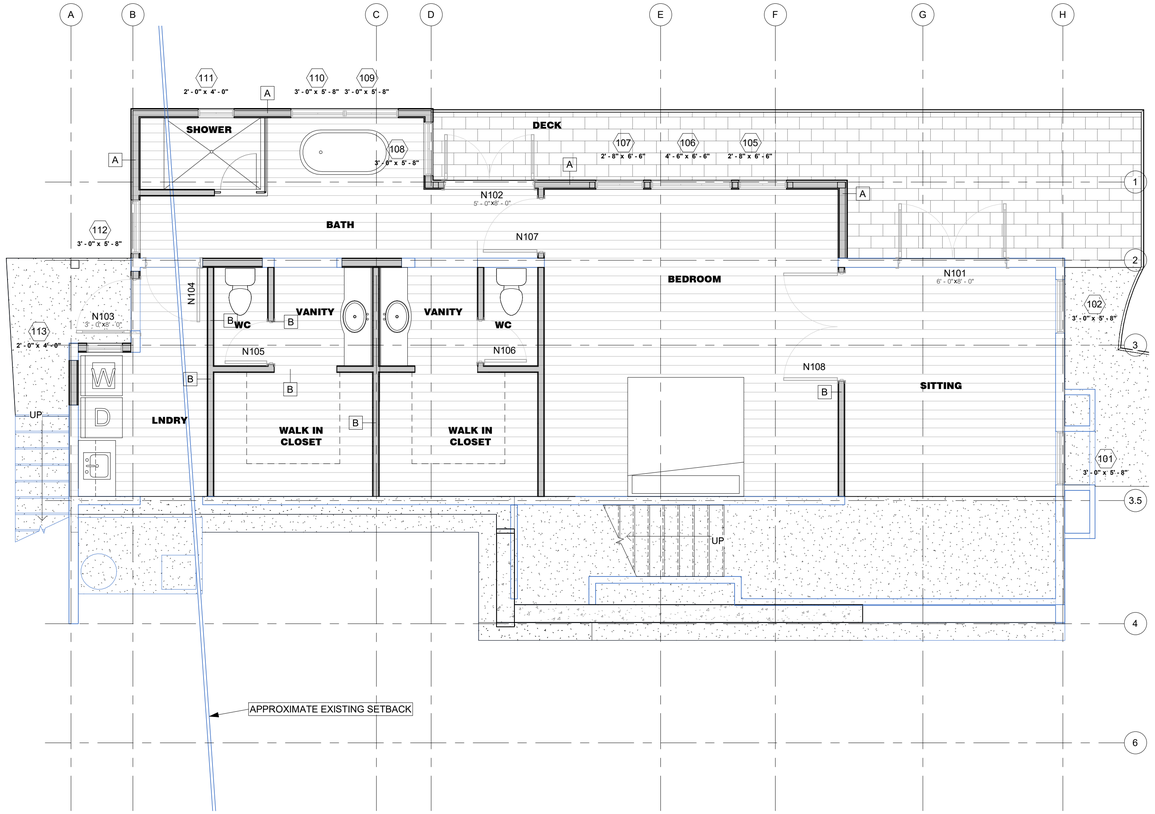


NOTES:
1. USE 5/8" TYPE X GYPSUM BOARD @ INTERIOR SIDE OF STORAGE AND MECHANICAL ROOMS
2. USE 5/8" MOISTURE RESISTANT GYPSUM BOARD IN ALL DAMP AREAS
3. USE 1/2" CEMENT BOARD UNDER CERAMIC TILE
4. PROVIDE FULL DEPTH R-19 INSULATION IN EXTERIOR WALL CAVITIES
5. PROVIDE FULL DEPTH SOUND ATTENUATION BATTS IN ALL INTERIOR PARTITIONS
6. ALL WOOD FRAMED WALLS SHALL HAVE A TREATED SOLE PLATE

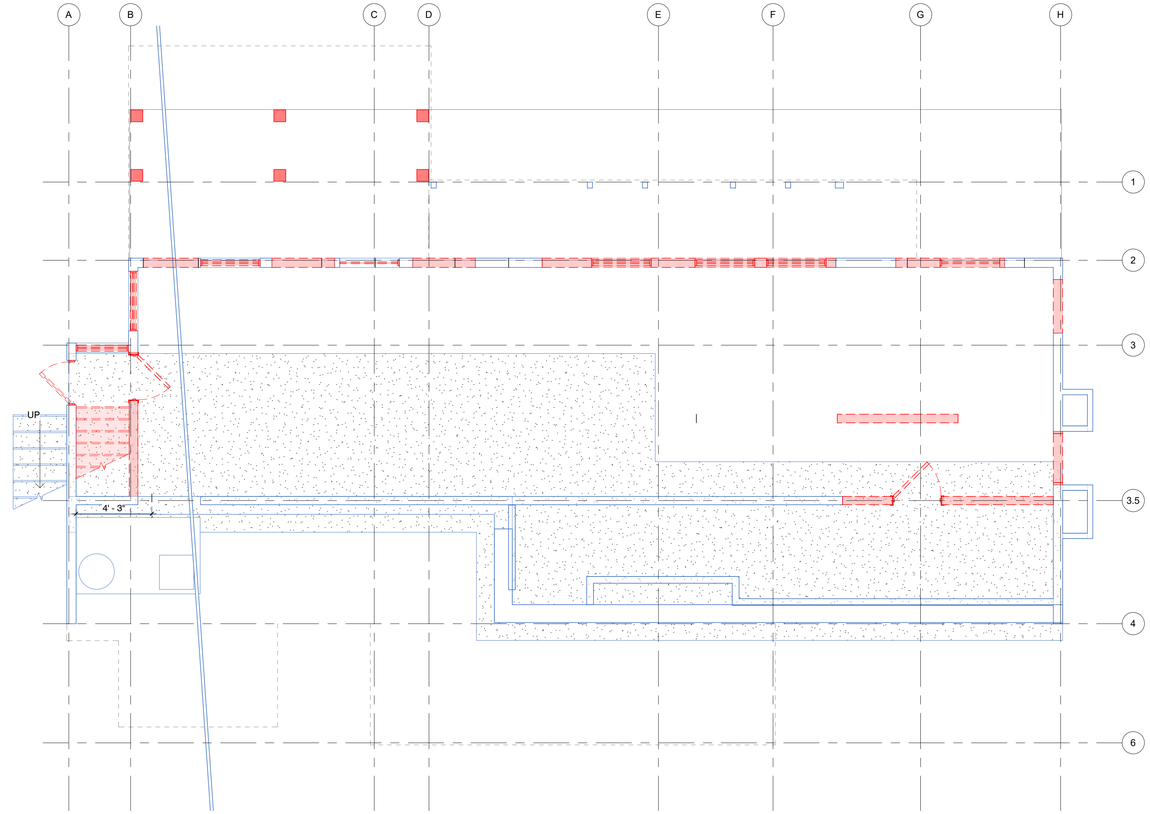
DEMOLITION PLAN GENERAL NOTES

A. THIS WORK INCLUDES THE DEMOLITION OF EXISTING CONSTRUCTION, REMOVAL OF VARIOUS ITEMS OF EQUIPMENT AND CONSTRUCTION AS SHOWN, NOTED OR IMPLIED ON THE DRAWINGS. CONTRACTOR SHALL DETERMINE AND INVENTORY ALL NECESSARY DEMOLITION AND ALTERATION OF ITEMS TO PROVIDE FOR A COMPLETE INSTALLATION OF THE NEW WORK. ALL COST OF REMOVAL, REPAIR OR REPLACEMENT SHALL BE INCLUDED IN THE BID. ADDITIONAL COST FOR DEMOLITION OF HIDDEN OR INACCESSIBLE ITEMS DURING THE BIDDING PHASE, SHALL BE SUBMITED FOR APPROVAL PRIOR TO BEGINNING OF WORK.
B. PRIOR TO COMMENCEMENT OF DEMOLITION CONTRACTOR SHALL WALK THE SITE WITH THE OWNER TO VERIFY ALL EXISTING CONDITIONS. COORDINATE EXTENTS OF DEMOLITION WITH NEW WORK SHOWN.
C. AT ALTERED CONSTRUCTION, REPAIR CUT EDGES, REPLACE CONSTRUCTION, AND FIT NEW TO EXISTING CONSTRUCTION TO MATCH EXISTING WORK, MAKE JOINTS OF NEW AND EXISTING PATCHES VERY SMOOTH, EVEN AND PRACTICALLY INVISIBLE. COORDINATE REPLACEMENT AND REPAIR REQUIREMENTS WITH ARCHITECT.
D. REMOVE FROM THE SITE CONTAMINATED, VERMIN INFESTED OR DANGEROUSMATERIALS ENCOUNTERED; DISPOSE OF ALL DEMOLITION MATERIALS BY A SAFE MEANS TO PROTECT THE HEALTH OF WORKERS AND THE PUBLIC. OBTAIN ALL NECESSARY PERMITS AND APPROVALS TO PROPERLY DISPOSE OF ALL MATERIALS.

SHEET KEYED NOTES



2 LOWER LEVEL PHASE 2 CONSTRUCTION PLAN
1/4" = 1'-0"



1 LOWER LEVEL PHASE 2 DEMO PLAN
1/4" = 1'-0"

SYNECTIC DESIGN
1111 West University Drive, Suite 104, Tempe, AZ 85281
t:480.948.9766
f:480.948.9211

ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
BLANCO DE BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/18/2021

REVISIONS

Phase:	CD
Drawn By:	JLM
Reviewd By:	DPH
SDI Project No:	4115
Date:	2021-01-12

Sheet:
A2.5
LOWER LEVEL-PHASE 2

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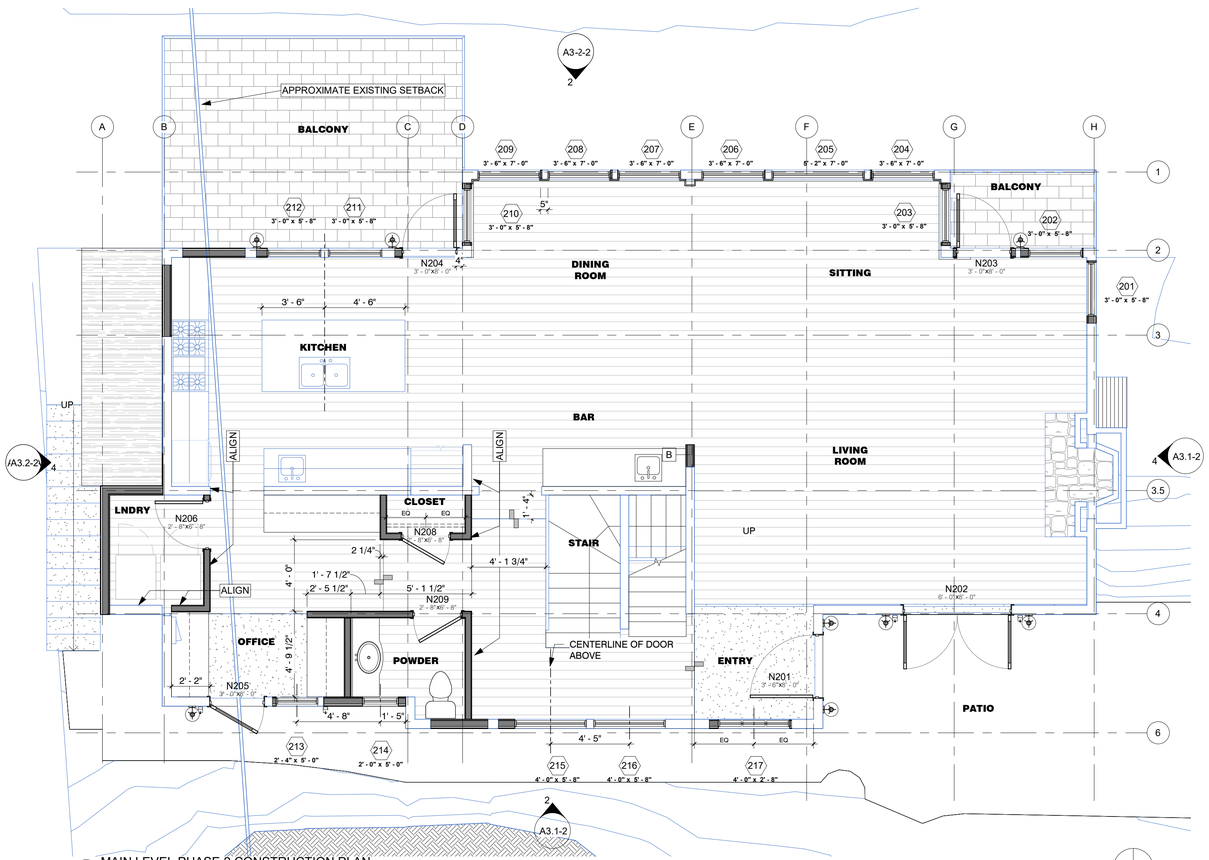
WINDOW SCHEDULE PHASE 2 - MAIN LEVEL

#	TYPE	HEIGHT	WIDTH	GLAZING TYPE	GLAZING TEMPERED	GLAZING MAX U-FACTOR	GLAZING MAX SHGC	NOTES
201	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
202	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
203	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
204	A	7' - 0"	3' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
205	A	7' - 0"	5' - 2"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
206	A	7' - 0"	3' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
207	A	7' - 0"	3' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
208	A	7' - 0"	3' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
209	A	7' - 0"	3' - 6"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
210	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
211	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
212	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
213	A	5' - 0"	2' - 4"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
214	A	5' - 0"	2' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
215	A	5' - 8"	4' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
216	A	5' - 8"	4' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
217	A	2' - 8"	4' - 0"	DUAL PANE, CLEAR	X	0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER

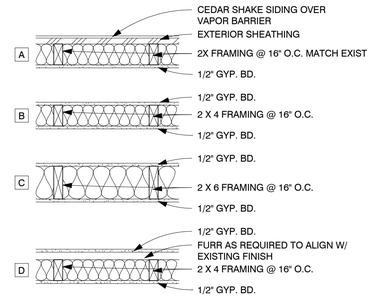
DOOR SCHEDULE PHASE 2 - MAIN LEVEL

#	TYPE	WIDTH	HEIGHT	GLAZING TEMPERED	GLAZING MAX U-FACTOR	GLAZING MAX SHGC	NOTES
N201	E	3' - 6"	8' - 0"		N/A	N/A	PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N202	B	6' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N203	A	3' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N204	A	3' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N205	A	3' - 0"	8' - 0"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N206	C	2' - 8"	6' - 8"		N/A	N/A	PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N208	C	2' - 8"	6' - 8"		N/A	N/A	PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER
N209	C	2' - 8"	6' - 8"		N/A	N/A	PANELED WOOD DOORS. STYLE TO BE SELECTED BY OWNER



2 MAIN LEVEL PHASE 2 CONSTRUCTION PLAN
1/4" = 1'-0"

WALL TYPE LEGEND



NOTES:
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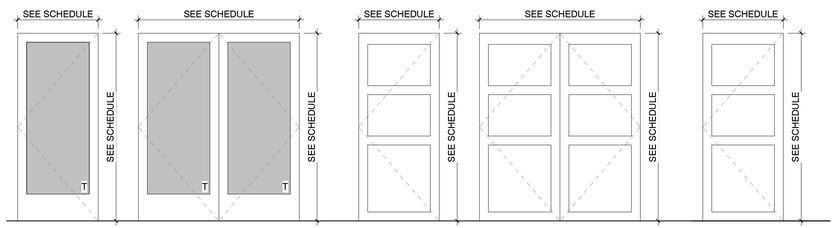
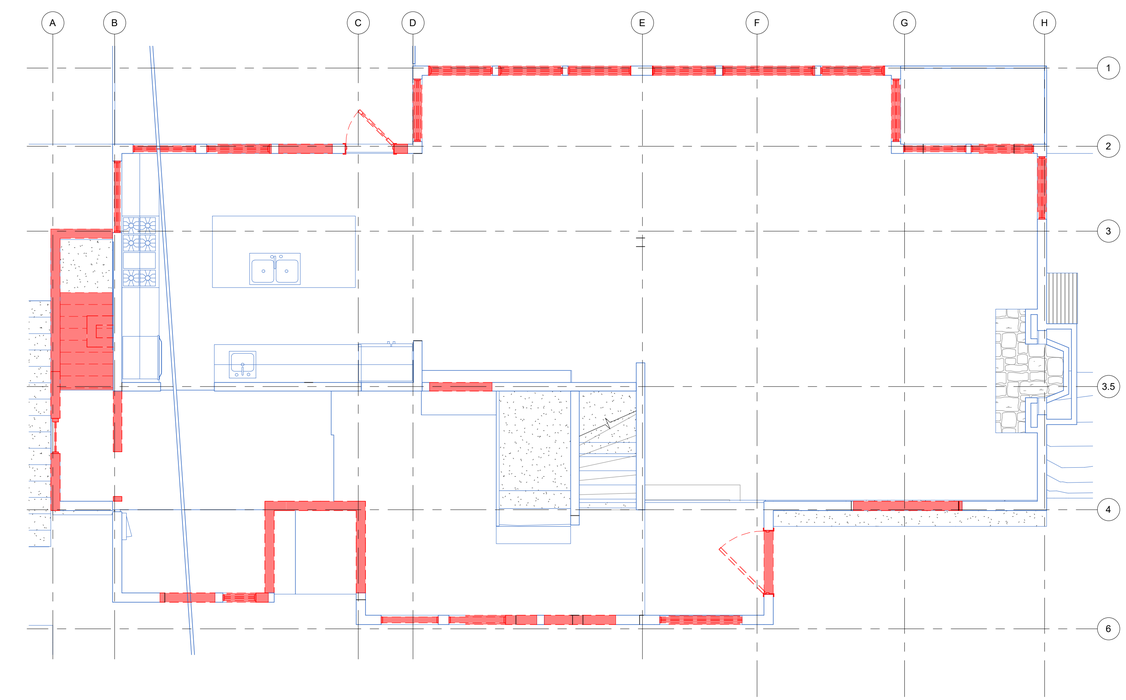
D. REMOVE FROM THE SITE CONTAMINATED, VERMIN INFESTED OR DANGEROUSMATERIALS ENCOUNTERED; DISPOSE OF ALL DEMOLITION MATERIALS BY A SAFE MEANS TO PROTECT THE HEALTH OF WORKERS AND THE PUBLIC. OBTAIN ALL NECESSARY PERMITS AND APPROVALS TO PROPERLY DISPOSE OF ALL MATERIALS.

SHEET KEYED NOTES



3 Phase 2 - Door Types
3/8" = 1'-0"



1 MAIN LEVEL PHASE 2 DEMO PLAN
1/4" = 1'-0"

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1111 West University Drive, Suite 104, Tempe, AZ 85281
t:480.948.9766
f:480.948.9211

ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
BLAKE D. BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/19/2021

REVISIONS

Phase:	CD
Drawn By:	JLM
Reviewd By:	DPH
SDI Project No:	4115
Date:	2021-01-12
Sheet:	A2.6

MAIN LEVEL-PHASE 2

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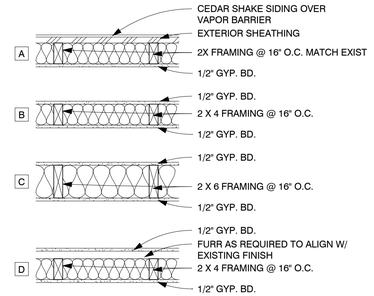
WINDOW SCHEDULE PHASE 2 - UPPER LEVEL							
				GLAZING			
#	TYPE	HEIGHT	WIDTH	TYPE	TEMPERED	MAX U-FACTOR	MAX SHGC	NOTES
301	A	3' - 2"	3' - 2"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
302	A	2' - 2"	2' - 8"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
303	A	3' - 2"	3' - 2"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
304	A	3' - 2"	2' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
306	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
307	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER

DOOR SCHEDULE PHASE 2 - UPPER LEVEL							
				GLAZING			
#	TYPE	WIDTH	HEIGHT	TEMPERED	MAX U-FACTOR	MAX SHGC	NOTES
N301	B	4' - 0"	6' - 8"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM
N302	B	4' - 0"	6' - 8"	X	1.06	0.74	DOORS TO MATCH WINDOW SYSTEM

WALL TYPE LEGEND



NOTES:

1. USE 5/8" TYPE X GYPSUM BOARD @ INTERIOR SIDE OF STORAGE AND MECHANICAL ROOMS
2. USE 5/8" MOISTURE RESISTANT GYPSUM BOARD IN ALL DAMP AREAS
3. USE 1/2" CEMENT BOARD UNDER CERAMIC TILE
4. PROVIDE FULL DEPTH R-19 INSULATION IN EXTERIOR WALL CAVITIES
5. PROVIDE FULL DEPTH SOUND ATTENUATION BATTS IN ALL INTERIOR PARTITIONS
6. ALL WOOD FRAMED WALLS SHALL HAVE A TREATED SOLE PLATE

DEMOLITION PLAN GENERAL NOTES

A. THIS WORK INCLUDES THE DEMOLITION OF EXISTING CONSTRUCTION, REMOVAL OF VARIOUS ITEMS OF EQUIPMENT AND CONSTRUCTION AS SHOWN, NOTED OR IMPLIED ON THE DRAWINGS. CONTRACTOR SHALL DETERMINE AND INVENTORY ALL NECESSARY DEMOLITION AND ALTERATION OF ITEMS TO PROVIDE FOR A COMPLETE INSTALLATION OF THE NEW WORK. ALL COST OF REMOVAL, REPAIR OR REPLACEMENT SHALL BE INCLUDED IN THE BID. ADDITIONAL COST FOR DEMOLITION OF HIDDEN OR INACCESSIBLE ITEMS DURING THE BIDDING PHASE, SHALL BE SUBMITED FOR APPROVAL PRIOR TO BEGINNING OF WORK.

B. PRIOR TO COMMENCEMENT OF DEMOLITION CONTRACTOR SHALL WALK THE SITE WITH THE OWNER TO VERIFY ALL EXISTING CONDITIONS. COORDINATE EXTENTS OF DEMOLITION WITH NEW WORK SHOWN.

C. AT ALTERED CONSTRUCTION, REPAIR CUT EDGES, REPLACE CONSTRUCTION, AND FIT NEW TO EXISTING CONSTRUCTION TO MATCH EXISTING WORK, MAKE JOINTS OF NEW AND EXISTING PATCHES VERY SMOOTH, EVEN AND PRACTICALLY INVISIBLE. COORDINATE REPLACEMENT AND REPAIR REQUIREMENTS WITH ARCHITECT.

D. REMOVE FROM THE SITE CONTAMINATED, VERMIN INFESTED OR DANGEROUSMATERIALS ENCOUNTERED; DISPOSE OF ALL DEMOLITION MATERIALS BY A SAFE MEANS TO PROTECT THE HEALTH OF WORKERS AND THE PUBLIC. OBTAIN ALL NECESSARY PERMITS AND APPROVALS TO PROPERLY DISPOSE OF ALL MATERIALS.

