

BELVEDERE PLANNING COMMISSION
REGULAR MEETING AGENDA
JUNE 21, 2022, 6:30 PM

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, 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 agendaized 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 May 17, 2022**, regular meeting of the Planning Commission.

E. PUBLIC HEARINGS

2. Design Review, Demolition, Variance and Exception to Total Floor Area applications for the property located at **31 Alcatraz Avenue**. The project proposes to demolish the existing garage and to construct a new one in a similar footprint as the existing. The project requires an Exception to Total Floor Area to accommodate an elevator addition. A Variance is required for encroaching into the side yard setback. An interior remodel and landscape and hardscape improvements are also proposed. Applicant: Albert DeLima at Weir Anderson

Architects. Property Owners: Mark and Alison Weinzierl. *Staff recommends that the Commission approve the project proposal. No Recusals.*

3. Design Review (retroactive) & Variance for the property located at **400 San Rafael Avenue** for the construction of batting cage. A variance is required for encroachment into the setbacks. The structure is already built. Applicant/Property Owner: Joe Miller & Ann Sheridan. *Staff recommends that the Commission deny the proposed project. Commissioner Hart recused.*
4. Design Review, ADU, Variance, and Revocable License applications for the property located at **310 Beach Road**. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. *Staff recommends that the Commission hear the proposed project, open public comment and provide direction to the applicants. No Recusals.*

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 \$1026.00 (applicant) or \$776.00 (non-applicant) 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**

June 21, 2022

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.

31 Alcatraz Avenue

None

310 Beach Road

None

400 San Rafael Avenue

Hart

BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

MEETING HELD VIA ZOOM

May 17, 2022 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Chair Pat Carapiet called the regular meeting to order at 6:30 p.m. The meeting was held via Zoom video conference. Commissioners present via Zoom: Pat Carapiet, Ashley Johnson, Peter Mark, Larry Stoehr, Marsha Lasky, Nena Hart, and Claire Slaymaker. Commissioners Absent: None. Staff present: Director of Planning and Building Irene Borba, Assistant City Attorney Ann Danforth, Planning Consultants, Samie Malakiman, Building Official Brian Van Son, Public Works Director Robert Zadnik, and Permit Technician Nancy Miller.

B. OPEN FORUM

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Commissioner Mark asked if there is any update as to what is the impact on the City if it experiences a short fall on the RHNA