SHEET KEYED NOTES

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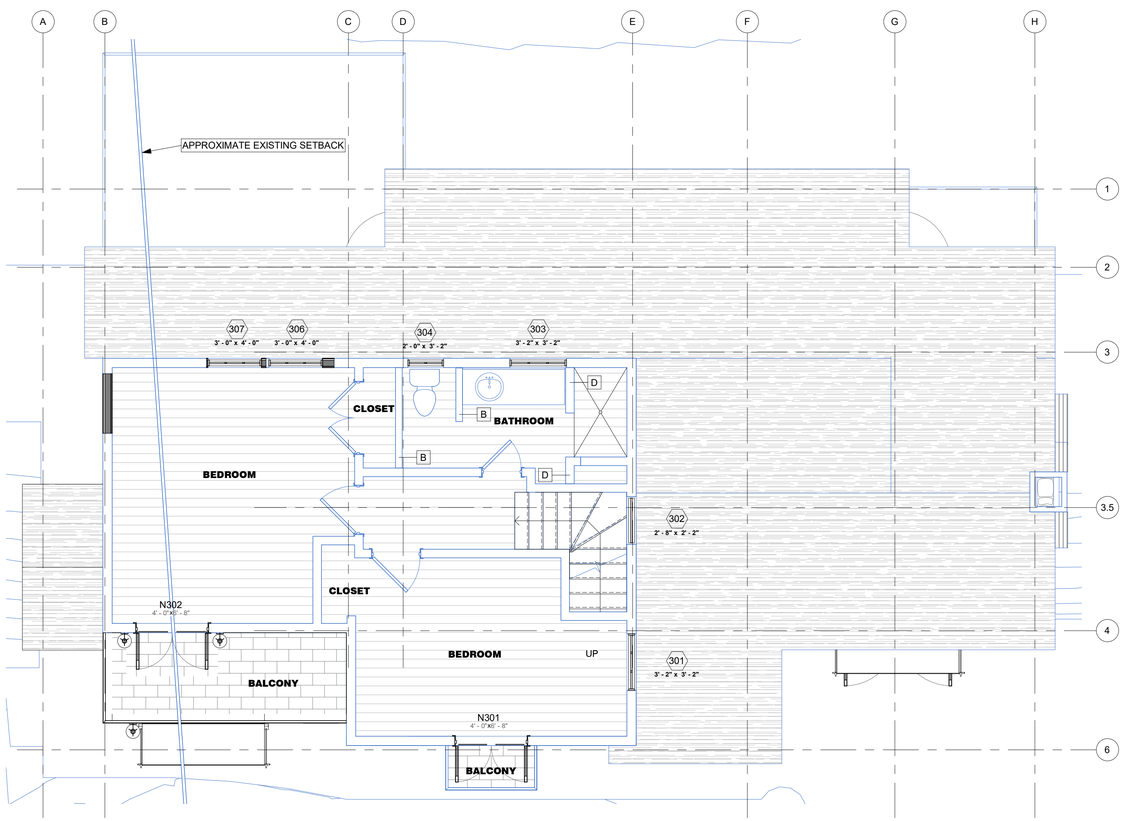
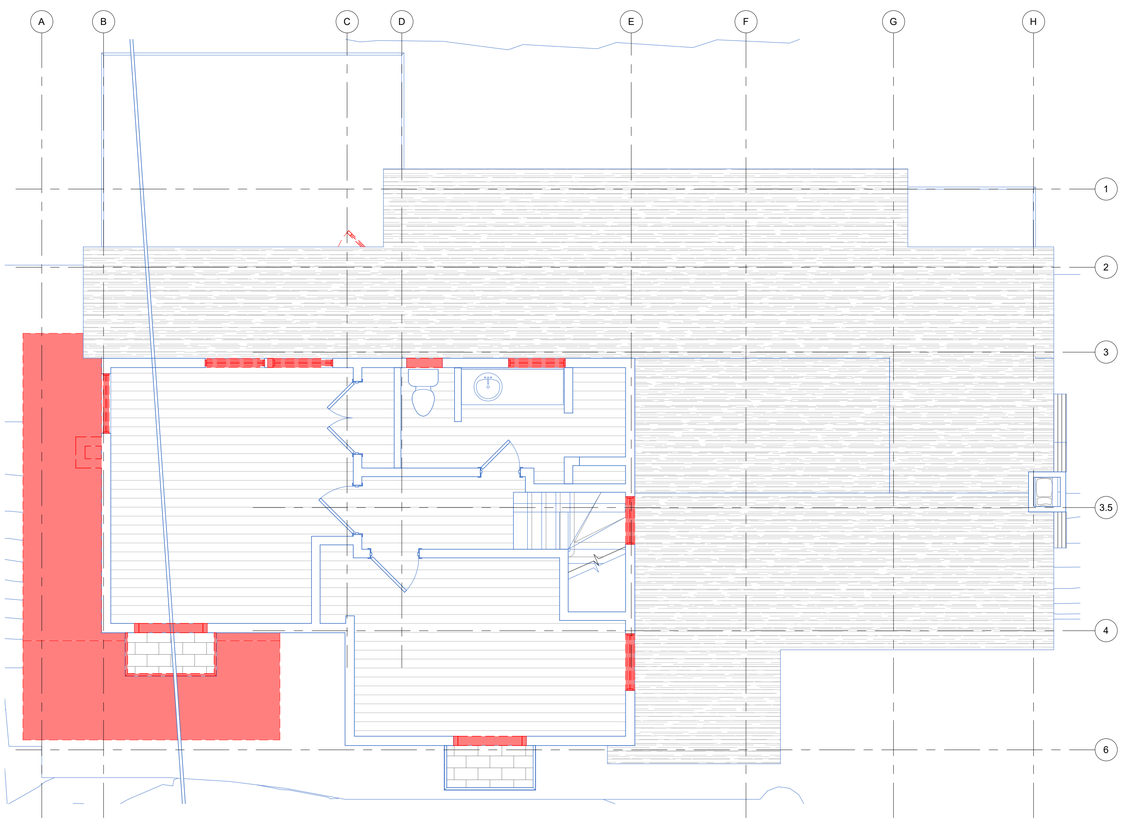


2 UPPER LEVEL PHASE 2 CONSTRUCTION PLAN
1/4" = 1'-0"



1 UPPER LEVEL PHASE 2 DEMO PLAN
1/4" = 1'-0"

ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
JAMES D. BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/18/2021

REVISIONS

Phase:	CD
Drawn By:	JLM
Reviewd By:	DPH
SDI Project No:	4115
Date:	2021-01-12

Sheet:
A2.7
UPPER LEVEL-PHASE 2

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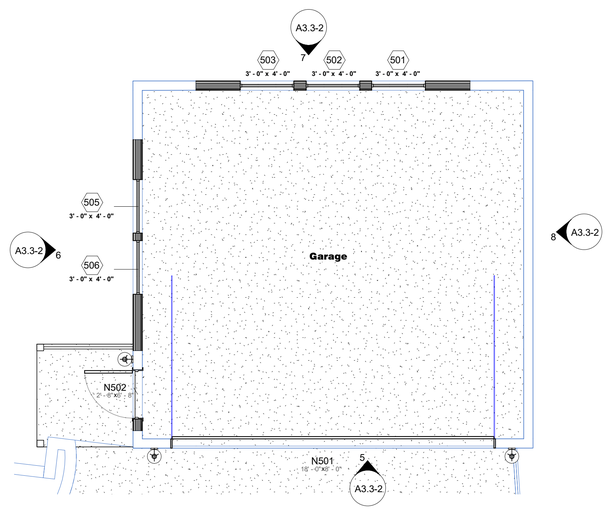
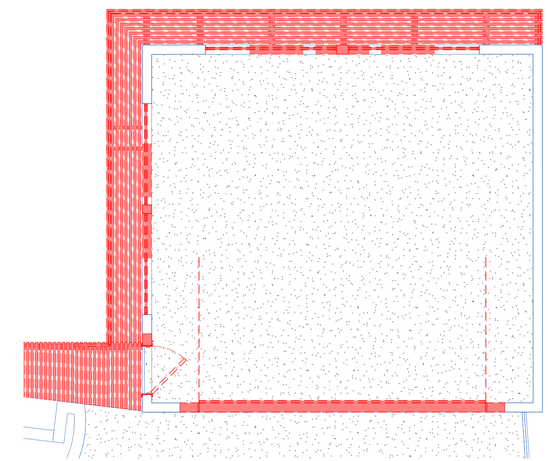
DOOR SCHEDULE PHASE 2 - GARAGE LL				
#	TYPE	WIDTH	HEIGHT	NOTES
N401	B	5' - 0"	6' - 8"	PANELED EXTERIOR DOOR.

DOOR SCHEDULE PHASE 2 - GARAGE SL				
#	TYPE	WIDTH	HEIGHT	NOTES
N501	X	18' - 0"	8' - 0"	GARAGE DOOR TO MATCH EXISTING
N502	E	2' - 8"	6' - 8"	PANELED EXTERIOR DOOR.

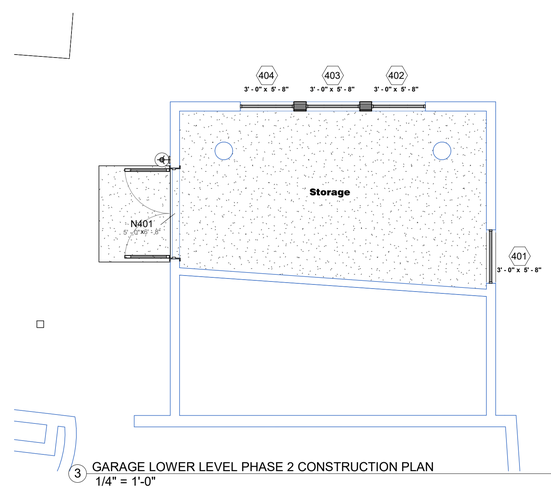
WINDOW SCHEDULE PHASE 2 - GARAGE								
				GLAZING				
#	TYPE	HEIGHT	WIDTH	TYPE	TEMPERED	MAX U-FACTOR	MAX SHGC	NOTES
401	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
402	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
403	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
404	A	5' - 8"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
501	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
502	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
503	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
505	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER
506	A	4' - 0"	3' - 0"	DUAL PANE, CLEAR		0.55	0.76	STYLE AND OPERATION TO BE SELECTED BY OWNER



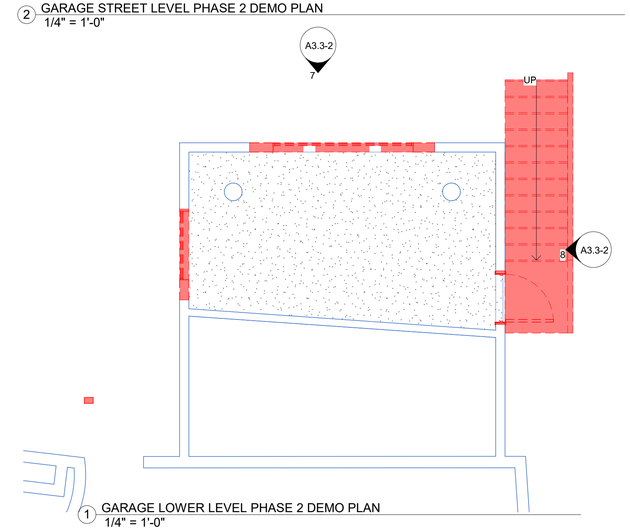
4 GARAGE STREET LEVEL PHASE 2 CONSTRUCTION PLAN
1/4" = 1'-0"



2 GARAGE STREET LEVEL PHASE 2 DEMO PLAN
1/4" = 1'-0"



3 GARAGE LOWER LEVEL PHASE 2 CONSTRUCTION PLAN
1/4" = 1'-0"



1 GARAGE LOWER LEVEL PHASE 2 DEMO PLAN
1/4" = 1'-0"

SYNECTIC DESIGN
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ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
BLAKE D. BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/19/2021

REVISIONS

Phase: CD
Drawn By: Author
Reviewd By: Checker
SDI Project No: 4115
Date: 2021-01-12
Sheet:
A2.8
GARAGE-PHASE 2

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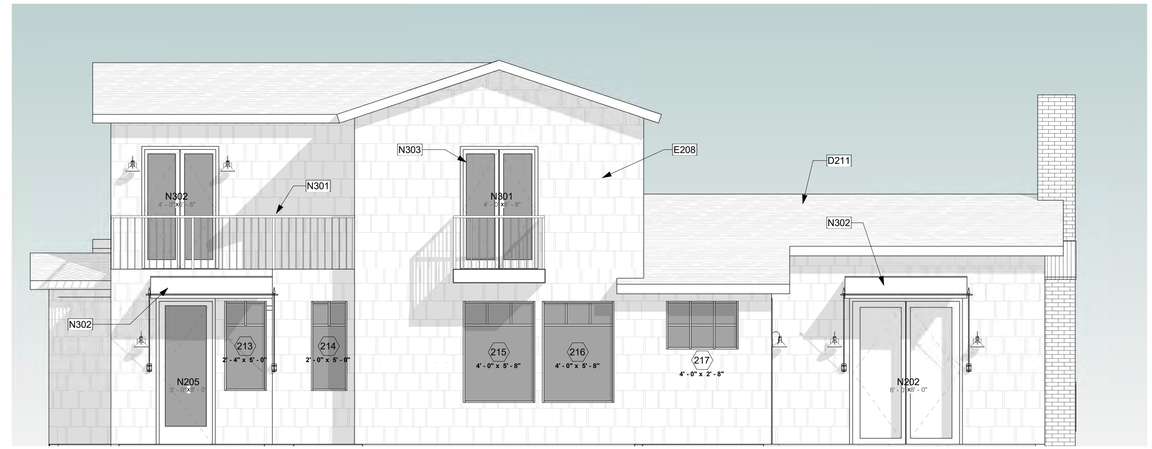
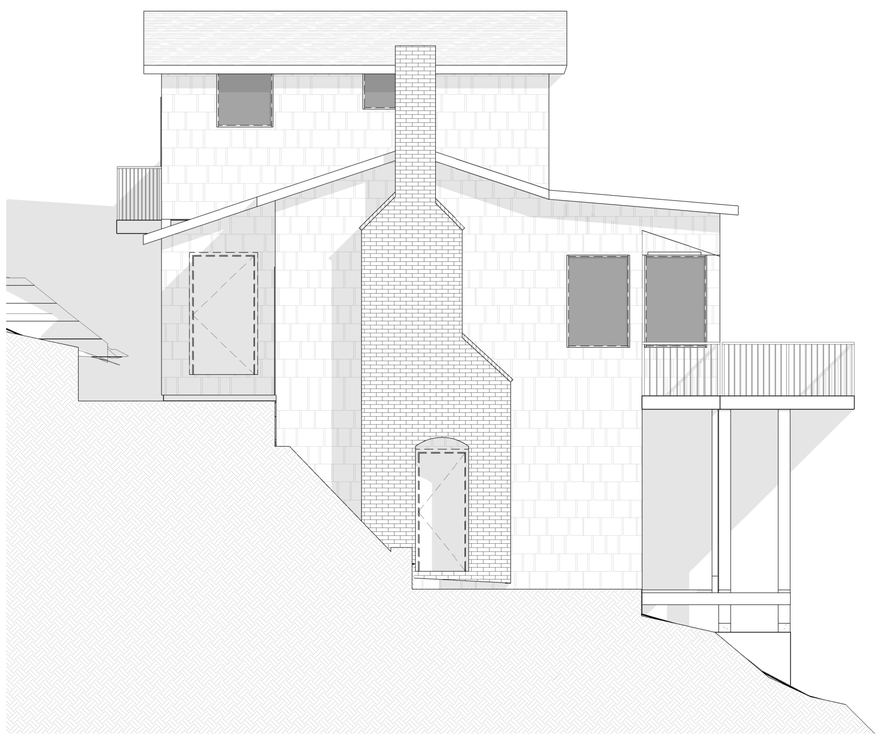
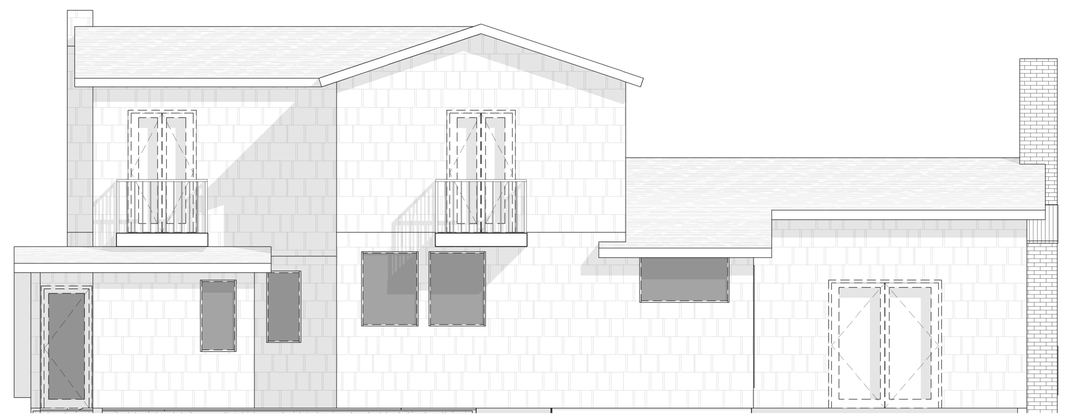
4 SOUTH ELEVATION PHASE 2
1/4" = 1'-0"



2 WEST ELEVATION PHASE 2
1/4" = 1'-0"



3 SOUTH ELEVATION EXISTING
1/4" = 1'-0"



1 WEST ELEVATION EXISTING
1/4" = 1'-0"

SHEET KEYED NOTES

D211	REMOVE EXISTING SHINGLE ROOFING AND REPLACE WITH NEW CLASS A DIMENSIONAL SHINGLE ROOFING SYSTEM TO MATCHING EXISTING COLOR, ROOFING SYSTEM SHALL PROVIDE MINIMUM 30-YEAR WARRANTY.
E208	EXISTING CEDAR SHAKE SIDING TO BE REPAIRED / REPLACED AS NEEDED, COLOR TO MATCH EXISTING (BLACK CHARCOAL)
N301	NEW 36" RAILING TO MATCH EXISTING
N302	NEW SPEAR POINT FABRIC AWNING
N303	NEW WINDOWS AND DOORS (TYP)

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ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

312 BEACH RD
BELVEDERE, CA 94920

LICENSED ARCHITECT
FRANCIS D. BAKER
C-31085
07/31/2021
Renewal Date
STATE OF CALIFORNIA
01/19/2021

REVISIONS

Phase:	CD
Drawn By:	Author
Reviewd By:	Checker
SDI Project No:	4115
Date:	2021-01-12

Sheet:
A3.1-2
EXTERIOR ELEVATIONS
PHASE 2

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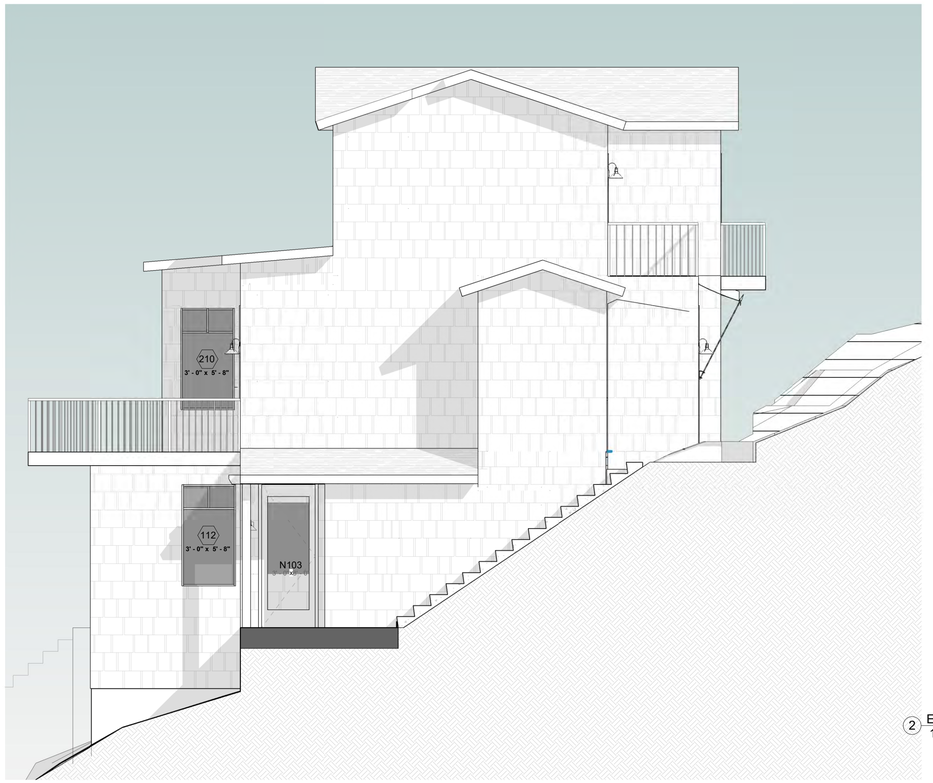
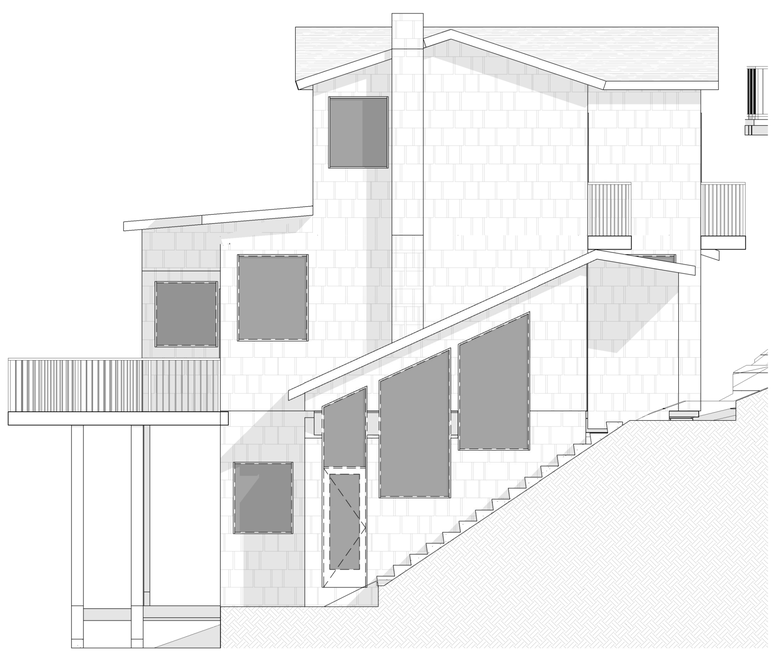


4 NORTH ELEVATION PHASE 2
1/4" = 1'-0"

2 EAST ELEVATION PHASE 2
1/4" = 1'-0"



3 NORTH ELEVATION EXISTING
1/4" = 1'-0"

1 EAST ELEVATION EXISTING
1/4" = 1'-0"

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ROBERTSON RESIDENCE REMODEL
DESIGN REVIEW

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Phase:	CD
Drawn By:	Author
Reviewd By:	Checker
SDI Project No:	4115
Date:	2021-01-12
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EXTERIOR ELEVATIONS
PHASE 2

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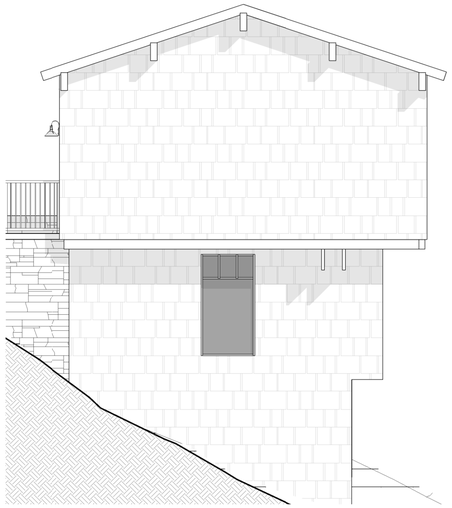
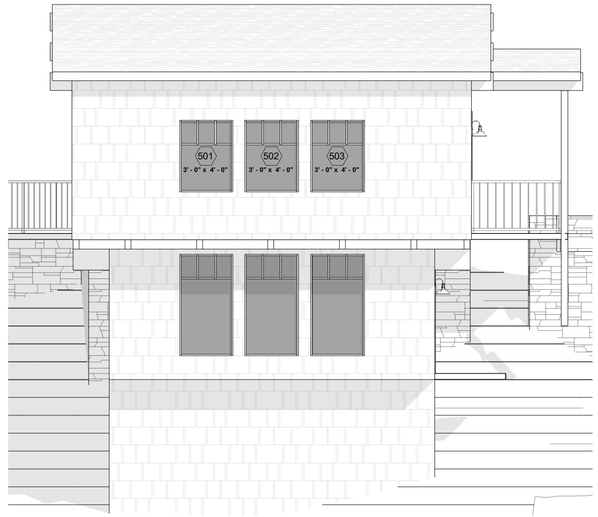
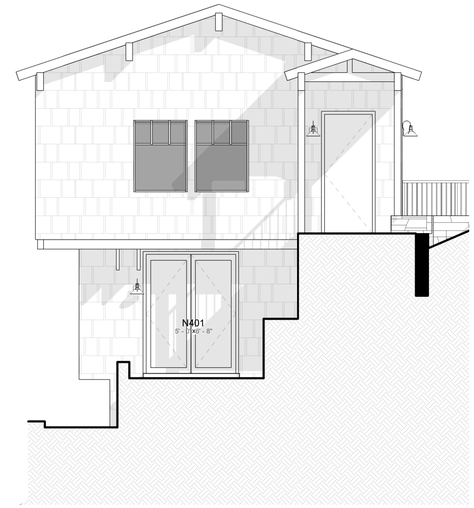


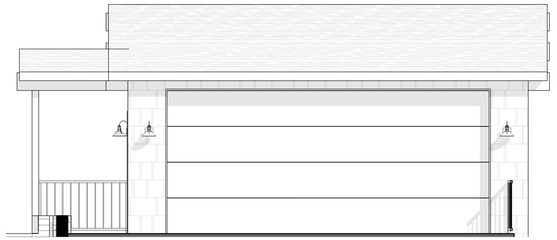
8 SOUTH ELEVATION GARAGE
1/4" = 1'-0"



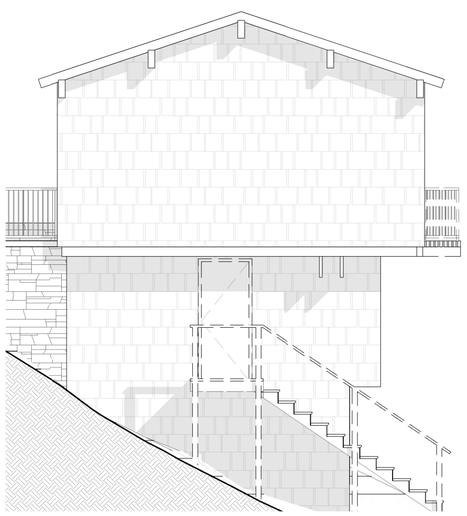
7 EAST ELEVATION GARAGE
1/4" = 1'-0"



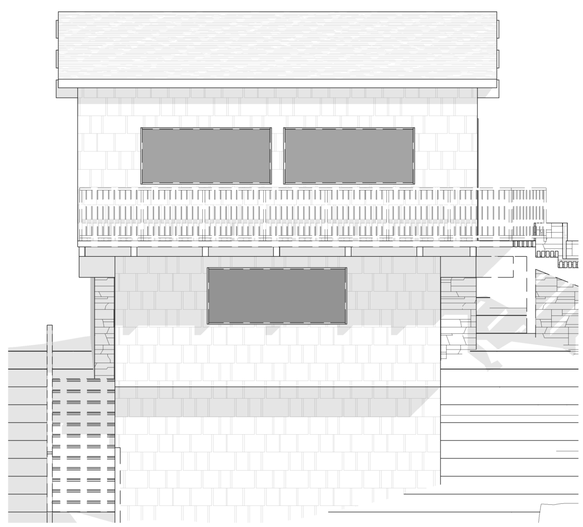
6 NORTH ELEVATION GARAGE
1/4" = 1'-0"



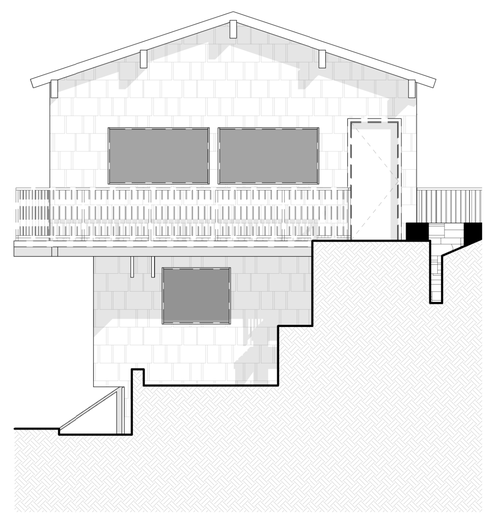
5 WEST ELEVATION GARAGE
1/4" = 1'-0"



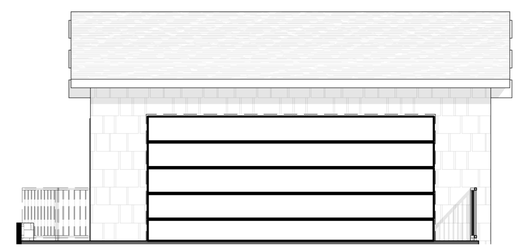
4 SOUTH ELEVATION EXISTING GARAGE
1/4" = 1'-0"



3 EAST ELEVATION EXISTING GARAGE
1/4" = 1'-0"



2 NORTH ELEVATION EXISTING GARAGE
1/4" = 1'-0"



1 WEST ELEVATION EXISTING GARAGE
1/4" = 1'-0"

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ROBERTSON RESIDENCE REMODEL
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REVISIONS

Phase:	CD
Drawn By:	Author
Reviewd By:	Checker
SDI Project No:	4115
Date:	2021-01-12
Sheet:	A3.3-2

EXTERIOR ELEVATIONS
GARAGE- PHASE 2

CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT

REPORT DATE:	March 3, 2021	**CONSENT CALENDAR**
		AGENDA ITEM: 4
MEETING DATE:	March 16, 2021	
TO:	City of Belvedere Planning Commission	
FROM:	Rebecca Markwick, Senior Planner	
SUBJECT:	Consideration of a request to designate the residence at **308 Golden Gate Avenue** as a City of Belvedere Historic Property, pursuant to Title 21 of the Belvedere Municipal Code.	

RECOMMENDATION

Staff recommends approval of the draft Planning Commission Resolution recommending that the City Council grant applicant's request for Historical Designation of the residence at 308 Golden Gate pursuant to Belvedere Municipal Code Chapter 21.20. The application and other associated information are included as **Attachment 2**.

Staff recommends that the Planning Commission conduct the required public hearing and take the following actions:

MOTION 1 That the Planning Commission adopt the draft Resolution recommending City Council designation of the residence at **308 Golden Gate** as a City of Belvedere Historic Property. **(Attachment 1)**

PROPERTY SUMMARY

Project Address:	308 Golden Gate
APN:	060-211-05
Property Owner:	The James and Suzanne DuMolin AB Living Trust
GP Designation:	Low Density Residential SFD: 1.0 to 3.0 units/net acre
Zoning:	R-15 Zoning District, Belvedere Island
Existing Use:	Single Family Residential

PROJECT DESCRIPTION/BACKGROUND

The homeowners request Historic Designation, pursuant to Title 21 of the Belvedere Municipal Code, Historic Preservation for the property at 308 Golden Gate Avenue. The Historic Designation Survey Form prepared by the Committee for the property is included in the attachments.

The owners of 308 Golden Gate Avenue submitted a request for Historic Designation per Belvedere Municipal Code Chapter 21.20. On February 9, 2021, the Belvedere Historic Preservation Committee voted to recommend designation of the home at 308 Golden Gate Avenue as a City of Belvedere Historically Designated Property. The Historic Designation Survey Form

prepared by the Committee for the property is included as **Attachment 2** and draft HPC minutes are included as **Attachment 4.**

PROJECT ANALYSIS

Under Chapter 21.20 of the Belvedere Municipal Code, a property owner may initiate the process to apply for the Historical Designation of his or her home. After a complete application is received, the Historical Preservation Committee holds a public hearing to consider the Historical Designation application and makes a recommendation to the Planning Commission. Subsequently, the Planning Commission reviews the application and makes its recommendation to the City Council. Only the City Council can designate a residence as a Belvedere Historically Designated property.

308 Golden Gate Avenue is located in Belvedere's Historic Resource Sensitivity Map area.

The property owner prepared a very detailed project history that is included below:

"The first owner of the Edwardian-era Italianate 17-room home at 308 Golden Gate Avenue in Belvedere was **Edward B. Jennings** (1871-1957), of the wholesale grocery firm Hooper & Jennings in San Francisco. Edward was the elder son of the late James H. Jennings (1844-1890), brother of capitalist Thomas Jennings Sr. (1840-1899) who arrived in San Francisco in 1852 and started a business selling foodstuffs, fish and meat to local merchants, hotels and institutions. James was also a director of the First National Bank of San Francisco and investor in mining ventures and real estate. When he died in 1890, he left a $200,000 estate to his wife and children Edward, James Jr. and Rebecca, including a sizable ranch near Santa Rosa.

According to Hilary Don's book "Life In Belvedere & Tiburon 1890-1900", a **Mr. Jennings** moved into the Moore Home ("Hillcrest" at 416 Golden Gate Avenue) on March 11, 1899, likely as a summer rental. This may have been Edward Jennings or perhaps his cousin Thomas Jennings, a commodore of the Corinthian Yacht Club, who participated in the 1894 Nights of Venice and was elected SF supervisor in 1908-9. In SF City Directories in 1900, 1901 and 1904, **Mr. & Mrs. Edward B. Jennings** (shipping clerk, grocer) are listed with a residence in Belvedere.

The two lots 30, 31 in Block 3 (308 Golden Gate) were still unsold in 1893 and purchased from the Belvedere Land Company by **G.A.S. Merzon** on 7/15/1899. There are no records as to who this may have been, but the Merzon family of Nevada and Sacramento were horse racing and cattle ranchers and intertwined with many wealthy society people. So were the Myrson family of cigar makers in San Francisco. Since there are gaps in the Belvedere tax records, there is no note of the property being transferred but in the 1908 tax record book **Edward B. Jennings** is listed as the owner of a finished home with a value of $5300. A "help wanted" ad (SF Call 9/27/1907) placed by Mrs. E.B. Jennings for a "capable second maid" suggests that he and the family were then living in Belvedere as their permanent residence.

In June 1908, Edward deeded his Belvedere home and lot over to his mother **Rebecca Jennings** as part of a very messy divorce. (Sausalito News 6/27/08). Newspapers gleefully reported that he came home one day in April to tell his wife Elsie Knox (who he'd married in 1895) that he was deserting her and their 11-year-old son Hazelton for a stenographer. Elsie, the daughter of Charles C. Knox, then sued him in court for maintenance payments and custody of their son whom she kidnapped from the Belvedere home. (SF Call 2/29/1908, Oakland 8/29/1908, SF Call 6/9/1908, 11/9/1908). A year later, Edward married "the other woman" Winifred True in Santa Rosa. (Santa Rosa Republican 9/13/1908). In the 1910 census Edward is listed at 210 Second Ave, San

Francisco.

In 1908, the name **Rebecca Jennings** appears for the first time in the Belvedere tax records. As James' widow in 1890, **Mary Rebecca Goldsmith Jennings** (1849-1921) had received half her late husband's estate in 1891 and married **Will E. Fisher**, an auctioneer and real estate investor at **Tevis & Fisher**. (SF Chronicle, 12/28/1891). **Tevis & Fisher** were exclusive sales agents for Belvedere Land Company villa lots; Lloyd Tevis and his daughter Mrs. Gordon Blanding were among the wedding guests. In 1897, Rebecca sued Fisher for divorce, saying he was a drunk and had not contributed any funds to the marriage. (SF Chronicle, 5/8/1897) and living at 1210 Sutter Street, San Francisco.

In 1898, Edward's sister **Rebecca E. Jennings** (1875-1955) married **Jefferson E. Doolittle** (1856-1905), a mining and real estate capitalist and Lt. Col in California National Guard (SF Chronicle 3/3/98, includes portraits). Their marriage was held at the Jennings home with sugar-magnate Adolph Spreckels as best man (SF Call 3/3/1898, Santa Cruz Surf 3/3/1898). In 1905, Doolittle died at his club while his family was summering in Belvedere, leaving his wife Rebecca and young son, Jefferson Jennings Doolittle (1902- 1972) an extensive estate including mining operations, La Grange Gold Dredging, a large home at 1901 Page street (SF Blue Book 1901 notes she received on 4th Tuesdays) and a lot at Franklin & Pine where the couple were building a new home. On his death, Rebecca went to stay with her mother and brother James Jennings who were then living at 3921 Clay Street, a 5,400 sf home built in 1905 (still exists).

In 1909, Rebecca Doolittle married **John Gue Barker** (1862-1939) from New York, a hotel man and real estate investor. The ceremony was conducted at her mother's house in San Francisco by the reverend of **Belvedere Presbyterian**. In social news pages, Rebecca is described as an attractive brunette, the "pretty sister," vivacious, a talented singer, active in society events. According to City Directories and newspapers, Barker was the "good-looking manager" of Hotel Jefferson in 1908 and partner in **Knickerbocker, Barker & Bostwick** firm in San Francisco that owned The Rincon Building on Second Street. In 1910, John G. Barker is living at 417 Stockton. In 1920s City directories, Barker is listed as a mining engineer with **Barker, Little & Hall** at 244 Kearny Street and in a history of Stanislaus County, is given credit for building up businesses there. Barker had a daughter Margaret (1898-) from his previous marriage (Oakland Tribune 3/10/1908) who attended Mrs. Burke's School in San Francisco and in 1919 married Paul Jennings Kingston.

In her book San Francisco Stories: Gold, Cattle and Food, Jeff's daughter **Jean Doolittle Henry** describes the families living in large houses in San Francisco and Belvedere with servants, horses and style, "they lived the grand gesture." Ms. Henry mentions that Rebecca's second husband, John G. Barker squandered her fortune and she divorced him. Like many other local families, they summered in Belvedere and stayed in San Francisco hotels such as the Colonial or the Fairmont during the winter season. (SF Blue Book 1901, SF Chronicle 3/11/1933) There are a number of photos of family members in the book and at the Doolittle, Moffat, McLaughlin & Shattuck family photograph collection at the Bancroft library in Berkeley.

When **Rebecca Jennings** died in 1921, her estate was divided equally between her daughter Rebecca Jennings Barker and sons Edward and James per California probate records. But according to U.S. census and other records, it was Rebecca Jennings Barker and her family who lived in Belvedere after 1910. The names **Rebecca Jennings**, **Rebecca Barker** and **Mrs. J. G. Barker** appear repeatedly in the 1912, 1917, 1921, 1937, 1943 and 1956 Belvedere tax records.

In 1939, it was reported in the Mill Valley Record that "Edward B. Jennings and wife and James H. Jennings and wife sold to **Rebecca Barker**, lots 30 and 31, blk 4, Belvedere Peninsula." This may be a typo for *block 3 –SSD*. (MV Record 5/30/1939)

John and Rebecca Barker had two children together: Jack Barker (1910-1939) and Muriel Barker (1911-1981) as well as their two stepchildren and Col. Jeff Doolittle's single daughter Christine. In 1910 and 1920 censuses they all lived in Belvedere with a Chinese cook and a maid. In the 1930 U.S. census, the four Barkers lived at the home which was then valued at $25,000. Sometime in the 1930s, the couple were divorced. Muriel Barker married John C. McPherson in 1937 and Jack Barker, a labor organizer and insurance agent, died in 1939. John G. Barker died in San Francisco in 1948 (California voter registrations, CA funeral home records).

In the 1940 U.S. Census, 62-year old **Rebecca Barker** (divorced) was living alone in the house with a paid nurse, chef and maid. She attended St. Stephen's Church (donated flowers in Easter 1943), participated in card playing, fundraising and local social events, living at the Belvedere property through 1955. During WW2, she may have spent some of her afternoons bandage rolling for the Red Cross at her neighbor's home Alverella Freer (Mrs. Burr W.) at 2 Pomander Way. Her 1955 obituary, noted her longtime Belvedere home was to be sold. (Marin IJ 7/13/1955).

In 1956, 308 Golden Gate was sold to **Admiral Morton D. Willcutts** who lived there until 1976. After retiring from the navy, Willcutts was chief medical officer for San Quentin prison from 1951 until at least 1961 according to local newspapers. In 1985, the home was listed for sale by F.H. Allen at $825,000 (SF Examiner 4/26/1985) with 8 bedrooms, 4.5 bathrooms and 3 fireplaces. Other known owners of parcel #060-211-05, according to Marin County tax records, are Ray **Kuratek** (1985-1999), **Ian & Isabel Loring** and **Richard & Kathleen Wocjik**."

Pursuant to Title 21 of the Belvedere Municipal Code, the Landmarks Preservation Ordinance lists the following criteria for designation of a structure as a landmark.

1. *Architecture: It is an outstanding example of a particular style, construction method or material.*

   The house can be loosely characterized as being in the Italian Villa style. The red clay tile roof is complemented by an extraordinary amount of red brick hardscape which begins at the front courtyard with a working fountain, flows around and down the side of the house to a shaded patio, continues to a larger balustraded patio with sweeping views of the Bay and Tiburon peninsula. The original wood beams and herringbone-pattern wood parquet floors remain in the living room, dining room and family room.

2. *Architecture: It is outstanding because of age.*

   The 113-year-old house was built in 1907.

3. *Architecture: It is outstanding because it is the work of a significant architect or builder.*

   Not applicable

4. *Architecture: It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.*

   Not applicable.

5. <u>Design</u>: It has a unique or original design or demonstrates outstanding craftsmanship

The original exterior design has been mostly retained. The interior has been remodeled over time but retains or replicates original details such as small-paned transoms in the upper portion of exterior windows and interior doors, extensive moldings and millwork. The original beamed ceilings and herringbone-patterned wood floors have been retained in the living room, dining room, and family room. The five working fireplaces that originally heated the house remain functional and in use today.

The family room retains its original and unique set of three bay windows that rotate approximately 180-degrees to open for maintenance.

When the current owners restored and refreshed the house, they went out of their way to maintain or replicate the original style of windows, crown moldings, doors and hardware. The interior has been remodeled over time but retains or replicates the original details such as small-paned transoms above the windows and doors and moldings.

6. <u>History:</u> It is associated with a person, group or event significant to the city, state or nation, or shows broad cultural, political, social or economic patterns, or embodies and expresses the history of the city.

First, a previous owner of the home is a figure of national significance: Admiral Morton Douglas Willcutts, M.D. (1889-1976) owned the home from 1956 until his demise in 1976. Admiral Willcutts is renowned on a number of counts, including the following:

a. Adm. Willcutts headed up and published The Willcutts Report, the official government inquiry and report on the sensational death of the United States' first Secretary of Defense, James Forrestal, on May 22, 1949.

"President Truman relieved Forrestal of his position in late March of 1949. Within a few days he was committed, apparently against his will, to Bethesda Naval Hospital suffering from 'exhaustion.' … At around 1:45am, May 22, some seven weeks after his admission to the hospital, Forrestal plunged from a 16th floor window of the hospital to his death. A belt or cord, said to be from his dressing gown, was tied tightly around his neck."

Adm. Willcutts was charged with overseeing this investigation and report because he was the surgeon in charge of Bethesda Naval Hospital at the time (1948-1951). Adding to the suspicious circumstances of Forrestal's death, the Report was not made publicly available until 55 years later, in April 2004. At the time of Forrestal's death, only a brief summary was released, following a delay of 4.5 months after the review board had completed its work.

"The summary concluded that Forrestal had died from the fall, but it had nothing to say about what caused the fall." Curious minds have since published articles and a book (David Martin, The Assassination of James Forrestal, 2019) addressing the question of what forces may have wanted to see Forrestal dead.

b. While Franklin D. Roosevelt was President of the United States, Commander Willcutts performed emergency surgery on the fiancé of the President's son, Franklin D. Roosevelt, Jr. The young lady was Miss Ethel Du Pont, of the Delaware manufacturing firm of the same name. The Boston Daily Record reported on Feb. 22, 1937 that Miss Du Pont was "rushed from the White House to Emergency Hospital" in Washington, D.C. with

a case of acute appendicitis. Please see Appendix 2.

c. Dr. Willcutts served as the head of the U.S. Navy Hospital in San Diego. On July 21, 1944 he escorted President Franklin D. Roosevelt, First Lady Eleanor Roosevelt and their son Col. James Roosevelt on a tour of the hospital and other U.S. Navy facilities in the area. The Hospital had 9000 patients, most of them veterans of the Central and Western Pacific war campaigns.

A photo of Capt. Willcutts with the First Lady and First Son appeared in newspapers across the country.

d. In 1934, while China was at war with Japan, Lt. Commander Morton Willcutts traveled to China as the U.S. Navy's observer at Peiping Base Hospital and reported on the situation there.

e. Dr. Willcutts' final position was as Chief Medical Officer for San Quentin Federal Prison, beginning on April 16, 1951.

f. Adm. Willcutts is interred at Arlington National Cemetery.

Secondly, one of the immediate neighbors indicated that, that the home at 308 Golden Gate Avenue was the site during World War II where the ladies of the community, working with the Red Cross, gathered to roll bandages for the U.S. war effort. The homeowner contacted Andrew Allen, who confirmed that he did remember hearing about this effort while growing up in Belvedere, and he further confirmed it very recently with his mother, although neither of them could say with certainty that it was our home. However, the neighbor who first told me about this insisted that according to what she was told by the previous elderly resident, it was our home at 308 Golden Gate Avenue where this bandage rolling took place.

7. Environment: It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location.

The house is a landmark piece of architecture on an historical block at the top of Belvedere, visible from both downtown Tiburon and Sausalito.

Anecdotally, it has been suggested to us that the home most likely served initially as a summer home for a wealthy citizen of San Francisco.

8. Integrity: It retains most of its original materials and design features

The exterior of 308 Golden Gate Avenue has retained most of its original design features. The interior has been remodeled over time but for the most part retains or replicates original details such as windows and window style, some of the original wood floors, wood beams and moldings.

9. National Register of Historic Places: It is a site or structure listed on the National Register of Historic Places.

Not applicable.

A structure and site being proposed for historic designation must satisfy at least three of the above-listed criteria. As discussed in detail on the attached reports form, the property at 308 Golden Gate Avenue satisfies criteria 1, 2, 5, 6, 7 and 8. Once designated, modifications to an historic property

are subject to the regulations of the Historic Preservation Ordinance. Pursuant to Section 21.20.090, the Historic Preservation Committee must review the application and make a recommendation to the Planning Commission on the merits of the application & then the Planning Commission makes a recommendation to the Council. Only the City Council can designate a residence as a Belvedere Historically Designated Property

If designated, the property would become eligible for local and county tax reductions under the Mills Act program. Additionally, once designated, modifications to an historic property are subject to the local Belvedere regulations under the Historic Preservation Ordinance, and the Secretary of the Interior Standards for the Treatment of Historic Properties. Finally, a designated historic property will constitute an "historic resource" under CEQA and be subject to additional environmental review and potential developmental constraints.

ENVIRONMENTAL DETERMINATION

The project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the Historical Designation of the property will not cause a significant adverse impact on the environment.

CORRESPONDENCE

A copy of the public hearing notice for this item was published in *The ARK* newspaper and mailed to all property owners within 300 feet of the subject property. As of writing this report, staff has not received any correspondence from the neighbors.

CONCLUSION

Staff supports the requested nomination based upon the evidence presented in the Survey form and the support of the Historic Preservation Committee.

RECOMMENDATION

MOTION 1 That the Planning Commission adopt the draft Resolution recommending City Council designation of the residence at **308 Golden Gate Avenue** as a City of Belvedere Historic Property.

ATTACHMENT

1. Draft Resolution Recommending City Council Historic Designation of **308 Golden Gate Avenue.**
2. Survey Form Prepared by Subcommittee of the Historic Preservation Committee
3. Application for Historic Designation
4. Draft Historic Preservation Committee Minutes of February 9, 2021

CITY OF BELVEDERE

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE DESIGNATING THE PROPERTY LOCATED AT 308 GOLDEN GATE AVENUE A CITY OF BELVEDERE HISTORIC PROPERTY

WHEREAS, a proper application for Historical Status Designation pursuant to Belvedere Municipal Code Chapter 21.20 for the property located at 308 Golden Gate Avenue has been submitted; and

WHEREAS, the project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the Historical Designation of the property will not cause a significant adverse impact on the environment; and

WHEREAS, a home may be designated as an Historic Belvedere Property if three or more of the following findings of facts per to Belvedere Municipal Code section 21.20.070(A) can be made; and

WHEREAS, the City of Belvedere Historic Preservation Committee made a favorable recommendation to the Planning Commission on the Historical Designation application on February 9, 2021; and

WHEREAS, the Planning Commission held duly a noticed public hearing on the Historical Designation application on March 16 2021, and approved a motion recommending that the City Council designate the property at 308 Golden Gate Avenue a City of Belvedere Historic Property; and

WHEREAS, the Planning Commission made the following findings of fact pursuant to Section 21.20.070(A) 1, 2, 5, 6 and 7 of the Belvedere Municipal Code for the property at 308 Golden Gate Avenue:

1. *Architecture: It is an outstanding example of a particular style, construction method or material.*

   The house can be loosely characterized as being in the Italian Villa style. The red clay tile roof is complemented by an extraordinary amount of red brick hardscape which begins at the front courtyard with a working fountain, flows around and down the side of the house to a shaded patio, continues to a larger balustraded patio with sweeping views of the Bay and Tiburon peninsula. The original wood beams and herringbone-pattern wood parquet floors remain in the living room, dining room and family room.

2. *Architecture: It is outstanding because of age.*

   The 113-year-old house was built in 1907.

3. *Architecture: It is outstanding because it is the work of a significant architect or builder.*

   Not applicable

ATTACHMENT 1

4. Architecture: It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.

Not applicable.

5. Design: It has a unique or original design or demonstrates outstanding craftsmanship

The original exterior design has been mostly retained. The interior has been remodeled over time but retains or replicates original details such as small-paned transoms in the upper portion of exterior windows and interior doors, extensive moldings and millwork. The original beamed ceilings and herringbone-patterned wood floors have been retained in the living room, dining room, and family room. The five working fireplaces that originally heated the house remain functional and in use today.

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"President Truman relieved Forrestal of his position in late March of 1949. Within a few days he was committed, apparently against his will, to Bethesda Naval Hospital suffering from 'exhaustion.' … At around 1:45am, May 22, some seven weeks after his admission to the hospital, Forrestal plunged from a 16th floor window of the hospital to his death. A belt or cord, said to be from his dressing gown, was tied tightly around his neck."

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b. While Franklin D. Roosevelt was President of the United States, Commander Willcutts performed emergency surgery on the fiancé of the President's son, Franklin D. Roosevelt, Jr. The young lady was Miss Ethel Du Pont, of the Delaware manufacturing firm of the same name. The Boston Daily Record reported on Feb. 22, 1937 that Miss Du Pont was "rushed from the White House to Emergency Hospital" in Washington, D.C. with a case of acute appendicitis. Please see Appendix 2.

c. Dr. Willcutts served as the head of the U.S. Navy Hospital in San Diego. On July 21, 1944 he escorted President Franklin D. Roosevelt, First Lady Eleanor Roosevelt and their son Col. James Roosevelt on a tour of the hospital and other U.S. Navy facilities in the area. The Hospital had 9000 patients, most of them veterans of the Central and Western Pacific war campaigns.

A photo of Capt. Willcutts with the First Lady and First Son appeared in newspapers across the country.

d. In 1934, while China was at war with Japan, Lt. Commander Morton Willcutts traveled to China as the U.S. Navy's observer at Peiping Base Hospital and reported on the situation there.

e. Dr. Willcutts' final position was as Chief Medical Officer for San Quentin Federal Prison, beginning on April 16, 1951.

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7. Environment: It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location.

The house is a landmark piece of architecture on an historical block at the top of Belvedere, visible from both downtown Tiburon and Sausalito.

Anecdotally, it has been suggested to us that the home most likely served initially as a summer home for a wealthy citizen of San Francisco.

8. Integrity: It retains most of its original materials and design features

The exterior of 308 Golden Gate Avenue has retained most of its original design features. The interior has been remodeled over time but for the most part retains or replicates original details such as windows and window style, some of the original wood floors, wood beams and moldings.

9. National Register of Historic Places: It is a site or structure listed on the National Register of Historic Places.

Not applicable.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of Historical Designation status to the residence located at 308 Golden Gate Avenue pursuant to the findings stated above and incorporated herein.

PASSED AND ADOPTED at a public hearing of the Planning Commission of the City of Belvedere on March 16, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:_____
Peter Mark, Planning Commission Chair

ATTEST:_____
Beth Haener, City Clerk

From: Jeanne Price
Sent: Friday, January 01, 2021 1:44 PM
To: Rebecca Markwick - Senior Planner <AssociatePlanner@cityofbelvedere.org>
Subject: FW: 308 Golden Gate Avenue

Rebecca, we have read and discussed all the information submitted to the city by the owners of 308 Golden Gate Avenue, Morton and Marie DuMolins and recommend this home be given historical designation because it fulfills five of the nine possible qualifications needed as follows:

1. Outstanding example of a particular style; Italianate Villa and garden as researched by architect John Sheehy (see email from Sheehy to Mel Owen 12/23/20.)
2. Architecture/ age Built in 1907.
5. Demonstrates outstanding craftsmanship.
7. Environment: Contributes to the character of the neighborhood area.
8. Retains most of it's original material and design features.

Robert Griffin
Jeanne Price

ATTACHMENT 2

Begin forwarded message:

From: john sheehy <jsheehyfaia@gmail.com>
Date: December 23, 2020 at 12:05:04 PM PST
To: Mel Owen <MOWEN@owe.com>
Cc: Sherry Caplan <scaplan@arch-intl.com>
Subject: 308 Golden Gate

Hi Mel,

Sorry to miss your e-mail the other day. I just found it today. Please use

jsheehyfaia@gmail.com

I am not an expert in classical architecture but let me take a stab at the architectural style of 308 Golden Gate.

I would guess this is a version of Italianate Architecture. This mid-19th style become popular as the United State looked toward a Picturesque and Romantic past. These houses were inspired by villas and country estates in Tuscany, Umbria and Lombardy in Italy. These houses have outdoor gardens and beautiful landscape entry courts.

Major characteristics of these houses are low pitch roof and wide overhanging eaves. The balconies are typically supported by substantial decorative brackets that harkens back to the medieval Italian villas.

See Attachments IMG 6973 jpeg & IMG 6974.jpg for points below:

·308 Golden Gate Italianate villa architecture and garden

·Main entrance door with small pane glass side panels.

·Columns at ground floor level front door are of the Ionic classical order.

· Balcony on second level with double glass doors with a Tuscan entablature with brackets supporting the balcony above with columns in the Tuscan order.

· Wide overhanging roof eaves.

· Entrance columns from street are of the Doric classical order.

See Attachments IMG 6970 jpeg & IMG 6979.jpg for points below:

IMG 6970

·308 Golden Gate with low pitch roof and wide overhanging eaves with hipped dormers on the roof.

.The house and classical landscape garden entry gradually reveals the house and the garden from Golden Gate.

IMG 6979.jpg

·Façade made up of different window types: Ribbon windows, Bay Windows and Casement windows.

· Brackets supporting a balcony with columns in the Tuscan order with the balcony handrail in the form of a Tuscan entablature.

·Most windows have crown molding around the windows and in some cases the sills have brackets.

Hope this is useful. Sherry and I wish you the very best this holiday season.

Best Regards.

JOHN P. SHEEHY, FAIA, RIBA, NCARB
ARCHITECT
18 BEACH ROAD
BELVEDERE, CALIFORNIA USA 94920
(415) 497- 4953 jsheehyfaia@gmail.com

18 BEACH

ROAD

PROPERTY CHRONOLOGY
308 GOLDEN GATE AVENUE
(Block 3, Lots 30 & 31)

Provided by David M. Gotz of the Belvedere-Tiburon Landmarks Society

1899 Lots Purchased by G.A.S. deMonzon. We (the Du Molins) have a record which shows that the purchase price was "10 gold coins.

1908-1956: The property appears to have remained within the Jennings-Barker family:

1908	Edward B. Jennings is listed as owner.
1909	Rebecca Jennings is now listed as Taxpayer.
1929	Mrs. J. G. Barker
1930's	Rebecca Jennings
1941	Rebecca Barker

1956 Morton D. and Marie Willcutts

Property/Structure Address: 308 Golden Gate Ave.

APPLICATION FOR HISTORIC DESIGNATION

CITY OF BELVEDERE • HISTORIC PRESERVATION COMMITTEE
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____

Amount: _____ Receipt No.: _____

Parcel No.: _____ Zone: _____

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 308 Golden Gate Ave., Belvedere, CA.

Historical Name of Property, If Known: _____

Record Owner of Property: The James & Suzanne DuMolin AB Liv. Trust

Mailing Address: PO Box 1220 Tiburon, CA 94920

Daytime Phone: (415) 435-5870

Fax: same " "

Email: sdumolin@drs1.com

Owner's Representative: _____

Mailing Address: _____

Daytime Phone: _____

Fax: _____

Email: _____

Description and History of Property/Structure:

Please see the attachments (2).

ATTACHMENT 3

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete this Section.

Street address of subject property: 308 Golden Gate Ave.

Assessor's Parcel No(s). of subject property: 060-211-05

➢ Properties Owned by Individuals

I, _____, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

I understand that the contents of this document are a Public Record.

Signed this _____ day of _____, 20___, at Belvedere, California.

Signature_____

➢ Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

I, Suzanne DuMolin, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.

I have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

I understand that the contents of this document are a Public Record.

Signed this 13 day of October, 2020, at Belvedere, California.

Signature Suzanne DuMolin Signature [illegible]

Title(s) Trustee Title(s) TRUSTEE

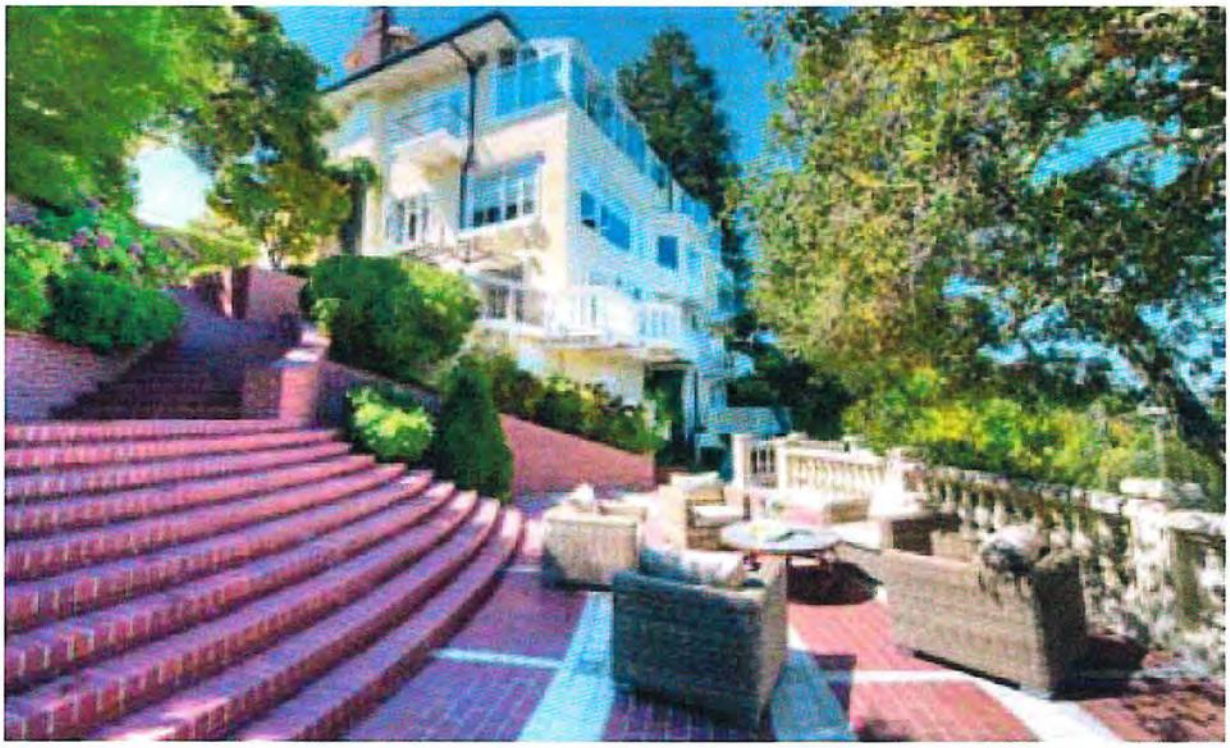
☑ Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other _____

Name of trust, LLC, corporation, or other entity: The James Robert DuMolin and Suzanne Schooler DuMolin AB Living Trust

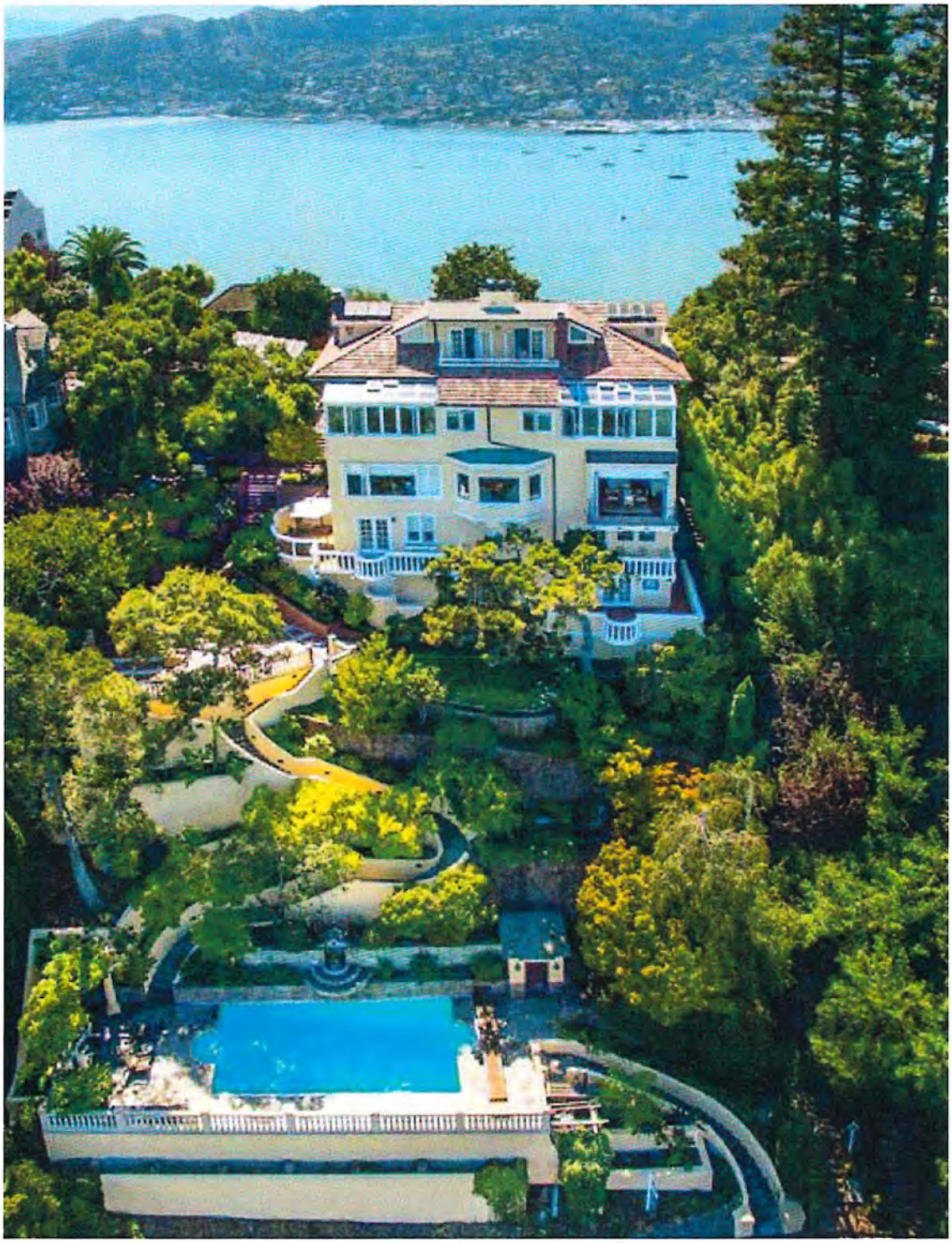
Application for Historic Designation
308 Golden Gate Avenue
Additional Information

1. *Architecture*: *It is an outstanding example of a particular style, construction method or material.*

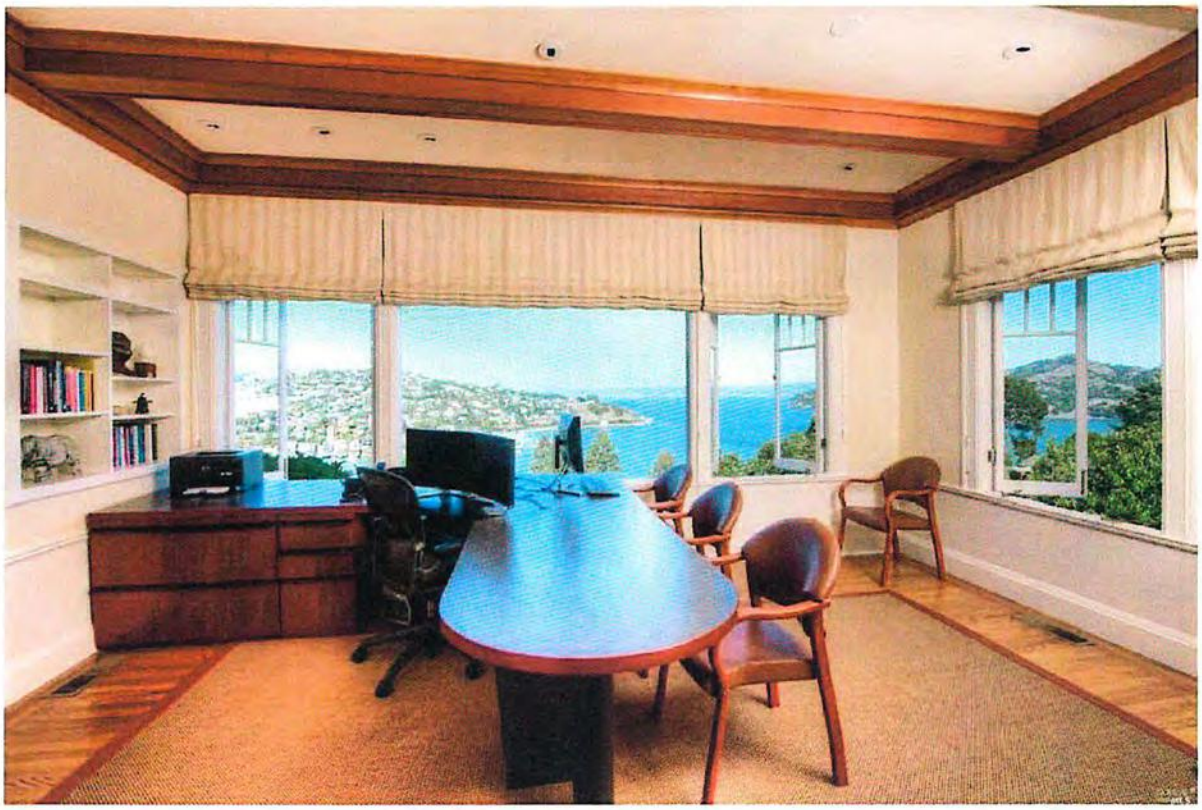
   The house can be loosely characterized as being in the Italian Villa style. The red clay tile roof is complemented by an extraordinary amount of red brick hardscape which begins at the front courtyard with a working fountain, flows around and down the side of the house to a shaded patio, continues to a larger balustraded patio with sweeping views of the Bay and Tiburon peninsula.



View from the back side:



The original wood beams and herringbone-pattern wood parquet floors remain in the living room, dining room and family room:



The original set of bay windows. Each pane rotates 180 degrees for maintenance:

The home includes a 25-foot long pool with hand-laid mosaic tiles and balustrade:

The current owners have also co-spearheaded the effort to remove the overhead utility wires and poles from the neighborhood, which when completed will further restore the original look and feel of the home on its site.

2. *Architecture: It is outstanding because of age.*

   The 113-year-old house was built in 1907.

3. *Architecture: It is outstanding because it is the work of a significant architect or builder.*

   We do not know the name of the architect or builder.

4. *Architecture: It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.*

   Many Belvedere residents have told us that they consider this stately home to be one of the most attractive and memorable ones on the island.

5. *Design: It has a unique or original design or demonstrates outstanding craftsmanship.*

   The original exterior design has been mostly retained. The interior has been remodeled over time but retains or replicates original details such as small-paned transoms in the upper portion of exterior windows and interior doors, extensive moldings and millwork. The original beamed ceilings and herringbone-patterned wood floors have been retained in the living room, dining room, and family room. The five working fireplaces that originally heated the house remain functional and in use today.

   The family room retains its original and unique set of three bay windows that rotate approximately 180-degrees to open for maintenance.

When the current owners restored and refreshed the house, they went out of their way to maintain or replicate the original style of windows, crown moldings, doors and hardware.

6. History: It is associated with a person, group or event significant to the city, state or nation, or shows broad cultural, political, social or economic patterns, or embodies and expresses the history of the city.

Yes, for two reasons.

First, a previous owner of the home is a figure of national significance: **Admiral Morton Douglas Willcutts, M.D. (1889-1976) owned the home from 1956 until his demise in 1976**. Admiral Willcutts is renowned on a number of counts, including the following:

a. **Adm. Willcutts headed up and published The Willcutts Report, the official government inquiry and report on the sensational death of the United States' first Secretary of Defense, James Forrestal, on May 22, 1949**.

"President Truman relieved Forrestal of his position in late March of 1949. Within a few days he was committed, apparently against his will, to Bethesda Naval Hospital suffering from 'exhaustion.' ... At around 1:45am, May 22, some seven weeks after his admission to the hospital, Forrestal plunged from a 16th floor window of the hospital to his death. A belt or cord, said to be from his dressing gown, was tied tightly around his neck."

Adm. Willcutts was charged with overseeing this investigation and report because he was the surgeon in charge of Bethesda Naval Hospital at the time (1948-1951). Adding to the suspicious circumstances of Forrestal's death, the Report was not made publicly available until 55 years later, in April 2004. At the time of Forrestal's death, only a brief summary was released, following a delay of 4.5 months after the review board had completed its work.

"The summary concluded that Forrestal had died from the fall, but it had nothing to say about what caused the fall." Curious minds have since published articles and a book (David Martin, *The*

Assassination of James Forrestal, 2019) addressing the question of what forces may have wanted to see Forrestal dead.

The Willcutts Report is now available on the website of the Seeley Mudd Manuscript Library at Princeton University and at the Library of Congress. A complete copy is also included here: http://ariwatch.com/VS/JamesForrestal/WillcuttsReport.htm.

Please see Appendix 1 for more.

b. While Franklin D. Roosevelt was President of the United States, **Commander Willcutts performed emergency surgery on the fiancé of the President's son, Franklin D. Roosevelt, Jr**. The young lady was Miss Ethel Du Pont, of the Delaware manufacturing firm of the same name. The Boston Daily Record reported on Feb. 22, 1937 that Miss Du Pont was "rushed from the White House to Emergency Hospital" in Washington, D.C. with a case of acute appendicitis. Please see Appendix 2.

c. **Dr. Willcutts served as the head of the U.S. Navy Hospital in San Diego. On July 21, 1944 he escorted President Franklin D. Roosevelt, First Lady Eleanor Roosevelt and their son Col. James Roosevelt on a tour of the hospital and other U.S. Navy facilities in the area**. The Hospital had 9000 patients, most of them veterans of the Central and Western Pacific war campaigns.

   A photo of Capt. Willcutts with the First Lady and First Son appeared in newspapers across the country. Please see Appendix 3.

d. **In 1934, while China was at war with Japan, Lt. Commander Morton Willcutts traveled to China as the U.S. Navy's observer at Peiping Base Hospital and reported on the situation there**. Please see Appendix 4.

e. **Dr. Willcutts' final position was as Chief Medical Officer for San Quentin Federal Prison**, beginning on April 16, 1951. Please see Appendix 5.

f. For further biographical information about Admiral Willcutts, please see Appendix 6.

g. **Adm. Willcutts is interred at Arlington National Cemetery.** Please see Appendix 7.

Secondly, one of our immediate neighbors told us that she was told, by a previous resident of the neighborhood, that our home at **308 Golden Gate Avenue was the site during World War II where the ladies of the community, working with the Red Cross, gathered to roll bandages for the U.S. war effort**. I contacted Andrew Allen, who confirmed that he did remember hearing about this effort while growing up in Belvedere, and he further confirmed it very recently with his mother, although neither of them could say with certainty that it was our home. However, the neighbor who first told me about this insisted that according to what she was told by the previous elderly resident, it was our home at 308 Golden Gate Avenue where this bandage rolling took place.

As a point of historical interest, here's a photo of this type of activity (not taken at our home):

Source:
https://duckduckgo.com/?q=bandage+rolling+for+the+war+effort+&iar=images&iax=images&ia=images&iai=https%3A%2F%2Fi0.wp.com%2Fwww.michelleule.com%2Fwp-content%2Fuploads%2F2016%2F02%2Fbandagerolling.jpg%3Ffit%3D750%252C381%26ssl%3D1

7. *Environment: It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location*

   The house is a landmark piece of architecture on an historical block at the top of Belvedere, visible from both downtown Tiburon and Sausalito.

   Anecdotally, it has been suggested to us that the home most likely served initially as a summer home for a wealthy citizen of San Francisco.

8. *Integrity: It retains most of its original materials and design features*

   The exterior of 308 Golden Gate Avenue has retained most of its original design features. The interior has been remodeled over time but for the most part retains or replicates original details such as windows and window style, some of the original wood floors, wood beams and moldings.

9. *National Register of Historic Places: It is a site or structure listed on the National Register of Historic Places* Not yet!

Appendix 1:

The Willcutts Report

****

The Willcutts Report

on the Death of James Forrestal

http://jamesforrestal.ariwatch.com/WillcuttsReport.htm

****

https://www.dcdave.com/article4/040927.html

"However history may ultimately judge his opposition to the establishment of Israel, by 1949 it was clear that Forrestal was, in a sense, one of the casualties of the diplomatic warfare that had led to the creation of the Jewish state." Arnold Rogow, *James Forrestal, A Study of Personality, Politics, and Power* (1963) p. 195

New Forrestal Document Exposes Cover-up

Who Killed James Forrestal?, Part 1, Short Version, Part 2, Part 3, Part 4, Part 5, Part 6, Letters to Historians, James Carroll on James Forrestal, Lies about Kennedy and Forrestal Deaths, Spook Shrink Flubs Script, Post Reporter Continues Forrestal Cover-up, Handwriting Tells Dark Tale?

James V. Forrestal was America's first Secretary of Defense. He was also the leading official in the Truman administration opposing the creation and U.S. recognition of the state of Israel. President Truman relieved Forrestal of his position in late March of 1949. Within a few days he was committed, apparently against his will, to Bethesda Naval Hospital suffering from "exhaustion." In spite of the invaluable service he had rendered to the country during World War II, first as Under Secretary of the Navy and then Secretary of the Navy, he had

in 1948 and early 1949 been the subject of an unprecedented press vilification campaign, led by powerful columnists Drew Pearson and Walter Winchell.

At around 1:45 am, May 22, some seven weeks after his admission to the hospital, Forrestal plunged from a 16th floor window of the hospital to his death. A belt or cord, said to be from his dressing gown, was tied tightly around his neck.

On May 23, a review board was appointed by Admiral Morton D. Willcutts, the head of the National Naval Medical Center to investigate the death. The board completed its work on May 31, but not until October 11 did it publish a brief, summary report of only a few lines. No explanation of the delay was given. The summary concluded that Forrestal had died from the fall, but it had nothing to say about what caused the fall, except to conclude that no one associated with the Navy was responsible. In short, it did not conclude that he had committed suicide, as initial reports stated and the public is still given to believe. No mention was made in the summary, or in those later October press reports, of the belt around Forrestal's neck.

The Willcutts Report, itself, was kept secret, and, curiously, no hue and cry was raised over that fact. After two unsuccessful Freedom of Information Act tries with the National Naval Medical Center, I was finally able to get the report of the review board from the office of the Navy's Judge Advocate General, and my analysis is at http://www.dcdave.com/article4/040922.html .

At the time of the death, all the press made much of a book containing a morbid poem from Sophocles, "Chorus from Ajax," that Forrestal had supposedly been copying from shortly before his plunge from the window. The press reports all say that the book and a transcription "were found," but they never say by whom. Neither does the Willcutts Report. No witness is produced who claims to have discovered the book or the transcription. Rather, the first person to get a good look at Forrestal's vacated hospital room found broken glass on his bed, a likely sign of some sort of struggle. She also described bedclothes half turned back, but the official "crime

scene" photographs taken many hours later, show a bed with a bare mattress, an obvious sign of a cover-up. One can also see that articles were moved around from one picture to the next: http://www.dcdave.com/article4/040916.htm. Needless to say, no news report has ever mentioned the broken glass or the laundering of the room before photographs were taken.

Pro-Israel writers like Arnold Rogow, Winchell biographer, Neal Gabler, Jack Anderson, Charles Higham, John Loftus, and Mark Aarons have continued the character assassination against Forrestal, falsely characterizing him as an an anti-Semitic nut who had made several previous suicide attempts. This claim of several previous suicide attempts, echoed at this Arlington Cemetery web site: http://www.arlingtoncemetery.net/jvforres.htm , is virtually proved to be false by the testimony of Forrestal's Bethesda Hospital doctors in the Willcutts Report. They agree that, from all indications, he had never before attempted suicide.

The indications are very strong that Forrestal kept his no-suicide-attempt record intact on May 22, 1949, and became another casualty of the creation of the state of Israel in the same sense that Lord Moyne, Count Bernadotte, Yitzhak Rabin, Rachel Corrie, 34 crewmen on the USS Liberty, and Palestinian leaders on a regular basis have been casualties.

The Willcutts Report is available in pdf form on the web site of the Seeley Mudd Manuscript Library at Princeton University. Copies should also be available for perusal at the Harry S. Truman Library in Independence, Missouri, and the Library of Congress. I have given the appropriate officials at these libraries compact discs of the report.

David Martin
September 27, 2004

Addendum

Two months after posting this article, I revealed in Part 3 of "Who Killed James Forrestal?" the strongest evidence yet that Forrestal was murdered. I obtained Forrestal handwriting samples

that clearly differ radically from the handwriting of the copied Sophocles poem. Another important research milestone was reached in early February of 2010 when the proprietor of the ARIWatch.com web site, who uses the *nom de plume* of "Mark Hunter," put up a searchable htm version of the Willcutts Report, complete with his own analysis.

David Martin
November 17, 2010

Appendix 2:

Dr. Willcutts performed emergency surgery on Miss Du Pont, the First Son's Fiancee

The Boston Daily Record, Monday, February 22, 1937, page 3:

Peggy Admits Childhood Marriage

M'NEILL OFFERS TO BARE BIG VICE PLOT

DEMANDS HE FACE GRAND JURY

Rushed to Hospital

FIND GIRL IN KLAN CHIEF'S JAIL CELL

TOPPING BIFFS THELMA'S PAL

DU PONT GIRL OPERATED ON

Center of Battle

Tilla Trip Winner

EARHART HOPS BY MARCH 15

Enlargements are shown on the next pages.

Rushed to Hospital

Miss Ethel Du Pont, 21 year-old fiancee of Franklin D. Roosevelt, Jr., who was speeded from the White House for acute appendicitis operation. She is resting comfortably.

"Miss Ethel Du Point, 21 year old fiancee of Franklin D. Roosevelt, Jr., who was speeded from the White House for acute appendicitis operation. She is resting comfortably."

DU PONT GIRL OPERATED ON

Washington, Feb. 21 (US)—Rushed from the White House to Emergency Hospital, Miss Ethel du Pont, 21-year-old fiancee of Franklin D. Roosevelt, Jr., was operated upon for appendicitis this afternoon.

Late today, Dr. Ross T. McIntyre, White House physician, issued the following statement:

"Miss Ethel du Pont was operated upon today at the Emergency Hospital for acute appendicitis.

"The operation was successfully performed by Commander Morton Williams of the U. S. naval staff.

"The patient's condition following the operation was pronounced as satisfactory, and she was resting comfortably."

The President's son, who accompanied his heiress fiancee to the hospital, paced the hospital corridors outside the operating room while the operation was performed.

Young Roosevelt and Miss du Pont, under her mother's chaperonage, returned from Florida only Friday, where he had been recuperating from a critical attack of influenza and sinus infection suffered in Boston.

Miss du Pont's condition was so serious this morning that a trained nurse was called to the White House.

Tillie Trip Winner

Anita Carosone, Pittsburgh, who sailed from Boston yesterday in th. Italian liner Saturnia for a Mediterranean cruise, as winner of the Tillie, the Toiler, dress design contest, sponsored by Russ Westover, Daily Record comic strip artist.

FIRE DRIVES OUT DINERS

Fire in a grease chute at Drake's lunch, Massachusetts ave., Cambridge, yesterday drove 20 diners and employes to the street.

ETHEL DU PONT
OPERATED ON
Fiancee of Roosevelt, Jr.,
Has Appendicitis
WASHINGTON, Feb. 21
Du Pont, fiancee of Franklin D.
Roosevelt, Jr., underwent an emergency
operation for appendicitis today
at the Emergency Hospital here.
She is the daughter of Mr. and Mrs.
Eugene Du Pont of the Delaware manufacturing
firm. Miss Du Pont accompanied

the son of the President North
last week from a visit to the Du Pont
home in Florida, where Franklin had
been recuperating from an illness.
Commander Morton D. Willcutts,
United States naval hospital surgeon,
performed the operation. He said after
the operation that while the attack was
acute treatment had come early enough
to preclude complications.

Appendix 3

Head of the U.S. Navy Hospital at San Diego and Host to President and Mrs. Franklin D. Roosevelt

https://www.sandiegouniontribune.com/news/local-history/story/2019-08-02/from-the-archives-fdrs-1944-visit-to-san-diego-was-a-military-secret

Dr. Willcutts gave President Roosevelt, First Lady Eleanor Roosevelt and First Son Col. James Roosevelt a tour of the Hospital. He is shown here as the person on the left, with the First Lady, a patient and Col. James Roosevelt:

First lady Eleanor Roosevelt speaks with Lt. Col. Evans F. Carlson at the San Diego Naval Hospital in July 1944. Carlson was convalescing from wounds received during the Saipan campaign. With here are Capt. Morton D. Willcutts (left), and her son Col. James Roosevelt, who fought with Carlson on Makin Island. (National Archives)

With his son, Col. James Roosevelt, the president on Friday, July 21, visited Lt. Col. Evans Carlson, of the famed Carlson's Raiders, at the Naval hospital. Carlson wounded on Saipan, was brought from sick officers' quarters for a brief chat. Col Roosevelt, who was Carlson's chief of staff in the raid on Makin two years ago, has been stationed at Coronado amphibious training base.

http://www.fdrlibrary.marist.edu/daybyday/daylog/july-21st1944/

President Roosevelt's Schedule included touring the San Diego Naval Hospital with Capt. Morton D. Willcutts, who seems to have stayed with the party as they proceeded on to the Amphibious Training Center on Coronado Island, and then the USS Baltimore at Broadway Pier in San Diego:

July 21st, 1944

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previous day next day

Transcript

Times	*Log*	*Location*	*Source*
11:00am – 11:30am	Maj. C. H. Bonesteel, USA, Commanding General Western Defense Command; Maj. Gen. Courtlandt Parker, USA, Commanding General, Southern California Sector, Western Defense Command; and Brig. Gen. W. H. Wilbur, USA, Gen. Bonesteel's Chief of Staff, called on FDR in his private car.	San Diego, CA	TT
3:30pm	FDR, accompanied by Col. James Roosevelt, and Adm. Ross T. McIntire and Adm. Wilson Brown dep. the Base by automobile. The party proceeded first to San Diego Naval Hospital at Balboa Park. Here the party was greeted by Capt. Morton D. Willcutts, Medical Corps., USN, Medical Officer in Command of the Hospital. Capt. Willcutts joined the party, riding with FDR, and we drove through the Hospital grounds to the officer's ward, where FDR paused for a few minutes to chat, from his car, with Lt. Col. Evans F. Carlson, USMCR, famous Marine Raider leader under whom Col. James Roosevelt served during our raid on Makin Island in early 1942. Col. Carlson had recently been seriously wounded in the Saipan Campaign. Here too FDR met and chatted with Capt. Irvine W. Jacobs, Medical Corps, USN, Executive Officer of the Hospital and Capt. Herbert L. Pugh, Medical Corps, USN, Chief of Surgery at the Hospital. *Note: The Hospital is one of the Navy's largest and most attractive one. There were 9000 patients at this Hospital, the majority veterans of the Central and Western Pacific campaigns.*	San Diego, CA	TT
4:00pm – 4:55pm	On leaving the Hospital the party proceeded to Coronado, CA, going via a part of San Diego's busy waterfront and using the San Diego-Coronado ferry. During this particular movement all ferry traffic, except for FDR's party was halted. In Coronado, CA FDR visited the Amphibious Training Center on the Strand just South of the Hotel del Coronado. Adm. Davis met FDR here and personally conducted the inspection tour. This is the training center where personnel of the Navy and Marine Corps receive their basic training for amphibious warfare and FDR had opportunity to personally observe numerous groups of officers and men engaged in various phases of this training.	San Diego, CA	TT

Enlarged Text for 3:30 pm:

3:30pm	FDR, accompanied by Col. James Roosevelt, and Adm. Ross T. McIntire and Adm. Wilson Brown dep. the Base by automobile. The party proceeded first to San Diego Naval Hospital at Balboa Park. Here the party was greeted by Capt. Morton D. Willcutts, Medical Corps., USN, Medical Officer in Command of the Hospital. Capt. Willcutts joined the party, riding with FDR, and we drove through the Hospital grounds to the officer's ward, where FDR paused for a few minutes to chat, from his car, with Lt. Col. Evans F. Carlson, USMCR, famous Marine Raider leader under whom Col. James Roosevelt served during our raid on Makin Island in early 1942. Col. Carlson had recently been seriously wounded in the Saipan Campaign. Here too FDR met and chatted with Capt. Irvine W. Jacobs, Medical Corps, USN, Executive Officer of the Hospital and Capt. Herbert L. Pugh, Medical Corps, USN, Chief of Surgery at the Hospital. *Note: The Hospital is one of the Navy's largest and most attractive one. There were 9000 patients at this Hospital, the majority veterans of the Central and Western Pacific campaigns.*

More of the party's doings that day:

4:55pm	The party then drove to the home of Mrs. John Roosevelt (848 "J" Avenue, Coronado, CA), where FDR stopped for a few minutes to see and say goodbye to his John Roosevelt grandchildren and his daughters-in-law, Mrs. John Roosevelt and Mrs. James Roosevelt.	San Diego, CA	TT
5:30pm	Arrived at train, coming from Coronado, CA via the ferry and the San Diego waterfront.	San Diego, CA	TT
9:00pm	FDR accompanied by Adm. William D. Leahy, Adm. Friedell and Fala, dep. his private car at the Marine Corps Base by auto for the USS Baltimore. All other members of his party had preceded him to the USS Baltimore.	San Diego, CA	TT
9:17pm	FDR arrived at the Broadway Pier, San Diego, CA, where the USS Baltimore was moored - starboard side to south side of the pier. Adm. Friedell bade FDR and his party bon voyage and FDR, Adm. William D. Leahy and Fala went aboard, using the special brow that had been rigged from the pier level to the main deck of the cruiser. They were welcomed aboard the USS Baltimore by Capt. Walter L Calhoun, USN, her Commanding Officer. Accompanying FDR in the USS Baltimore were the additional members of his immediate party: Elmer Davis, Judge Samuel I. Rosenman, Adms. Ross T. McIntire and Wilson Brown, Gen. Edwin M. Watson and Capt. Wood. Mail for the White House was dispatched from the train during the afternoon. *Note: By special request of FDR, no honors were rendered.*	San Diego, CA	TT
ER	With FDR		USH
Houseguest	Maj. and Mrs. Robert Robinson and baby (arr. 10:15 am)		USH

USH = White House Usher's Diary, STE = Stenographer's Diary, PC = Press Conference, TU = Tully's Appointment Diary

These transcripts are based on archival sources documenting President Roosevelt's daily activities, including the White House Usher's Log and the White House Stenographer's Diary. The transcripts were created for reference purposes. Because errors can occur in data entry, we encourage you to review and cite to the original sources displayed below.

Appendix 4

Official Visit to Peiping Base Hospital, China

http://content.time.com/time/magazine/article/0,9171,746865,00.html

TIME

CHINA: Maggots and Peg Legs

Monday, Jan. 22, 1934

▸ Subscriber content preview. or Log-In

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Fresh from China by way of the U. S. Navy Medical Corps this month came a vivid surgeon's-eye view of heroic Chinese resistance to the Japanese onslaught which swept down from Manchukuo, entered "China proper" through the Great Wall and stopped just short of Peiping (TIME, May 29, et ante}. Excerpts from the report* of Lieut.-Commander Morton D. Willcutts, M. D., the U. S. Navy's observer at Peiping Base Hospital: "The North China soldier rates a much higher military mark than his reverses of the past few months might indicate. ....

Appendix 5

Chief Medical Officer for San Quentin Federal Prison

April 16, 1951 until ?

MEDICAL NEWS | JAMA | JAMA Network

https://jamanetwork.com/journals/jama/article-abstract/310825

Morton D. Willcutts, Bethesda, Md., has been appointed chief medical officer for San Quentin Federal Prison to replace Dr. Leo L. Stanley, who recently retired after many years' service to the penitentiary. Dr. **Willcutts**, who retired from the navy after World War II with 34 years' active duty, began his new duties April 16.

jamanetwork.com/journals/jama/article-abstract/310825

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Search All Enter Search Term

Trending

Incorrect Value in Results
Correction | January 21, 2020

Incorrect Data in Table and Discussion
Correction | January 21, 2020

This Issue

Other Articles

June 16, 1951

MEDICAL NEWS

JAMA. 1951;146(7):658-663. doi:10.1001/jama.1951.03670070050018

Full Text

Abstract

CALIFORNIA

Medical Officer at San Quentin. —Dr. Morton D. Willcutts, Bethesda, Md., has been appointed chief medical officer for San Quentin Federal Prison to replace Dr. Leo L. Stanley, who recently retired after many years' service to the penitentiary. Dr. Willcutts, who retired from the navy after World War II with 34 years' active duty, began his new duties April 16.

Appendix 6

Other Biographical Information about Admiral Willcutts

VADM Morton Douglas Willcutts

BIRTH	10 Mar 1889
DEATH	26 Sep 1976 (aged 87)
BURIAL	Arlington National Cemetery Arlington, Arlington County, Virginia, USA
PLOT	Section 6 Lot 9430-RH
MEMORIAL ID	60007154 · View Source

SHARE SAVE TO SUGGEST EDITS

MEMORIAL PHOTOS 0 FLOWERS 2

VADM USN

Family Members

Parents

William Henley Wilcutts
1855–1928

Emma Rose *Galloway* Willcutts
1860–1945

Spouse

Marie B *Collins* Willcutts
1903–1983

Siblings

Carrie Maude *Willcutts* Miller
1881–1958

Stephen Venard Willcutts
1883–1939

Harrison Donald Willcutts
1889–1969

Suzette Lavonne *Willcutts* Brown
1891–1973

Ruth Ann *Wilcutts* Kerr
1894–1979

David E. Willcutts
1898–1909

Children

Harrison David Willcutts
1932–2017

http://incass-inmiami.org/howard/bios/bios-w.html

He served as a surgeon with the U.S. Navy in France from May 1917 to June 1919, including on the USS Aphrodite in the French submarine zone:

Morton Douglas WILLCUTTS

History of Howard County in the World War C.V. Haworth, Indianapolis: Wm B. Burford, Printer & Binder, 1920. p 287 photo plate 59

Morton Douglas WILLCUTTS, son of W.H. and Emma WILLCUTTS, was born at Carthage, Ind 10 Mar 1889. He moved with his parents to Greentown Ind at the age of two years. He completed his high school course in the Marion Normal and in 1910 he entered Indiana University, graduating in 1914 with the degree of B.S. and in 1916 with an M.D. degree.
He immediately entered the Indianapolis City Hospital as an interne [sic], which positioned he resigned in order to accept an appointment in the U.S. Navy Medical Corps. He was comissioned lieutentant, junior grade at the Great Lakes Naval Station, Chicago, 24 Mar 1917, and was ordered to proceed to Washington D.C.
In May 1917, he was sent to France with the first naval forces and was stationed for 7 months as a medical officer at the naval base at Brest. In Jan 1918, having been promoted to lieutenant, senior grade - captain - he was assigned to the U.S. SS Aphrodite as a surgeon for duty in the French submarine zone. He remained in this line of activity until the armistice was signed.
Having previously applied for service with the marines on the western front, he was ordered in November to the 5th Regiment. 2nd Division, and with them went in March to the Rhine and served in the Army of Occupation, first as a battalion surgeon, and later as regimental surgeon, until the signing of peace with Germany, 28 Jun 1919.
On 11 Aug 1919, he landed in the United States and left at once for the marine barracks, Quantico Va., where he was mustered out of the marines. In September 1919, Captain Willcutts was offered by the government a three months' course in the naval hospital at Washington D.C. and the choice of assignment to a naval hospital.

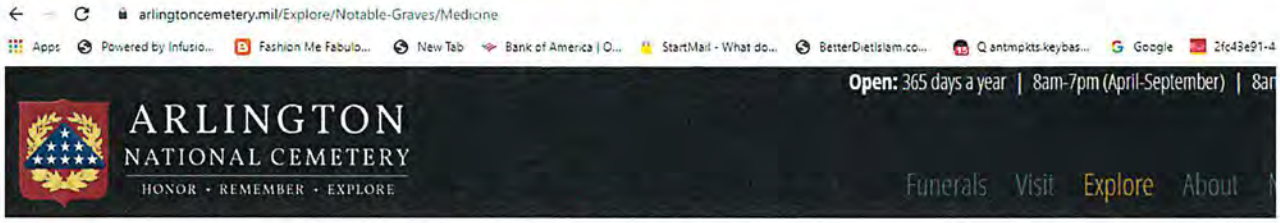
NOTE: The following entry was found in the Social Security Death Index.
MORTON WILLCUTTS: born 10 Mar 1889 - died Sep 1976. Last Residence: Belvedere Tiburon, Marin, CA. SSN: 565-64-3247, issued in California.

NOTE: The following entry was found in the California Death Index at Rootsweb:
http://vitals.rootsweb.com/ca/death/search.cgi
WILLCUTTS, MORTON D: born 03/10/1889, Male, Birthplace INDIANA. Death County: MARIN, Death Date: 09/26/1976. SSN: 565-64-3247 Age: 87 yrs

Appendix 7

Interment at Arlington National Cemetery

https://www.arlingtoncemetery.mil/Explore/Notable-Graves/Medicine



Morton D. Willcutts, U.S. Navy (1889-1976) — As vice admiral of the U.S. Navy Medical Corps, Willicut led the review board to investigate the death of Secretary of Defense James V. Forrestal (Section 30, Grave 674) in 1949, which resulted in the Willcutts Report. (Section 6, Grave 9430-RH)

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REGULAR MEETING
HISTORIC PRESERVATION COMMITTEE
TUESDAY, FEBRUARY 9, 2021, 5:30 P.M.
ZOOM MEETING
450 SAN RAFAEL AVENUE, BELVEDERE, CA

MINUTES

COMMITTEE PRESENT: Mel Owen, Jeanne Price, George Gnoss, Robert Griffin, John Sheehy.

COMMITTEE ABSENT: Diana Bradley

OTHERS PRESENT: Senior Planner Rebecca Markwick, Mayor James Campbell, Technician Nancy Miller, Suzanne and James DuMolin.

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available on the City website at www.cityofbelvedere.org

CALL TO ORDER OF REGULAR MEETING

Chair Owen called the meeting to order at 5:30 P.M.

OPEN FORUM

No one wished to speak.

REPORTS

Senior Planner Rebecca Markwick stated that there are 2 new applications for Historic Designation at 304 Golden Gate Avenue and 428 Golden Gate Avenue. Committee members will be requested to volunteer to prepare historical survey reports for each property at the end of the meeting.

SCHEDULED ITEMS

1. Approve Minutes of the October 12, 2020 meeting.

Minutes were approved unanimously. (Bradley absent).

2. Public Hearing for Consideration of Historical Designation of property at **308 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant and Property Owners: James and Susan DuMolin AB Living Trust *(Recusals Robert Griffin)*

Associate Planner Markwick was available for questions.

Committee members Jeanne Price and Bob Griffin had visited the site and studied the property historical information. They submitted a survey report accompanied by comments from John Sheehy. They recommended that the property would qualify for designation under criteria numbers 1, 2, 5, 7, and 8. Mr. Sheehy spoke about historical highlights of the property.

ATTACHMENT 4

The applicants had submitted many historical details about the property as a part of their application numbers: 1, 2, 3, 5, and 7. Discussion was held regarding criteria 6 as well. Committee majority agreed this criteria was also met.

A motion was made and seconded to recommend to the Planning Commission an approval of Historic Designation for the property at **308 Golden Gate Avenue**. Committee approved unanimously (Griffin recused, Bradley absent).

3. Public Hearing for consideration of Mills Act Agreement for property at **370 Bella Vista Avenue** pursuant to Section 21.20.120 of the Belvedere Municipal Code. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA Status: categorically exempt pursuant to Section 15331. Applicant and Property Owners: Mitul Modi and Steven Howard

Staff was available for Committee questions. There were no other questions of staff. Committee agreed that this recently designated property qualified for City Council consideration for a Mills Act Agreement.

A Motion was made and seconded to recommend that the City Council enter into a Mills Act Agreement with the property owners of **370 Bella Vista Avenue**, to help maintain this City of Belvedere Historically Designated Property. Committee approved unanimously (Bradley absent).

4. Future agenda items.

Committee selected members to review 2 new applications for Historic Designation at 428 Golden Gate Avenue (Sheehy and Gnoss to review, Griffin available to assist) and 304 Golden Gate Avenue (Owens and Price to review).

Adjourn

The meeting was adjourned at 5:44 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Historic Preservation Committee on _____, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:_____
Mel Owen, Chairman

ATTEST:_____
Rebecca Markwick, Senior Planner

CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT

REPORT DATE:	3/8/2021	**AGENDA ITEM NO. 5**
MEETING DATE:	3/16/2021	
TO:	City of Belvedere Planning Commission	
FROM:	Irene Borba, Director of Planning and Building	
REVIEWED BY:	Emily Longfellow, City Attorney	
SUBJECT:	**Design Review for Landscaping Improvements at 339 Golden Gate Avenue**	

RECOMMENDATION

The proposed project includes Design Review for landscaping improvements (plants); two *existing* Olives trees at the driveway entrance of the existing residence at **339 Golden Gate Avenue**. The plans as submitted indicate these existing Olives trees as 72" box and are located on each side of the driveway entry (see futher discussion below) in the city right-of-way. The property owner is also requesting approval for three (3) additional Olive trees to be planted at the rear of the property. The applications are included as **Attachment 3** and project plans are included as **Attachment 4**.

Staff recommends that the Planning Commission conduct the required public hearing and take into consideration the information provided including the comments from the public and determine if the required Design Review findings can be made. Should the Commission be in a position to approve the requested Design Review proposal, staff has provided a draft Resolution of approval for the Commissions consideration. However, should the Commission *not* be in a position to approve the Design Review request, staff has also provided a draft Resolution of denial for consideration (Refer to draft Resolutions, **Attachments 1 & 2**).

BACKGROUND/PROPERTY HISTORY

The subject property at 339 Golden Gate received approval from the Planning Commission on May 16, 2017, for an addition/remodel of the existing home including a new detached garage and other site improvements such as a pool and spa, fire pit area and landscaping. The project was approved with the condition that the final landscaping and lighting plan come back to the Planning Commission for review/approval. Below are the links to the Planning Commission staff report and plans.

Staff report - http://www.cityofbelvedere.org/DocumentCenter/View/3398/Item-7-web?bidId=

Plans - http://www.cityofbelvedere.org/DocumentCenter/View/3412/Item-7--plans---full?bidId=

The approval by the Planning Commission was appealed by the neighors to the City Council and the appeal hearing was held on June 12, 2017. The Council staff report and attachments can be found at this link https://www.cityofbelvedere.org/DocumentCenter/View/3416/Item-10?bidId=

The Council denied the appeal and upheld the decision of the Commission.

August 15, 2017 Planning Commission meeting was held for consideration of the final landscaping, lighting and wall and fencing plan. Below are the links to the Commission staff report and plans from that meeting.

Staff Report https://www.cityofbelvedere.org/DocumentCenter/View/3507/Item-4-web?bidId=

Plans https://www.cityofbelvedere.org/DocumentCenter/View/3509/Item-4-Plans?bidId=

Planning Commission Resolution No. 2017-059 included additional conditions pertaining to lighting and landscaping:

a) Plans submitted for building permit shall include all exterior lighting including landscape lighting for review by the Chair of the Planning Commission and Planning Staff to ensure that all exterior lighting shall be directed downward. Upon planning final, planning shall inspect said exterior lighting to ensure is appropriately installed.

b) Prior to the issuance of a Building Permit, a final landscape plan shall be submitted for the review and approval by the Planning Commission Chair and Staff. The final landscape plan shall identify, but not be limited to, such criteria as the type of plants and trees and quantities of each.

The final landscaping, lighting and wall and fencing plan approved by the Planning Commission was appealed to the City Council. The appeal hearing was held by the Council on September 11, 2017. Here is the link to the Council report of September 11, 2017:

http://www.cityofbelvedere.org/DocumentCenter/View/3550/Item-9?bidId=

The Council denied the appeal and upheld the decision of the Planning Commission with additional conditions which required the removal of a fence and gate across Eucalyptus Lane and ensuring the brownstone wall proposed for the berm along the front of the property did not encroach further into the Golden Gate Avenue right of way.

Per the condition from Planning Commission Resolution No. 2017-059, the final landscaping and lighting was to be reviewed by the Commission Chair and staff. The Planning Commission Chair and planning staff reviewed/approved the final landscape and lighting plan on November 3, 2017.

In May 2018 a DRE was approved for modifications to approved plans for landscaping and other site improvements. The modifications included changes to approved plans for landscaping for new site retaining walls (at rear of property), stairs and walkways and other site improvements.

Additional applications requests reviewed/approved include:

- 3/19/2019 – Exemption for retaining wall behind and to the side of the garage.
- 5/2/2019 – Exemption for modificatiosn to approved plans.
- 5/13/2019 – Design Review Exception for the installation of a flag pole.
- 9/11/2019 – Exemption for revisions to retaining wall layout at patio in area of arbor to accommodate existing grades.
- 9/26/2019 – Exemption for addition of a cap detail to the privacy wall at front of property.
- 11/1/2019 – Exemption for the extension of brick area area at front of residence.
- 1/16/2020 – Exemption to remove an arbor (left side of residence adjacent to hot tub area) from scope of work.
- 7/21/2020 – Design Review application as submitted by the property owner was reviewed for retroactive design review landscaping and exterior lighting as well as other site improvements such as an arbor, guard railing and trellis improvements to the existing residence. Portions of the proposal includes design review approval for the landscaping

and lighting that had already been planted or installed. The staff report and associated documents can be located at these links:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/330?fileID=652

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/330?fileID=651

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/330?fileID=656

The meeting minutes from the July Commission meeting can be located here:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/342?fileID=659

At the July meeting, the Commission heard from staff, the property owner and the neighbors and discussed the proposal. However, the Commission continued the item and requested additional information & clarification; the meeting was continued to the August Commission meeting. Here are the links to the staff report:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/344?fileID=668

Attachments:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/344?fileID=669

and meeting minutes of the August 18, 2020, Commission meeting:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Item/358?fileID=696

The Commission approved via Resolution No. 2020-029 (attached) the proposed project with additional/specific conditions of approval including the following:

- All exterior lights on all sides of the tower shall be permantly disconnected including the foot/step lights.
- The two alcove lights at the second floor West facing covered balcony shall be permantly disconnected.
- The eight door alcove lights at the rear deck shall be permanently disconnected.
- The four (4) mushroom lights in the revocable license area in the vicinity of the pedestrian gate shall be removed or replaced with more appropriate ground level lighting.
- Electrical connectivity shall be completely and permanently removed from each of the above noted lights, subject to the inspection and approval of the Building Official in his direction.
- All light dimming described in the narrative as submitted by the property owner and dated Received by the City of Belvedere on August 9, 2020, shall be maintained with no future alteration. Additionally, the property owner shall create a dimming schedule to be reviewed/approved by the Commission Chair and Staff. This is to include on/off times and light reduction percentage commitments for landscape lighting, path and step lighting, and garage lighting subject to the approval of the Director of Planning and Building and the Planning Commission Chair.
- No additional exterior lighting shall be installed beyond the approved Planning Commission plans and narrative as submitted by the property owner and dated

Received by the City of Belvedere on August 9, 2020, and approved in the August 18, 2020 Planning Meeting.

- The Olive trees flanking the driveway entrance shall be removed. The property owner may relocate these Olive trees elsewhere on the property, subject to the approval of the Director of Planning and Building and the Planning Commission Chair. Alternatively, the property may adhere to the approved landscaping plan for this area.
- Pursuant to the Belvedere Municipal Code, a hedge, as defined in Section 8.28.020, may exceed the height limit for fences where the extra height is agreed upon in writing by all immediately adjacent neighbors. Therefore, prior to planning final, the property owner shall obtain and provide to the planning department the signatures/approvals from the appropriate neighboring property owners indicating their approval/support for the height of hedge planted along the property boundary. If said written neighbor approval is not received, then plantings shall be installed in the same area that do not constitute a hedge, subject to the approval of the Planning and Building Director.

For informational purposes, it should be noted that the conditions related to lighting, a dimming plan and the signatures from the adjacent affected neighbors for the hedge height have been addressed. The lights to be removed were inspected by our Building Official Brian Van Son, his brief memo can be found in the attachments of this report.

- August 31, 2020 – an Exemption was submitted to modify the approved metal railings/gates around the property to wood & some to wood and wire.
- February 1, 2021 – an Exemption was submitted to remove from the scope of work, a metal trellis that was to be installed on the residence, a wooden planter box in the tower deck area. The Exemption also included a request to install three (3) Olive trees on the lower part of the property. **Note**: The three (3) Olive trees requested as part of this Exemption were *not* approved by staff; these three trees are part of the current Design Review application request.

CURRENT PROPOSAL – PROJECT DESCRIPTION/PROJECT ANALYSIS – submitted January 2021

The project approved back in 2017 by the Commission and by Council on appeal is nearly fully completed/constructed however the project *has not* been finaled at this time by Planning due to the ongoing issues with landscaping; the project was finaled by Building. However, it should also be noted that just recently the property owner decided to install the large metal arbor/trellis which had been approved by the Planning Commission back in August; a building permit is required for the installation of the arbor which is to be located over near the spa area.

With the current application, the applicant requests Planning Commission approval for Design Review for three Olive trees to be located at the rear of the property (see plan for location) and for two (2) *existing* Olive trees currently at each side of the driveway entry. These trees are located within the City right-of-way; a Revocable License was previously obtained and a new or revised license is not required. Per the plans as provided by the property owner, these two Olive trees that were installed are 72" box Olive trees. However, pursuant to recent correspondence with the property owner, they have indicated that the two Olive trees at each side of the driveway entry that are planted are actually 48" box Olive trees. Staff has requested tha the property owner provide factual information to confirm the actual size of the trees that were planted. The final landscaping

plan as approved by the Commission Chair and staff were indicated as 36" box Olive trees, and there were to be three (3) trees. The property owners are requesting to keep these two Olives trees as installed. The property owner has provided information from the tree company where the trees were purchased and has provided a letter of explanation regarding the trees and their size.

The property owners have stated that transferring the trees would pose a huge risk and the trees could potentially die, as they are well established. Additionally, the property owners are concerned about the further disruption that would be imposed on the neighbors if the trees were to be removed and relocated on the property; a crane would be needed and a street closer would be required. Lastly, it would be difficult with the existing PG&E lines that are currently above the trees.

The proposal by the property owner states that currently the trees are around 9' in height and that he is willing to accept a condition of approval to keep the trees trimmed at 12' in height.

As noted above, the project in August of 2020, was conditioned by the Planning Commission as follows regarding the two Olive trees:

> "The Olive trees flanking the driveway entrance shall be removed. The property owner may relocate these Olive trees elsewhere on the property, subject to the approval of the Director of Planning and Building and the Planning Commission Chair. Alternatively, the property may adhere to the approved landscaping plan for this area."

It should be noted, the property owner at that time did not appeal to City Council any of the conditions of approval imposed on the project, including the condition regarding the two Olive trees. Pursuant to discussions with staff and the Chair, he was intending to relocate the two trees onto his property.

DESIGN REVIEW

The Design Review findings, specified in Belvedere Municipal Code Title 20, state that all new structures and additions should be designed to avoid excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to, and fit in, with others in the neighborhood and should not attract attention to themselves. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony. Landscaping will also soften and screen structures and maintain privacy.

Staf has provided the Planning Commission with *two* separate resolutions for consideration; one for approval for the two Olive trees and one for denial (**Attachments 1 & 2**).

ENVIRONMENTAL DETERMINATION

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On ***February 8, 2021*** the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project involves no expansion of an existing use. It can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment. City action is required by ***April 8, 2021*** or the project may be deemed approved.

CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical

exemption is appropriate because there is no potential that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. Here, the project has been identified as "Medium" on the Prehistoric Resource Sensitivity Map. Here the project is proposed on previously disturbed soil, meaning there is no required integrity for historical or Tribal Cultural Resource purposes, and the project involves the addition/remodel and other site improvements for an existing residence.

CORRESPONDENCE

A copy of the public hearing notice for this item was published in *The ARK* newspaper and mailed to all property owners within 300 feet of the subject property. Staff has received letters of support which are included in the attachments in the correspondence.

Additionally, a letter from attorney Frear Stephen Schmidt representing Carmen and Tom Freiberger, the property owners of 312 Golden Gate Avenue is also attached. The letter voices objection to the requested Design Review application.

CONCLUSION/RECOMMENDATION

Staff suggest tha the Commission, here from the property owner and receive publc comment and revie and consider the information. Two separate Resolutions have been provided for Commission's consideration, one for approval and one for denial of the requested Design Review application (**Attachments 1 & 2**).

ATTACHMENTS

Attachment 1:	Draft Design Review Resolution of Approval
Attachment 2:	Draft Design Review Resolution of Denial
Attachment 3:	Applications
Attachment 4:	Project plans (Current Proposal)
Attachment 5:	Departmental Reviews
Attachment 6:	Correspondence
Attachment 7:	Planning Commission Resolution No. 2020-029

CITY OF BELVEDERE

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL FOR OLIVE TREES LOCATED AT THE PROPERTY OF 339 GOLDEN GATE AVENUE

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for a request to be able to maintain two existing olive trees planted on each side of the driveway entry in the city right-of-way and for three olive trees to be located at the rear of the property for the property located at 339 Golden Gate Avenue; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to pursuant to *Section 15301 Class 1 Existing Facilities* because the proposed project includes the construction of an addition/remodel involving negligible or no expansion of use beyond that existing; and

WHEREAS, project is exempted from CEQA by the Common Sense Exemption CEQA Guideline section 15061(b)(3), because it can be seen with certainty that the project will not have a significant effect on the environment; the property is fully developed with an existing residence and other site improvements and the proposed modification would be constructed in a developed area of the property, where the soil and grounds are already disturbed. The project site is categorized as a site of Medium Sensitivity for Tribal Cultural Resources; and

WHEREAS, the Planning Commission held a properly noticed hearing on March 16, 2021; and

WHEREAS, the Planning Commission finds based upon the findings set forth in **Exhibit A** attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code an modifications to approved plans with the following conditions:

a) The property owner shall defend and hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval and/or associated project, shall cooperate with the City in the defense of any such action with counsel selected by the City in its discretion, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result.

b) The Olive trees flanking the driveway entrance shall be maintained at a height of 12' from existing grade.

c) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.

d) Design Review approvals expire twelve (12) months from the date of approval, unless a Building Permit has been issued or an extension has been granted.

e) Construction shall be completed within the Construction Time Limit established for this project.

ATTACHMENT 1

f) In the event unanticipated archaeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

g) These restrictions shall be binding upon any successor in interest of the property.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on March 16, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

APPROVED: _____
Peter Mark, Planning Commission Chair

ATTEST:_____
Beth Haener, City Clerk

Exhibit "A"

DESIGN REVIEW FINDINGS

The following sections are edited versions of Sections 20.04.110 to 20.04.120 of the Belvedere Municipal Code and the Design Review Criteria. In order for a design review application to be approved, the Planning Commission must find the project to be in substantial conformance with these criteria.

Preservation of existing site conditions. To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

The proposal is to maintain and keep the two large Olive trees in the current location at each sode of the driveway entry in the city right-of-way. Additionally, the proposal includes three additional Olive trees at the rear of the property. There is no cut and fill with the proposed project. Therefore, the modifications to the site are in substantial conformance with this finding.

Relationship between structures and the site. There should be a balance and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land-forms and step with the slope in order to minimize the building mass and bulk and to integrate the structure with the site.

Not applicable as the proposal is to maintain and keep two large Olive trees in the current location at each side of the driveway entry in the city right-of-way & the placement of three additional Olive trees at the rear of the property.

Minimizing bulk and mass.

A. All new structures and additions should be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to draw attention to themselves.

Not applicable as the proposal is to maintain and keep two large Olive trees in the current location at each side of the driveway entry in the city right-of-way & the placement of three additional Olive trees at the rear of the property.

B. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony.

Not applicable as the proposal is to maintain and keep two large Olive trees in the current location at each side of the driveway entry in the city right-of-way and the placement of three additional Olive trees at the rear of the property.

<u>Materials and colors used.</u> Building designs should incorporate materials and colors that minimize the structures visual impacts, that blends with the existing landforms and vegetative cover, that relate to and fit in with structures in the neighborhood, and that do not attract attention to the structures themselves. Soft and muted colors in the earthtone and woodtone ranges are preferred and generally should predominate. Trim and window colors should be compatible with and complementary to the other building colors.

Not applicable for the proposed modifications.

<u>Fences and screening.</u>

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

Not applicable as no new fences are proposed.

<u>Privacy.</u> Building placement, and window size and placement should be selected to give consideration to the privacy of adjacent buildings.

Not applicable as no new windows are proposed with the application request.

<u>Drives, parking and circulation.</u> Walkways, driveways, curb cuts and off-street parking should be planned and designed so as to minimize interference with smooth traffic flow, to encourage separation of pedestrian from vehicular traffic, and to be as safe and convenient as is practical. They should not be out of relationship with the design of the proposed buildings and structures on the site, and should not intrude on the privacy of, or conflict with the appearance or use of neighboring properties.

Not applicable as these are not being modified.

<u>Exterior lighting, skylights, and reflectivity.</u> Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights coordinated with the approved landscape plan. Skylights should not have white or light opaque exterior lenses.

Not applicable.

<u>Consideration of nonconformities.</u> The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.

Not applicable.

<u>Landscape plans -- Purpose.</u>

A. Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters. B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen

from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design. C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.

<u>Landscape Plans – Materials</u>. A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided. B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age. C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

The landscaping as proposed is consistent with this finding. The landscaping is to maintain and keep two large Olive trees in the current location at each side of the driveway entry in the city right-of-way & the placement of three additional Olive trees at the rear of the property. The trees are compatible with the character of the site and surrounding developed properties, and as conditioned, the height will not significantly obstruct views from nearby dwellings.

CITY OF BELVEDERE

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY OF BELVEDERE DENYING DESIGN REVIEW APPROVAL FOR OLIVE TREES LOCATED AT THE PROPERTY OF 339 GOLDEN GATE AVENUE

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for a request to be able to maintain two existing olive trees planted on each side of the driveway entry in the city right-of-way & for the planting of three additional Olive trees at the rear of the residence for the property located at 339 Golden Gate Avenue; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to pursuant to *Section 15301 Class 1 Existing Facilities* because the proposed project includes the construction of an addition/remodel involving negligible or no expansion of use beyond that existing; and

WHEREAS, project is exempted from CEQA by the Common Sense Exemption CEQA Guideline section 15061(b)(3), because it can be seen with certainty that the project will not have a significant effect on the environment; the property is fully developed with an existing residence and other site improvements and the proposed modification would be constructed in a developed area of the property, where the soil and grounds are already disturbed. The project site is categorized as a site of Medium Sensitivity for Tribal Cultural Resources; and

WHEREAS, the Planning Commission held a properly noticed hearing on March 16, 2021; and

WHEREAS, the Planning Commission finds based upon the findings set forth in **Exhibit A** attached hereto and incorporated herein, that with the conditions listed below, the proposed project is *not* in substantial conformance with the Design Review criteria specified in Section 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Belvedere *denies* approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code an modifications to approved plans with the following conditions:

a) The property owner shall defend and hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval and/or associated project, shall cooperate with the City in the defense of any such action with counsel selected by the City in its discretion, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result.

b) The Olive trees flanking the driveway entrance shall be removed. The property owner may relocate these Olive trees elsewhere on the property, subject to the approval of the Director of Planning and Building and the Planning Commission Chair. Alternatively, the property owner may adhere to the approved final landscaping plan for this area.

c) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.

d) Design Review approvals expire twelve (12) months from the date of approval, unless a Building Permit has been issued or an extension has been granted.

ATTACHMENT 2

e) Construction shall be completed within the Construction Time Limit established for this project.

f) In the event unanticipated archaeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

g) These restrictions shall be binding upon any successor in interest of the property.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on MArch 16, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

APPROVED: _____
Peter Mark, Planning Commission Chair

ATTEST:_____
Beth Haener, City Clerk

Exhibit "A"

DESIGN REVIEW FINDINGS

The following sections are edited versions of Sections 20.04.110 to 20.04.120 of the Belvedere Municipal Code and the Design Review Criteria. In order for a design review application to be approved, the Planning Commission must find the project to be in substantial conformance with these criteria.

Preservation of existing site conditions. To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

The proposal is to maintain and keep the two large Olive trees in the current location at each sode of the driveway entry in the city right-of-way and to install three additional Olive trees at the rear of the residence. There is no cut and fill with the proposed project. Therefore, the modifications to the site are in substantial conformance with this finding.

Relationship between structures and the site. There should be a balance and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land-forms and step with the slope in order to minimize the building mass and bulk and to integrate the structure with the site.

Not applicable as the proposal is for maintain and keep the two large Olive trees in the current location at each side of the driveway entry in the city right-of-way and to install three additional Olive trees at the rear of the residence.

Minimizing bulk and mass.

A. All new structures and additions should be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to draw attention to themselves.

Not applicable as the proposal is for maintain and keep two large Olive trees in the current location at each sode of the driveway entry in the city right-of-way and to install three additional Olive trees at the rear of the residence.

B. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony.

Not applicable as the proposal is for maintain and keep two large Olive trees in the current location at each sode of the driveway entry in the city right-of-way and to install three additional Olive trees at the rear of the residence.

Materials and colors used. **Building designs should incorporate materials and colors that minimize the structures visual impacts, that blends with the existing landforms and vegetative cover, that relate to and fit in with structures in the neighborhood, and that do not attract attention to the structures themselves. Soft and muted colors in the earthtone and woodtone ranges are preferred and generally should predominate. Trim and window colors should be compatible with and complementary to the other building colors.**

Not applicable for the proposed modifications.

Fences and screening.

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

Not applicable as no new fences are proposed.

Privacy. **Building placement, and window size and placement should be selected to give consideration to the privacy of adjacent buildings.**

Not applicable as no new windows are proposed with the application request.

Drives, parking and circulation. **Walkways, driveways, curb cuts and off-street parking should be planned and designed so as to minimize interference with smooth traffic flow, to encourage separation of pedestrian from vehicular traffic, and to be as safe and convenient as is practical. They should not be out of relationship with the design of the proposed buildings and structures on the site, and should not intrude on the privacy of, or conflict with the appearance or use of neighboring properties.**

Not applicable as these are not being modified.

Exterior lighting, skylights, and reflectivity. **Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights coordinated with the approved landscape plan. Skylights should not have white or light opaque exterior lenses.**

Not applicable.

Consideration of nonconformities. **The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.**

Not applicable.

Landscape plans -- Purpose.

A. Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters. B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen

from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design. C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.

<u>Landscape Plans – Materials</u>. A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided. B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age. C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

The landscaping as proposed is *not* consistent with this finding. The landscaping request is for maintaintaining two large Olive trees in the current location at each side of the driveway entry in the city right-of-way and to install three additional Olive trees at the rear of the residence. The trees are not compatible with the character of the site and surrounding developed properties as they are overly large for the location. Additionally, given the large size of the trees and potential for future growth, the trees have the potential future impact of obstructin views from nearby dwellings.

Project Address: 339 golden gate Ave

APPLICATION FOR DESIGN REVIEW

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: 1/18/2021 Rec'd. by: _____

Amount: $551 Receipt No.: #903

Planning Comm. Approval ☒
Design Review Exception ☐
Staff Approval ☐

Parcel No.: 060-202-04 Zone: R15

Located in Flood Zone ☐ AE ☐ VE ☒ N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes ☐ Permit No.: 2017-173

Is this property adjacent to a City Owned Lane? No ☐ Yes ☒

Is there an Existing Revocable License for this property? No ☐ Yes ☒ Lic # _____

Does this project have Planning Commission approval? No ☐ Yes ☒

Address of Property: 339 golden gate Ave

Record Owner of Property: same

Mailing Address: same Daytime Phone: 415-370-8609

Fax: _____

Email: David@nestorypark.com

Owner's Representative: _____

Mailing Address: _____ Daytime Phone: _____

Fax: _____

Email: _____

Project Description: Additional landscape features - two ancient olive trees at driveway entrance on portion of city license.

P:\Planning Forms\PLANNING FORMS - LATEST EDITION\WordVersions\APPLIC.

ATTACHMENT 3

REVISED / ADDITION TO ORIGINAL SUBMITTAL Project Address: 339 Golden Gate Ave

APPLICATION FOR DESIGN REVIEW

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: 2/11/21 Rec'd. by: _____ Planning Comm. Approval ☐
Design Review Exception ☐
Amount: _____ Receipt No.: _____ Staff Approval ☐

Parcel No.: _____ Zone: _____

Located in Flood Zone ☐ AE ☐ VE ☐ N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes ☒ Permit No.: 2017-173

Is this property adjacent to a City Owned Lane? No ☐ Yes ☒

Is there an Existing Revocable License for this property? No ☐ Yes ☒ Lic # _____

Does this project have Planning Commission approval? No ☐ Yes ☒

Address of Property: 339 Golden Gate Ave

Record Owner of Property: Golden Gate Belvedere LLC

Mailing Address: 339 Golden Gate Ave Belvedere 94920 Daytime Phone: 415-370-8609

Fax: _____

Email: david@nestorypark.com

Owner's Representative: _____

Mailing Address: _____ Daytime Phone: _____

Fax: _____

Email: _____

Project Description: Plant 3 24" box olive trees - see attached plan

Project Address: 339 Golden Gate Ave

ZONING PARAMETERS:

	Required	Existing	Proposed
Lot Area			
Lot Coverage			
Total Floor Area			
Front Yard Setback			
Left Sideyard Setback			
Right Sideyard Setback			
Rear Yard Setback			
Building Height Maximum			
Building Height Average			
Parking Spaces			

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

Date Filed: 1/18/21 *(To Be Completed by Applicant)*

General Information

1. Name and address of developer or project sponsor: David Flaherty
2. Address of project: 339 Golden Gate Ave
3. Name, address, and telephone number of person to be contacted concerning this project: David Flaherty 339 Golden Gate Ave 415-370-8609
4. Indicate number of the permit application for the project to which this form pertains:
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: N/A
6. Existing zoning district:
7. Proposed use of site (Project for which this form is filed): N/A
8. Year built: 2019 Original architect:

Project Description

9. Site size.
10. Square footage.
11. Number of floors of construction.
12. Amount of off-street parking provided.
13. Plans attached?
14. Proposed scheduling.

15. Associated projects, such as required grading or staging. _____

16. Anticipated incremental development. _____

17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. _____

18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. _____

19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. _____

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

		Yes	No
20.	Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	☐	☒
21.	Change in scenic views or vistas from existing residential areas or public lands or roads.	☐	☒
22.	Change in pattern, scale or character of general area of project.	☐	☒
23.	Significant amounts of solid waste or litter.	☐	☒
24.	Change in dust, ash, smoke, fumes or odors in vicinity.	☐	☒
25.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	☐	☒
26.	Substantial change in existing noise or vibration levels in the vicinity.	☐	☒
27.	Site on filled land or on slope of 10 percent or more.	☐	☐
28.	Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	☐	☒
29.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	☐	☒
30.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	☐	☒
31.	Relationship to a larger project or series of projects.	☐	☐
32.	Changes to a structure or landscape with architectural or historical value.	☐	☒
33.	Changes to a site with archeological or cultural value such as midden soil.	☐	☒

Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. _____

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. _____

SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this section does not apply. Design Review approvals expire twelve (12) months from the date of approval unless granted a longer duration by the Planning Commission.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code.

B. Construction Time Limit Required. This Chapter shall apply to any project for which a design review approval is required, any project requiring a building permit with an estimated construction value of $50,000 or greater, and/or any landscaping project with an estimated construction value of $50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The maximum time for completion of project shall not exceed six months for additions and remodeling up to $100,000 in value; 12 months for construction up to $500,000 in value; and 18 months for construction valued at more than $500,000. Failure to complete construction in the agreed upon time will result in fines ranging from $600 per day to $1200 per day with a $300,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.

Estimated cost of construction: $_____
Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

☐ 1. For new construction, the demonstrable value of which is estimated to be less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 2. For new construction, the demonstrable value of which is estimated to be more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $100,000.
Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.

☐ 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than $500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or that wish to exceed the time limit that was approved by the Planning Commission, the following is the "**Extension of Construction Time Limit**" process (BMC Section 20.04.035(D):

D. Extension of Construction Time Limit.

1. An applicant may request a construction time limit extension at the time of the design review hearing or after the issuance of a building permit. An applicant is limited to one construction time limit extension per project.

2. The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection. The Planning Commission's decision may be appealed in writing to the City Council.

3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant's option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee's decision to the Planning Commission and the Planning Commission's decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.

4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.

5. Projects with an initial 18-month construction time limit may receive a maximum 6-month extension for a total time limit of 24 months. Projects with an initial 6 or 12-month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.

6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90-day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.

7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:

a. Site topography
b. Site access
c. Geological issues
d. Neighborhood considerations
e. Other unusual factors
f. Extreme weather events
g. Unanticipated discovery of archeological resources
h. Other conditions that could not have been reasonably anticipated at the time of project application

SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Hourly billing costs as of July 1, 2018, (subject to change without notice):

Director of Planning & Building	$ 85.00
Associate Planner	$ 59.00
City Attorney	$ 240.00
Specialized Planning Consultant	Actual costs + 25% overhead

For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. To avoid misunderstandings regarding changes to building plans that have received Design Review, please read and acknowledge the below information. To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be **identical** to the plans approved for design review. (BMC §20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)

SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site **at least twenty (20) days** prior to the first meeting date at which this application will be heard. **Final Story Poles** must be placed at the site **at least ten (10) days** prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. **Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.**

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. **Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.**

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 339 Golden Gate Ave

Assessor's Parcel No(s). of subject property: 060-202-04

➢ **Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity**

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One or more of the following documents *may* contain the necessary information.

- **For Trusts:** the **Trust Document** or a **Certificate of Trust**, including any attachments thereto; **Property Deed**; **Certificate of Title Insurance.**
- **For other entities**: **Articles of Incorporation**; **Partnership Agreement**; **Property Deed**; **Certificate of Title Insurance;** written **certification of facts** by an attorney.

Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.

I, David Flaherty, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a Trust, LLC, Corporation,

Partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, Corporation, Partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record. If more than one signature is required by the owner entity to make this application, please have all signers sign below.

Signed this 19 day of Jan, 2020, at Belvedere, California.

Signature _____ Signature TM Flaherty

Title(s) Member Title(s) _____

☐ Trustee(s) ☐ Partners: ☑ Limited or ☐ General ☐ Corporation ☐ Other _____

Name of trust, LLC, corporation, or other entity: 339 Golden Gate Ave LLC

➢ **Properties Owned by Individuals**

I, _____, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record.

Signed this _____ day of _____, 20___, at Belvedere, California.

Signature _____

➢ Designation of Owner's Representative (Optional)

I hereby authorize_____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finaled or until the designation is rescinded in writing.

Signature of Owner: _____ Date:_____

Signature of Representative: _____ Date:_____

From: Julie Flaherty <juliesflaherty@gmail.com>
Sent: Tuesday, January 26, 2021 8:14 AM
To: Irene Borba - Planning Director <iborba@cityofbelvedere.org>
Cc: David Flaherty <david@nestorypark.com>
Subject: Re: Olive tree letter.pages

January 18, 2021

David and Julie Flaherty

339 Golden Gate Ave.

Belvedere Planning Commission
Irene Borba, Director of Planning and Building

Dear Planning Commissioners and Ms. Borba:

We are writing to ask for approval to keep our two ancient olive trees at either side of our driveway gates on the city license. Originally our approval was for 3 smaller olive trees to be planted at the site. These were 36 inch boxes vs the 48 inch boxes planted.

The trees we planted last spring are much more proportionate to the scale of the oak trees that are also on the city license, and aesthetically they make more sense than the much smaller ones would have.

As the trees have been in place almost a year, transferring them would pose a huge risk that they would die. They are well established and look beautiful where they are. The disruption that would be imposed upon the neighborhood if we were to remove and transfer them to another location would be enormous. We would have to hire a crane and operator and none will do this with the PG&E lines in place. This would require a street closure and disrupt all traffic on Golden Gate for at least half a day.

As discussed with our neighbors, we will keep them trimmed to the height they are now, around 9', below the approved 12 ' maximum height. We have spoken to all our neighbors and all are in complete support to leave the trees where they are.

Lastly, all the neighbors we have spoken to about the trees and their location agree that they look beautiful where they are and should not be moved. In fact one of our close neighbors has written a letter to the city in support of keeping the trees in their current location once they heard you were requiring them to be relocated. We don't want to create any other issues for any of our neighbors who have supported our project.

Thank you,

Julie and David Flaherty

Irene Borba - Planning Director

From: David Flaherty <david@nestorypark.com>
Sent: Wednesday, February 03, 2021 6:48 PM
To: Irene Borba - Planning Director; Julie Flaherty; Suzanne Du Molin; jody Harris; Stewart Emery
Subject: Fwd: Resolution No> 2020-029
Attachments: 339 Golden Gate - 2 views.pdf

Dear Irene,

I would like to take this opportunity to outline how Julie and I have gone above and beyond any of the final conditions for approval of our home at 339 Golden Gate Ave.

1) <u>All exterior lights on the house have been disconnected</u>. Julie and I turned off and permanently disconnected every light on the outside of our house as stipulated in the final conditions. This all has been verified and signed off on by Brian Von Son. In addition, because we know much of the light source in question had nothing to do with our outside lights, we have voluntarily turned our inside lights down to between 15% - 25% of capacity.

2) <u>The two 48" olive trees that we planted will not exceed in height the 36" trees that were approved</u>.

We now have our six approved 36-inch olive trees on site. We measured them (please see photo) and they average more than 12 feet in height. Since we have agreed to maintain the two 48-inch olive trees that we planted in the approved locations next to our driveway gates at a height of less than 12 feet, they will be no taller than the approved 36-inch trees would have been in that location.

We would like to offer that our agreement with the city is to maintain these trees below the 12 foot height limit and make this a part of our final revocable license. We feel that this should satisfy the concerns of the Freiburgers as expressed in their letter of August 6th. (Note, also, in regard to that letter: we did not plant 72" trees. We planted 48" trees.) Further, since our approved plans did not require us to perform ongoing trimming of the 36-inch trees, by making this commitment and offering to have it included in our revocable license, we are going above and beyond what the Planning Commission has required of us.

We are now ready to plant the six 36" boxed trees in the locations approved by the Planning Commission. If there is any reason we should not proceed with that, please let me know by reply email within three days.

3) The vast majority of our neighbors like our trees where they are. Neighbors have told us that they think the ancient olive trees are beautiful, that they are harmonious with the landscape, and that they are modest in scale compared to the much larger older trees on the property. (Please see the attachment for both the North and South views.)

4) In addition, our arborist has inspected our trees and believes moving them again will put both at risk of dying. See attached arborist letter stating the above.

5) A dimming schedule has been given to you and we will adhere to it.

6) A hedge agreement is in place with all three of our neighbors regarding the approved pittosporum we planted.

I think you can see from the above that we have made every effort to comply with all the requirements of the Planning Commission and to satisfy all reasonable requests made by the neighbors.

Please let me know if there is anything else you think we might need to present, for a successful meeting on February 16th including final approval of our project.

David Flaherty

Founder and CEO

Nestory Park

david@nestorypark.com I LinkedIn

339 Golden Gate Avenue

Photos taken Feb. 1, 2021

Dear Irene and the Planning Commission:

The purpose of this letter is to apologize and take full responsibility for inadvertently failing to stipulate the proper box size for our two ancient olive trees. I'm sorry for causing any problems for the Commission or my neighbors; that was not my intent at all. As shown on the attached invoice, the two ancient olive trees were described as "small" trees. There was no designation of box size. In talking to our grower, I realize now that it is all about the root ball size and that is what will determine the box size once these are taken from their orchard.

Our intention is to fully satisfy the Planning Commission's requirements.

If I understand correctly, the Commission's intent in requiring these boxes to be 36 inches, rather than a larger size, was to limit the height of the trees themselves. I'm basing this on the fact the Commission asked that these trees be trimmed to a height of 12 feet or less. This is exactly what we have done. The size of the boxes is not something my neighbors see. What they see is the size of the tree above ground. Further, box size doesn't actually correlate to tree height, particularly in the case of old-growth trees. Rather, box size is a function of the size of the root ball. In fact, the grower has stated in the attached letter that "Trees from one old growth orchard can have a range of 52" to 144" sized box/root ball, but only be 12' tall or shorter dependent on the tree, pruning, transport restrictions..."

In the example he cited, a 12-foot-tall old-growth tree could have a root ball varying in size from 52" to 144". Nothing in this range would fit in a 36" box. Yet he's talking about a 12-foot-tall tree. In other words, old-growth trees tend to have much larger root balls, and consequently require larger boxes, than young trees of the same height.

I believe that by trimming these trees and agreeing to have this become a part of our updated license agreement, we have complied with the real intent of the approved plan. We could have ordered and planted trees delivered in 36 inch boxes and they may well have been taller than 12 feet. That would have met the terms of the plan, but it would not have satisfied the Freiburgers. Therefore I suggest the resolution which meets everyone's needs is for us to keep the trees trimmed to 12 feet on an ongoing basis.

I believe that our efforts to improve everyone's view, streetscape, and enjoyment of Golden Gate Ave have demonstrated our true intent from the beginning. This is directly reflected in our efforts to facilitate the Golden Gate Lane and Golden Gate Avenue undergrounding in conjunction with our home.

Feel free to reach out or come over to our house to look at what we have done since the last Commission meeting.

Thanks for taking this back under consideration.

Julie and David

INVOICE

HERITAGE OLIVE TREES

323 South Hartson St
Napa, CA 94559-4449
707.226.3996

Bill To:
David Flaherty 339 Golden Gate Ave. Belvedere Tiburon, CA 94920

Date	Invoice No.	P.O. Number	Terms	Ship To
01/31/20	3302			David Flaherty

Description	Quantity	Amount
One Small Heritage Sevillano Olive Trees (fruiting) O464	1	4,300.00
One Small Heritage Olive Trees (fruiting) O644	1	4,300.00
Freight to be paid directly to James Ward Trucking upon delivery.		0.00
Subtotal		8,600.00
COMMITMENT:		0.00
-Heritage Olive Trees will deliver high-quality Sevillano olive tree(s) in a healthy growing condition.		
The following are not included in our services and are Client's responsibility:		
-Delivery equipment costs and/or equipment rental.		
-Offloading and planting.		
-Care and maintenance of the tree(s).		
DEPOSIT & PAYMENT:		
-A non-refundable deposit in the amount of 50% of the total cost (not including sales tax) is due and payable upon signing this proposal.		
-If payment in full is not received, deliveries will cease and cancellation/delay costs with be at the expense of the Client until expenses and payment in full is received.		
-A delivery cancellation fee of the full freight charge per load will be charged to Client for		

PAID 2/17/2020

PROPOSAL ACCEPTANCE Please sign, date and email back to office@HeritageOliveTrees.com

Total	
Payments/Credits	$-8,600.00
Balance Due	$0.00

INVOICE

HERITAGE OLIVE TREES

323 South Hartson St
Napa, CA 94559-4449
707.226.3996

Bill To:
David Flaherty 339 Golden Gate Ave. Belvedere Tiburon, CA 94920

Date	Invoice No.	P.O. Number	Terms	Ship To
01/31/20	3302			David Flaherty

Description	Quantity	Amount
cancellations within the 2 week period of the first scheduled delivery.		
-If offloading takes longer than 2 hours, over time charges will apply at client's expense at a rate of $150 per hour payable to Heritage Olive Trees.		
SHIPMENT, DELIVERY, UNLOADING – Client's obligation and expense:		0.00
-Any grievance concerning the condition of the tree(s) must be made at the time of delivery. Take care to inspect all shipments before unloading to determine if there are any concerns. -Load to be inspected by Client and signed acceptance before the tarp comes off, access will be provided.		
-After delivery of the tree(s) has been accepted, you are responsible for handling, planting, exceptional weather, or lack of proper maintenance.		
-Client to have JLG 12K FORWARD REACH LIFT WITH WIDE LUMBER FORKS onsite at the time the delivery truck arrives.		
-Trees to be delivered on a 65'-72' long truck and trailer.		
-ROUTE & UNLOAD AREA MUST BE ACCESSIBLE FOR DELIVERY TRUCKS.		
-ASPHALT/CONCRETE/OVERHEAD OBSTACLES/CLEANUP: Heritage Olive Trees will not be held liable for damaged overhead obstacles, concrete or asphalt caused by truck or equipment weight.		
-Client is responsible for cleanup of any dirt or mud the trucks or equipment may leave on site.		

PAID 2/17/2020

PROPOSAL ACCEPTANCE Please sign, date and email back to office@HeritageOliveTrees.com

Total	
Payments/Credits	$-8,600.00
Balance Due	$0.00

INVOICE

HERITAGE OLIVE TREES

323 South Hartson St
Napa, CA 94559-4449
707.226.3996

Bill To:
David Flaherty 339 Golden Gate Ave. Belvedere Tiburon, CA 94920

Date	Invoice No.	P.O. Number	Terms	Ship To
01/31/20	3302			David Flaherty

Description	Quantity	Amount
-Client has 2 hours to unload from the time the trucks arrive at the designated job site.		
-Staging/unloading area must be clear at the time the truck arrives, including ample area to untarp, and unload.		
-Client responsible for obtaining any and all city permits for offloading including but not limited to, road closures, traffic control, and encroachment.		
-Client responsible for providing jobsite traffic travel plan, including entry and exit route.		
-Heritage Olive Trees reserves the right to delay shipment due to adverse weather and other conditions outside of our control that limit or hinder the ability to pull, care, or transport trees.		
TREE CARE GUIDELINES & DISCLOSURES:		0.00
-Heritage Olive Trees highly recommends all balled and burlaped trees be planted within 24 hours of delivery.		
-The success or failure of the tree(s) depends on its care, good soil, sufficient water, and adequate drainage. Proper drip irrigation set to weather conditions, drainage, fertilizer, and pruning to stimulate new growth is required for optimum health of your tree(s). Do not place tree(s) in a lawn area without drainage.		
-It is recommended that additional plants are NOT planted under the olive tree(s). Separate irrigation allows for needed drying between waterings.		

PAID 2/11/2020

PROPOSAL ACCEPTANCE Please sign, date and email back to office@HeritageOliveTrees.com

Total	
Payments/Credits	$-8,600.00
Balance Due	$0.00

INVOICE

HERITAGE OLIVE TREES

323 South Hartson St
Napa, CA 94559-4449
707.226.3996

Bill To:
David Flaherty 339 Golden Gate Ave. Belvedere Tiburon, CA 94920

Date	Invoice No.	P.O. Number	Terms	Ship To
01/31/20	3302			David Flaherty

Description	Quantity	Amount
-Heritage Olive Trees highly recommends use of engineered soil in all planters and along concrete walkways.		
-Heritage Olive Trees highly recommends boxing trees for delivery if the receiving contractor will not be able to keep up with deliveries and recommended planting time frame.		
-These trees, like all olive trees grown in Northern and Central California, may have olive knot. They may need to be sprayed every other year to control it.		
GENERAL TERMS:		0.00
-This proposal is governed by California law.		
-The terms of this proposal may only be modified by mutual written agreement.		
-Title to, and all risk, shall pass from Heritage Olive Trees to Client during the offloading of the tree(s).		
-In the event of a dispute or collection action concerning the terms of the proposal, the prevailing party will be entitled to recover actual legal and operational costs, expenses, and fees.		
-Neither party shall be liable to the other party for any indirect, incidental, special, punitive or consequential damages.		
-This proposal contains the entire agreement and supersedes and terminates all prior agreements and other understandings.		

PAID 2/17/2020

PROPOSAL ACCEPTANCE Please sign, date and email back to office@HeritageOliveTrees.com

Total	
Payments/Credits	$-8,600.00
Balance Due	$0.00

INVOICE

HERITAGE OLIVE TREES

323 South Hartson St
Napa, CA 94559-4449
707.226.3996

Bill To:
David Flaherty 339 Golden Gate Ave. Belvedere Tiburon, CA 94920

Date	Invoice No.	P.O. Number	Terms	Ship To
01/31/20	3302			David Flaherty

Description	Quantity	Amount
ACKNOWLEDGEMENT: -You acknowledge that you have received, read, and understood these terms and conditions as well as the Heritage Olive Trees recommended guidelines. ACCEPTANCE: -By signing and returning this proposal, you are accepting the terms and conditions set forth in this proposal and it becomes a legally binding contract.		
		0.00
Sales Tax		0.00

PAID 2/11/2020

PROPOSAL ACCEPTANCE Please sign, date and email back to office@HeritageOliveTrees.com

Total	$8,600.00
Payments/Credits	$-8,600.00
Balance Due	$0.00

HERITAGE OLIVE TREES

February 19, 2021

David Flaherty

To Whom It May Concern,

Regarding your request for the sizing of boxed trees and average heights, there are several items that need to be addressed.

Depending on the vendor and tree variety, box sizes and root ball sizes do not always correlate to a specific tree height, as the determining factors for the box or root ball measurements are purely underground.

For example, a 24" boxed standard olive tree could range anywhere from 5' to 12' tall+/- while a 36" box could be anywhere from 7' to 14' tall+/-. Height is also different depending on if a tree is a multi-trunk variety as well as how it is maintained, (ie: fertilizers, proper watering schedules, climate, the way it was pruned, soil type, etc...).

In some instances, and in the case of some vendors, a 24" box tree could be taller than a 36" box tree or a 48" and so on, if the root flare warrants a different box size, based on vendor preference, or if the tree is older.

In a 100-year-old grove, the trees can be all relatively the same size (canopy height & width) but have drastically different root flares. Trees from one old growth orchard can have a range of 52" to 144" sized box/root ball, but only be 12' tall or shorter dependent on the tree, pruning, transport restrictions, and the way the client prefers to maintain it. In the case of some vendors, an old growth tree can also be root pruned to smaller sizes (ie: 48" root ball) for specialized planters or rooftop applications but we do not typically recommend it.

Tyler Heathcote
Sales and Marketing

TY-EM Corporation
323 South Hartson Street
Napa, CA 94559-4449
707.226.3996

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
36" Box Wilsonii Standard	7 - 36" Box Wilsonii Standard - (Recently ransfered from 24" box due to COVID delays)	7	1,150.00	8,050.00T
Delivery	Delivery	1	800.00	800.00
	Subtotal			8,850.00
Legal Disclosure Commitment/Exclusions/Deposit	-Ross Tree Sales will deliver high-quality trees in a healthy growing condition. The following are not included in our services and are Client's responsibility: -Delivery equipment costs and/or equipment rental. -Offloading and planting. -Care and maintenance of the tree(s). Deposit & Payment: -A non-refundable deposit in the amount of 50% of the total cost (not including sales tax) is due and payable upon signing this proposal. -Final and/or Progress payments are due before the		0.00	

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com	Subtotal	$8,850.00
	Sales Tax (8.25%)	$664.13
	Total	
	Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	trees are offloaded. -If payment in full is not received, deliveries will cease and cancellation/delay costs with be at the expense of the Client until expenses and payment in full is received. -A delivery cancellation fee in the amount of $800 per load will be charged to Client for cancellations within the 2 week period of the first scheduled delivery. -Additional charges will apply if Client decides to box field grown trees. -If offloading takes longer than 2 hours per load, over time charges will apply at client's expense at a rate of $150 per hour payable to Ross Tree Sales.			
Shippment/Delivery/Offload	Shipment, Delivery, Unloading – Client's obligation and expense: -Any grievance concerning the condition of the		0.00	

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com	Subtotal	$8,850.00
	Sales Tax (8.25%)	$664.13
	Total	
	Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	tree(s) must be made at the time of delivery. Take care to inspect all shipments before unloading to determine if there are any concerns. -Load to be inspected by Client and signed acceptance before the tarp comes off, access will be provided. -After delivery of the tree(s) has been accepted, you are responsible for handling, planting, exceptional weather, or lack of proper maintenance. -Client to have 4 laborers onsite at the time the delivery truck arrives to offload. -Trees to be delivered on a truck and trailer. -ROUTE & UNLOAD AREA MUST BE ACCESSIBLE FOR DELIVERY TRUCKS. -ASPHALT/CONCRETE/OVERHEAD OBSTACLES/CLEANUP: Ross Tree Sales will not be held liable for damaged overhead obstacles,			
Please Sign and Email to Tyler@RossTreeSales.com			Subtotal	$8,850.00
			Sales Tax (8.25%)	$664.13
			Total	
			Balance Due	$0.00

PAID 10/19/2020

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	concrete or asphalt caused by truck or equipment weight. -Client is responsible for cleanup of any dirt or mud the trucks or equipment may leave on site. -Client has 2 hours to unload from the time the trucks arrive at the designated job site. -Staging/unloading area must be clear at the time the truck arrives, including ample area to untarp, and unload. -Client responsible for obtaining any and all city permits for offloading including but not limited to, road closures, traffic control, and encroachment. -Client responsible for providing jobsite traffic travel plan, including entry and exit route. -Ross Tree Sales reserves the right to delay shipment due to adverse weather and other conditions outside of our control that limit or hinder			

PAID
10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com	Subtotal	$8,850.00
	Sales Tax (8.25%)	$664.13
	Total	
	Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	the ability to pull, care, or transport trees.			
Care Guidelines	Tree Care Guidelines & Disclosures: -Ross Tree Sales highly recommends all balled and burlaped trees be planted within 24 hours of delivery. -The success or failure of the tree(s) depends on its care, good soil, sufficient water, and adequate drainage. Proper drip irrigation set to weather conditions, drainage, fertilizer, and pruning to stimulate new growth is required for optimum health of your tree(s). Do not place tree(s) in a lawn area without drainage. -It is recommended that additional plants are NOT planted under the olive tree(s). Separate irrigation allows for needed drying between waterings. -Ross Tree Sales is not liable for the improper rigging and/or reliability of the root ball at high elevation.		0.00	

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com

Subtotal	$8,850.00
Sales Tax (8.25%)	$664.13
Total	
Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	-Ross Tree Sales highly recommends use of engineered soil in all planters and along concrete walkways. -Ross Tree Sales highly recommends boxing trees for delivery if the receiving contractor will not be able to keep up with deliveries and recommended planting time frame. -These trees, like all olive trees grown in Northern and Central California, may have olive knot. They may need to be sprayed every other year to control it.			
General Terms	General Terms: -This proposal is governed by California law. -The terms of this proposal may only be modified by mutual written agreement. -Title to, and all risk, shall pass from Heritage Olive		0.00	

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com	Subtotal	$8,850.00
	Sales Tax (8.25%)	$664.13
	Total	
	Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	Trees to Client during the offloading of the tree(s). -In the event of a dispute or collection action concerning the terms of the proposal, the prevailing party will be entitled to recover actual legal and operational costs, expenses, and fees. -Neither party shall be liable to the other party for any indirect, incidental, special, punitive or consequential damages. -This proposal contains the entire agreement and supersedes and terminates all prior agreements and other understandings.			
Acknowledgement/Acceptance	Acknowledgement: -You acknowledge that you have received, read, and understood these terms and conditions as well as the Ross Tree Sales recommended guidelines.		0.00	

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com	Subtotal	$8,850.00
	Sales Tax (8.25%)	$664.13
	Total	
	Balance Due	$0.00

Invoice

Ross Tree Sales
323 S Hartson Street
Napa, CA 94559-4449
707.732.6594

Bill To
David Flaherty 339 Golden Gate Ave Belvedere Tiburon, CA 94920 United States

Date	Invoice No.	P.O. Number	Terms	Project
10/19/20	54			

Item	Description	Quantity	Rate	Amount
	Acceptance: -By signing and returning this proposal, you are accepting the terms and conditions set forth in this proposal and it becomes a legally binding contract.			0.00

PAID 10/19/2020

Please Sign and Email to Tyler@RossTreeSales.com

Subtotal	$8,850.00
Sales Tax (8.25%)	$664.13
Total	$9,514.13
Balance Due	$0.00

On Tuesday, December 1, City of Belvedere Building Official, Brian Van Son, inspected the electrical panels at 339 Golden Gate Ave. for verification of compliance with the Planning Commission requirements of the permanent disconnection of the unpermitted light fixtures installed at the aforementioned address. At that time, the wiring serving the unpermitted lights was disconnected from the breaker and capped off. The inspection failed, as the wiring could easily be reconnected and the lighting be re-utilized. A second inspection was required the following day and I requested that the electrician be present for that inspection. On Wednesday, December 2, I met with the electrician and he and I identified the circuits powering the unpermitted light fixtures. Once identified, the electrician cut and safely capped the wiring serving the unpermitted light fixtures at the entrance to the elect. panel. This permanently disconnected the light fixtures from the power source.

Let me know if you need anything else.

Brian Van Son, CBO
Building Official
City of Belvedere
450 San Rafael Avenue
Office: 415-435-3838
Fax: 415-435-0430

ATTACHMENT 5

FREAR STEPHEN SCHMID
ATTORNEY AT LAW

7585 VALLEY FORD ROAD
PETALUMA, CALIFORNIA 94952
TELEPHONE (415) 788-5957

February 5, 2021

Irene Borba,
Director of Planning

City of Belvedere

via email

Re: Illegal Olive Trees at 339 Golden Gate Avenue

Dear Ms. Borba:

I am writing on behalf of my clients, Tom and Carmen Freiburger, longtime residents who reside at 312 Golden Gate Avenue.

Carmen Freiburger was advised by David Flaherty of 339 Golden Gate that he would be seeking from the Belvedere Planning Commission a re-consideration of his illegally installed mature olive trees (oversize and view/light blocking) at front left and right of his driveway at 339 Golden Gate Avenue, directly across the street from the Freiburgers. This letter is to nip any such attempt in the bud.

The Flahertys were caught violating the conditions (attendant to their home construction) which explicitly restricted the sizes of the trees. Ignoring the restrictions, they went far beyond the originally approved olive trees (3 foot boxes) and installed very large (exceeding allowed height limits and quite large in girth), ancient olive trees in 6 foot boxes. In an unsuccessful attempt to legalize the trees, they sought a retroactive design review for these oversized trees. As a result, the issue of the olive trees was fully considered and decided, in two meetings (public hearings) of the Commission July 21 and August 18, 2020. After lengthy deliberation, the request to legalize the trees was denied, and the Flahertys, as owners of 339 Golden Gate, were instructed to remove the two trees. See minutes of August 18 meeting. The Flahertys filed no appeal, and thus the decision became final and binding, and remains final and binding. Unfortunately, despite the order, the Flahertys have disregarded the Commission's mandate and the trees have remained.

ATTACHMENT 6

They now apparently plan to come to the City, asking the Commission to disregard the August ruling and once again to seek approval of the illegal trees almost six months after they lost their previous application and six months after they chose not to appeal the adverse decision. Neither the City, nor the Commission, has any jurisdiction to consider such a request.

First, the issue has already been decided. In law, this constitutes res judicata. If they were dissatisfied with the August ruling, their **only** remedy was to appeal the ruling to the City Council. They did not. And they don't have any such right now, whether or not this is called a "new application". This is legally and factually **not** a **new** issue.

Second, the Belvedere municipal code, Section 20.04.015, provides for design review of **new** landscape changes. The overly large olive trees are clearly **not new** landscape changes. They are existing illegal nuisances. Nothing has changed since the August 18 ruling, and nothing in the code allows for this issue to be revisited.

Third, the Flahertys would be coming to the City with "unclean hands", in that they first wrongly and knowingly installed the overly large olive trees in clear violation of the conditions of their building permit, and then, trying to game the conditions, retroactively applied for approval, which was denied. Instead of pursuing their proper remedy of an appeal, they did nothing, apparently opting to violate the Commission's order of abatement. At this late date, six months after the Commission's mandate to remove the trees, nothing in law or fact can justify their coming back to the City seeking a "do over" with another review of the wrongly installed trees. By their repeated wrongful conduct and disregarding of the Commission's order, the Flaherty have forfeited any conceivable right to have the tree issue revisited.

Reconsideration of these wrongly installed oversize olive trees would be essentially a wrongly filed appeal of the August ruling. The Freiburgers trust the issue will be administratively rejected and not be put on the Planning Commission's agenda. Please advise promptly. Thank you.

Yours Very Truly,

Frear Stephen Schmid

Cc Emily Longfellow, City Attorney via email
Tom and Carmen Freiburger via email

From: Frear Stephen Schmid <frearschmid@aol.com>

Sent: Monday, February 8, 2021 10:01 AM

To: Irene Borba - Planning Director <iborba@cityofbelvedere.org>

Cc: eblongfellow@epholtzlaw.com; tfreiburger1@yahoo.com

Subject: Re: Illegal Olive Trees at 339 Golden Gate Avenue

Thank you. This allows you to recognize the impropriety of scheduling the trees at 339 Golden Gate on the agenda in the first place. As pointed out in my earlier correspondence, the City and Commission lost all jurisdiction to consider this matter when the Flahertys did not exercise their remedy of appeal to the City Council. Thus, it is your mandatory duty to administratively reject any attempt by the Flahertys to have this issue heard by the Commission again. Certainly, at the very least, it would constitute an abuse of any discretion to calendar the matter for the Commission. It is simply improper to burden the Freiburgers, their neighbors and the taxpayers of Belvedere with this matter which was resolved six months ago. We are not playing a game of whack a mole. The City's duty at this point is to enforce the Commission's prior order and cause the nuisance trees to be promptly abated. Hopefully, this matter will be properly disposed of without resort to litigation. Thank you

Very truly yours,

Frear Stephen Schmid

7585 Valley Ford Road

Petaluma, CA 94952

Tel: 415-788-5957

e-mail: frearschmid@aol.com

From: Vickie Jepperson <vjepperson@robertsresorts.com>
Sent: Monday, February 15, 2021 11:20 AM
To: Irene Borba - Planning Director <iborba@cityofbelvedere.org>
Cc: James Campbell - Mayor <jcampbell@cityofbelvedere.org>
Subject: FW: Olive trees and Undergrounding

From: Barbara Roberts <broberts@robertsresorts.com>
Sent: Monday, February 15, 2021 11:04 AM
Subject: Olive trees and Undergrounding

Dear Ms. Borba,
I have not been in Belvedere for the last few months.
So, I have been out of the loop regards the issue with the placement of the Olive trees and the Undergrounding project.
I know the City and Mr. Flaherty had a clear understanding of the view issues for the Freiburger property.
Before the massive garage was permitted ,the Freiburgers were assured during the Planning Commission hearings by Mr. Flaherty and the City, that their view was not going to be obstructed.
I was sent a photo yesterday of the Olive trees.
Clearly showing that the promise made by Mr. Flaherty and the City's ruling , to not obstruct the neighbors view, was not adhered to.
The ruling and decisions made by the city needs to stand.
I am upset to hear, that Mr. Flaherty is the one holding up the Undergrounding project, because he has some Easement issues with the City.
It was Mr. Flaherty, who pushed the underground project to all the neighbors.
He is the biggest beneficiary of this project, by getting all the poles and wires removed, which run in view and the length of his property between Belvedere Ave and his view.
He was never assessed by the Engeneer for this huge view value.
Are these poles now becoming the easement issue?
The City of Belvedere has given so much to Mr. Flaherty in regards to many exceptions and variances.
How can he be so ungrateful and now hold all of the neighbors hostage by delaying the Undergrounding?
We all have already paid substantial amounts of money in assessments.
I understand he wants to have the city trade his assessed construction over time penalties, which are substantial, for the Easement issue.
Is that fair to the other Belvedere property owners who have paid these penalty fees?
He now also wants to make the Olive trees part of the bargaining chip.
What will be next?
We, the neighbors, had to endure years of horrific noise, dirt and huge traffic issues.
Running so much over time, certainly did not let us enjoy our homes.
Now, we are punished again.
We paid for Undergrounding and are being taken hostage.
Why is he not kind to the City and considerate of his neighbors?
The City gave a 10' strip of land to his property free of charge.
How ungrateful?
Barbara Barbel Roberts

312 Golden Gate Ave.
Belvedere

March 9, 2021

City of Belvedere, Planning Commission

RE: Application for 339 Golden Gate Ave./March 16 meeting

Dear Commissioners:

This letter is in reference to the January 18, 2021 "new application" for approval for landscape modifications for the project at 339 Golden Gate. First, and importantly, this on its face is NOT a "new" issue before the Commission. This matter was thoroughly considered in consecutive meetings last July and August, on a request for retroactive design approval, and was vehemently denied by the Commissioners with a 6 to 1 vote. The applicant's only remedy was to appeal that denial to the City Council, which he chose not to do. We strongly believe the City has no jurisdiction beyond what is prescribed in the Municipal Code to hear this re-application; it would have been the province of the City Council. This has also been addressed by our legal counsel, in a separate correspondence that you should have.

Beyond what is outlined in our legal counsel's letter, there remain additional points to consider.

Regarding the large olive trees the Flahertys wish to keep: Following the 6-1 mandate of the Commissioners that the non-permitted trees be removed, the applicants briefly explored alternative locations for the trees with Belvedere design staff, but then simply ignored the mandate. Now, six months after the mandate, they ask that the Commission change its mind. They reference neighbors who are in support of the trees "looking nice" and who are okay with the trees remaining. We too have spoken to several neighbors and they do NOT support the trees remaining. These neighbors' views are not inhibited by the trees, but instead they feel it important that the City enforce its decision and the Municipal Code. Note also, it is we who are directly impacted by the oversized olive trees, not those passing by the house.

As we have urged from the beginning of the project, our views from our primary bedroom and office should not be unduly blocked. We have lived in this house for over 35 years. The views we did have and those promised to us (by Mr. Flaherty in discussions on the garage), and that did materialize until entry of the olive trees, have not only personal value but also significant economic value. Please see the attached letter from prominent real estate agents supporting that fact.

Mr. Flaherty makes several after-the-fact arguments: the possible closing of the street for half a day, the equipment required (but the trees were installed using a forklift, not a crane), and the after-care for the trees to ensure survival. These are irrelevant. The applicants created this

problem and let it fester for over six months, and they cannot now complain of the cost or inconvenience to rectify their own wrong decisions.

Mr. Flaherty has also offered to maintain the olive trees at twelve-foot height. He made the same offer, along with an offer to thin the trees, in the design review meetings of July-August. This was unacceptable to the Commission. Moreover, the trees have a volume that is perhaps an order of magnitude larger than that of trees in the permitted 36-inch boxes.

This "do-over" on a denied retroactive design review is a very bad idea and a terrible precedent. Following this a resident could build something without a permit, then after objection seek retroactive design review approval, be denied and directed by the Commission to remove the offending item, refuse to comply and then, six months later, again go to the Planning Commission and again seek a "new" retroactive approval. One could even wait until the chances look better after a change in composition of the Commission (not saying that happened here). Or wait until the community becomes so accustomed to what was built that opposition tends to fade away, which seems to be the objective here. Members of our community might wonder what is the point of the Commission's decisions and why vocalize an opinion if a matter will be revisited again (and again) until the applicant prevails.

If this Planning Commission were to set such a precedent allowing "do-overs" of prior final decisions, bypassing the City Council, the Planning Commission's decisions could never be final even after the appeal period. In effect a person can ignore a decision and "appeal" it (seek reconsideration of precisely the same issue) at any later time, many months later.

We ask that the (re-)application for retroactive design approval be denied, as before.

Sincerely,

Carmen and Tom Freiburger
312 Golden Gate

March 2nd, 2021

Carmen,

Thank you so much for allowing us the opportunity to view your lovely Golden Gate home. You have an amazing home in such a lovely location in Belvedere. Belvedere Island has long since been a highly desirable location and address in Marin County. You are blessed with having views from both sides of your house. Something that most homes do not have. It really is a tragedy that your view has been impeded upon by the additions to the home across the street. Allowing the placement of the oversized garage has blocked your view of Sausalito and the Bay almost entirely. Further allowing them to bring in trees that were significantly larger than what's approved basically took your view of the South / South West away entirely. Local real estate agents often refer to that view as the $500,000 view. Having a view of Sausalito, The Bay, SF City and/or the Golden Gate Bridge increases a home's value tremendously.

As you can see from just a simple pull of homes traded on Belvedere Island in 2020 that had a South/South West view vs homes with a view of downtown Tiburon / Angel Island, that SW view homes traded on an average of $1,458 per square foot while non-SW view homes traded at $1,163 per square foot. On a 3,000 square foot home that can translate to a $885,000 price difference.

Although your home enjoyed SW views from the 2nd floor, that floor contained multiple primary rooms such as the primary bedroom, sitting room and office. All which are extremely important rooms, especially in this new Covid time. Making adjustments to this second-floor view, you are still looking at a potential loss of nearly $500,000. I have attached comps for your review.

Please let me know if you have any further questions or would like to discuss in more details.

Thank you!

Stacy Achuck & Missy Zech
Compass
Ranked 3rd in Compass Teams
Ranked 7th in Marin County Real Estate Agents

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 GOLDEN GATE AVE

Project Description:

ANCIENT OLIVE TREES EITHER SIDE OF GATES

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☑ photographs
- ☐ cut sheets
- ☐ other documents (specify:_____)

prepared by _____ and dated _____.

- ☑ I have no objection to the proposed improvements as shown in the above-referenced documents. BEYOND NO OBJECTION, OFFER STRONG SUPPORT!!
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: THEY ARE HARMONIOUS WITH THE SETTING AND DWARFED BY OTHER EXISTING TREES & UTILITY POLES!!

My name is: STEWART & JOAN EMERY I own the neighboring property at: 310 BELVEDERE AVE.

My signature: [signature]

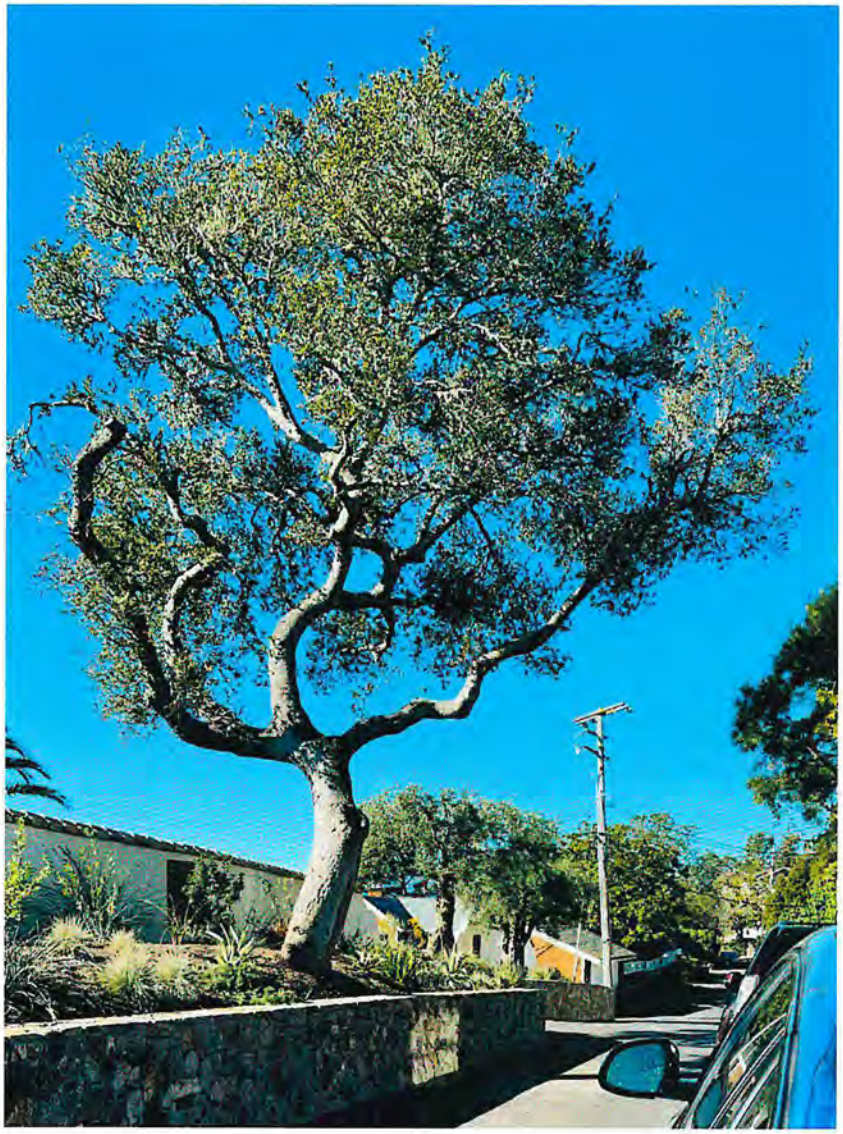
Today's date: 02.05.2020

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

Good Morning Irene - I do hope this finds you well again - these are trying times.

Please see the attached Support Form for the imminent Planning Commision Meeting. I have also attached a photo of the Olive trees taken with an iPhone 12 ProMax using the normal lens. The Ancient Olive trees appear dwarfed by existing trees and utility poles - it seems preposterous to me that there is such acrimony swirling around this. Please let's get this issue graciously resolved and the undergrounding project completed.

With respect and warmth - Stewart



Stewart Emery
1550 Tiburon Boulevard, G627
Belvedere-Tiburon, CA 94920
M: +1.415.302.6622

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 Golden Gate Ave

Project Description:

Olive Trees Planted at Front of Property on both Sides of entry gates

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☑ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

- ☑ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: There are many properties in Belvedere with Olive trees & they look very nice especially when well maintained

My name is: Roger & Penny Snow, and I own the neighboring property at: 298 Belvedere Ave.

My signature: [signature]

Today's date: 2/9/21.

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

RECEIVED
FEB 01 2021
City of Belvedere

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 Golden Gate Ave

Project Description:

Pittosporum hedges planted on all three sides of property.

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☒ other documents (specify: landscape already planted)

prepared by _____ and dated _____.

- ☒ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: Also, I would like to see the two ancient olive trees stay where they are at entry gate.

My name is: Olivia Hsu Decker, and I own the neighboring property at: 320 Belvedere Avenue.

My signature: Olivia Hsu Decker

Today's date: 1/28/2021

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 GOLDEN GATE Ave

Project Description:

landscaping

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

- ☐ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: We, JODY HARRIS AND ROBERT HARRIS, HAVE No objections to the ANCIENT OLIVE TREES Remaining where they are flanking the frontgate of 339 GOLDEN GATE AVENUE.

My name is: JODY HARRIS, and I own the neighboring property at: 304 Golden GATE Ave.

My signature: _____

Today's date: 2/2/21

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

RECEIVED
FEB 1 2021
City of Belvedere

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 Golden Gate Ave.

Project Description:
olive trees!

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

- ☐ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: I have no objection to the current locations & size of the 2 olive trees. (*)

My name is: Suzanne DuMolin, and I own the neighboring property at: 308 Golden Gate Ave.

My signature: Suzanne DuMolin

Today's date: Feb. 1, 2021

(*) I think they are harmonious with the overall landscape & they are much shorter than the older trees on the property.

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

RECEIVED
FEB 0 8 2021
City of Belvedere

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 GOLDEN GATE AVE

Project Description:

OLIVE TREES

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

- ☐ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: CANNOT SEE ANY PROBLEM WITH THE OLIVE TREES. THEY ARE MUCH SHORTER THAN THE OAK TREES.

My name is: JIM DeMOLINE, and I own the neighboring property at: 308 GOLDEN GATE AVE.

My signature: [signature]

Today's date: FEB. 2, 2021

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

RECEIVED
FEB 08 2021
City of Belvedere

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 Goldengate Ave

Project Description:

Olive trees

I have reviewed the following item(s):

- ☐ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

- ☐ I have no objection to the proposed improvements as shown in the above-referenced documents.
- ☐ I do not support the project as shown in the above-referenced documents.

Other comments: I have no objections to the current locations + size of the 2 olive trees.

My name is: Diane Rice, and I own the neighboring property at: 331 Goldengate.

My signature: Diane Rice

Today's date: Feb 4 2021

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

RECEIVED
FEB 08 2021
City of Belvedere

CITY OF BELVEDERE
NEIGHBOR NOTICING MEMO

TO: ***The City of Belvedere Planning Department Staff***

Regarding Project Address: 339 Golden Gate Ave

Project Description:

Olive Trees

I have reviewed the following item(s):

- ☒ project proposal
- ☐ plan set
- ☐ photographs
- ☐ cut sheets
- ☐ other documents (specify: _____)

prepared by _____ and dated _____.

☒ I have no objection to the proposed improvements as shown in the above-referenced documents.

☐ I do not support the project as shown in the above-referenced documents.

Other comments: I have no objection to the current location + size of the 2 olive trees.

My name is: Spencer Hosie, and I own the neighboring property at: 331 Golden Gate

My signature: _____

Today's date: Feb 4 2021

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.

CITY OF BELVEDERE

RESOLUTION NO. 2020-029

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL FOR MODIFICATIONS TO APPROVED PLANS FOR LANDSCAPING AND LIGHTING AND OTHER SITE IMPROVEMENTS TO THE PROPERTY LOCATED AT 339 GOLDEN GATE AVENUE

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for modifications to approved plans for landscaping and lighting modifications and other site improvements such as guardrails, a trellis, an arbor and planter box for the subject property located at 339 Golden Gate Avenue; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to pursuant to *Section 15301 Class 1 Existing Facilities* because the proposed project includes the construction of an addition/remodel involving negligible or no expansion of use beyond that existing; and

WHEREAS, project is exempted from CEQA by the Common Sense Exemption CEQA Guideline section 15061(b)(3), because it can be seen with certainty that the project will not have a significant effect on the environment; the property is fully developed with an existing residence and other site improvements and the proposed modification would be constructed in a developed area of the property, where the soil and grounds are already disturbed. The project site is categorized as a site of Medium Sensitivity for Tribal Cultural Resources; and

WHEREAS, the Planning Commission held a properly noticed hearing on August 18, 2020; and

WHEREAS, the Planning Commission finds based upon the findings set forth in **Exhibit A** attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code an modifications to approved plans with the following conditions:

a) The property owner shall defend and hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval and/or associated project, shall cooperate with the City in the defense of any such action with counsel selected by the City in its discretion, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result.

b) The property owner shall submit an application and plans to the Building Department for permit issuance which is to be consistent with the approved Planning Commission plans and narrative as submitted by the property owner and dated Received by the City of Belvedere on August 9, 2020 with the following conditions:

- All exterior lights on all sides of the tower shall be permantly disconnected including the foot/step lights.
- The two alcove lights at the second floor West facing covered balcony shall be permantly disconnected.
- The eight door alcove lights at the rear deck shall be permanently disconnected.

ATTACHMENT 7

- The four (4) mushroom lights in the revocable license area in the vicinity of the pedestrian gate shall be removed or replaced with more appropriate ground level lighting.
- Electrical connectivity shall be completely and permenately removed from each of the above noted lights, subject to the inspection and approval of the Building Official in his direction.
- All light dimming described in the narrative as submitted by the property owner and dated Received by the City of Belvedere on August 9, 2020, shall be maintained with no future alteration. Additionally, the property owner shall create a dimming schedule to be reviewed/approved by the Commission Chair and Staff. This is to include on/off times and light reduction percentage commitments for landscape lighting, path and step lighting, and garage lighting subject to the approval of the Director of Planning and Building and the Planning Commission Chair.
- No additional exterior lighting shall be installed beyond the approved Planning Commission plans and narrative as submitted by the property owner and dated Received by the City of Belvedere on August 9, 2020, and approved in the August 18, 2020 Planing Meeting.
- The Olive trees flanking the driveway entrance shall be removed. The property owner may relocate these Olive trees elsewhere on the property, subject to the approval of the Diretor of Planning and Building and the Planning Commission Chair. Alternatively, the property may adhere to the approved landscaping plan for this area.
- Pursuant to the Belvedere Municipal Code, a hedge, as defined in Section 8.28.020, may exceed the height limit for fences where the extra height is agreed upon in writing by all immediately adjacent neighbors. Therefore, prior to planning final, the property owner shall obtain and provide to the planning department the signatures/approvals from the appropriate neighboring property owners indicating their approval/support for the height of hedge planted along the property boundary. If said written neighbor approval is not received, then plantings shall be installed in the same area that do not constitute a hedge, subject to the approval of the Planning and Building Director.

c) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.

d) Design Review approvals expire twelve (12) months from the date of approval, unless a Building Permit has been issued or an extension has been granted.

e) Construction shall be completed within the Construction Time Limit established for this project.

f) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.

g) In the event unanticipated archaeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

h) These restrictions shall be binding upon any successor in interest of the property.

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

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

APPROVED: _____
Peter Mark, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

Exhibit "A"

DESIGN REVIEW FINDINGS

The following sections are edited versions of Sections 20.04.110 to 20.04.120 of the Belvedere Municipal Code and the Design Review Criteria. In order for a design review application to be approved, the Planning Commission must find the project to be in substantial conformance with these criteria.

Preservation of existing site conditions. To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

The proposal is for additional landscaping above and beyond what was originally approved and for other site improvements, such as an arbor, guardrails and lighting. The additional landscaping is in keeping and harmony with the appearance of the neighborhood. There is no cut and fill with the proposed project. Therefore, the modifications to the site are in substantial conformance with this finding.

Relationship between structures and the site. There should be a balance and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land-forms and step with the slope in order to minimize the building mass and bulk and to integrate the structure with the site.

The proposed modifications (landscaping, lighting, an arbor, and guardrails) are in keeping with the existing style, architecture and form of the residence and is balanced and harmonious with the existing structures on the site and with adjoining properties. The design elements and selection of materials will complement the existing home and site and integrates well with the property.

Minimizing bulk and mass.

A. All new structures and additions should be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to draw attention to themselves.

The modifications have been designed in such a way that it will fit well on the site and will be compatible with the existing residence on the property and other residences in the neighborhood. The proposed modifications would not be massive or out of scale with the site or surroundings. The proposed improvements fit in with others in the neighborhood and are not designed to draw attention to it.

B. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony.

The proposed modifications (landscaping, lighting, an arbor, and guardrails) help to avoid monotony and the impression of bulk. The landscaping helps to screen and further soften the home from the street and from the other neighbors. The proposed site improvements will add architectural variety and blend nicely with the landscaping and other properties in the neighborhood.

Materials and colors used. Building designs should incorporate materials and colors that minimize the structures visual impacts, that blends with the existing landforms and vegetative cover, that relate to and fit in with structures in the neighborhood, and that do not attract attention to the structures themselves. Soft and muted colors in the earthtone and woodtone ranges are preferred and generally should predominate. Trim and window colors should be compatible with and complementary to the other building colors.

Not applicable for the proposed modifications.

Fences and screening.

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

Not applicable as no new fences are proposed. Guardrails are proposed for safety and additional gate, neither of these modifications should block views due to their locations on the property.

Privacy. Building placement, and window size and placement should be selected to give consideration to the privacy of adjacent buildings.

Not applicable as no new windows are proposed with the application request.

Drives, parking and circulation. Walkways, driveways, curb cuts and off-street parking should be planned and designed so as to minimize interference with smooth traffic flow, to encourage separation of pedestrian from vehicular traffic, and to be as safe and convenient as is practical. They should not be out of relationship with the design of the proposed buildings and structures on the site, and should not intrude on the privacy of, or conflict with the appearance or use of neighboring properties.

Not applicable as these are not being modified.

Exterior lighting, skylights, and reflectivity. Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights coordinated with the approved landscape plan. Skylights should not have white or light opaque exterior lenses.

The lighting, as conditioned, will not create glare, hazard, or annoyance to neighboring property owners or passersby.

Consideration of nonconformities. The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.

Not applicable.

Landscape plans -- Purpose.

A. Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters. B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design. C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.

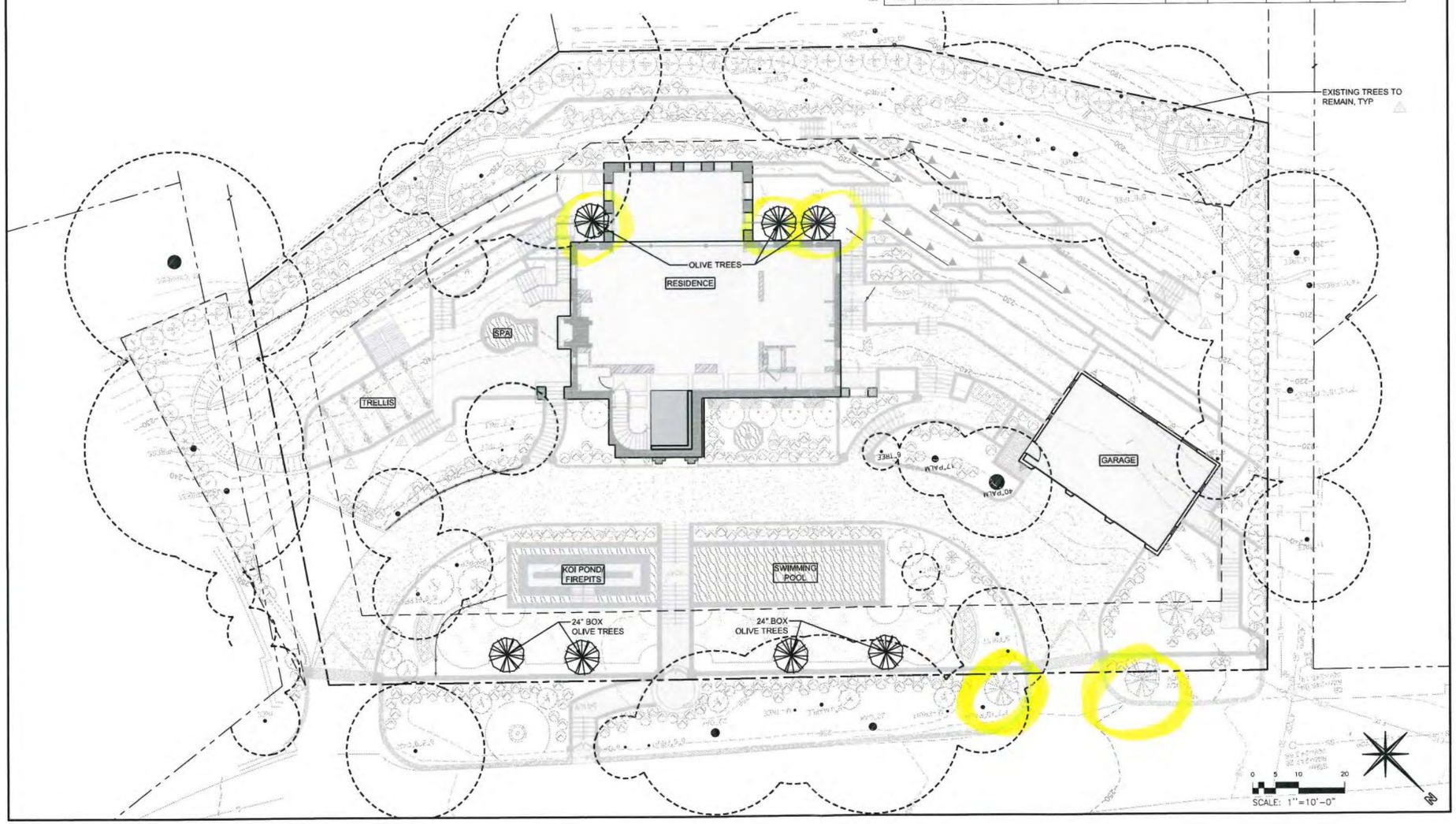
Landscape Plans – Materials. A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided. B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age. C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

The landscaping as proposed is consistent with this finding. The landscaping provide for a variety of plant material to screen and soften the property from the street and the neighbors and provides for a mix of fast and slow growing plants and a number of drought tolerant species throughout the property.

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	WUCOLS	QTY	SPACING
TREES							
Arb u	Arbutus unedo	Strawberry Tree	24" Box		Low	3	VARIES, 14'-0"+/-
Cit Ca	Citrus sinensis 'Campbell'	Valencia Orange	24" Box		Med	6	VARIES, 10'-0"+/-
Eri jap	Eriobotrya japonica	Loquat	48" Box		Low	6	VARIES, 13'-0"+/-
Ole e	Ancient Olea europaea	European Olive	72" Box	Deer resistant	V Low	2	VARIES, 12'-0"+/-
Ole e	Olea europaea	European Olive	24" Box	Deer resistant	V Low	7	VARIES, 12'-0"+/-
Que a	Quercus agrifolia	Coast Live Oak	48" Box	Deer resistant	Low	1	N/A

KEY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	WUCOLS	QTY	SPACING
SHRUBS							
Bru CG	Brugmansia 'Charles Grimaldi'	Angel's Trumpet	15 Gal		Med	5	7'-0"+/-
Cea g	Ceanothus g. 'Anchor Bay'	Anchor Bay Ceanothus	5 Gal	Deer resistant	Low	332	2'-6"+/-
Pit t	Pittosporum tenuifolium	Kohuhu	5 Gal		Med	52	3'-6"+/-
Pit u	Pittosporum undulatum*	Victorian Box	5 Gal		Med	53	5'-0"+/-
Rha a	Rhamnus alaternus	Italian Buckthorn	15 Gal	Deer resistant	Low	9	20'-0"+/-
PERENNIALS							
Vege	Vegetable Garden		1 Gal		High	150sf	N/A
VINES							
Bou BK	Bougainvillea 'Barbara Karst'	Barbara Karst Bougainvillea	15 Gal		Low	14	10'-0"+/-
Vit	Vitis spp.	Grape	15 Gal		Low	16	8'-0"+/-
Wis	Wisteria sinensis	Wisteria	15 Gal		Low	10	4'-0"+/-



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Revisions:

Date:	Sheets:
1 07/26/2017	Planning Comment
2 09/08/2017	Planning Comment
3 09/22/2017	Landscape Conditions
4 10/26/2017	Landscape Comment
5 01/18/2018	Landscape Revision
6 04/03/2018	Building Permit
7 05/11/2018	Planning Revision
08/08/2020	As Built Drawing
02/15/2021	As Built Drawing

Project Title:

FLAHERTY RESIDENCE

Project Address:

339 GOLDEN GATE AVENUE
BELVEDERE, CA 94920

Sheet Title:

AS BUILT PLANTING & NEW RAILING PLAN

Issued PLANNING SUBMIT
Approved:
Drawn: JRB/TK/WS
Project No:
Scale: AS SHOWN
Date: 07/21/2017
Sheet No:

L2.0B

ATTACHMENT 4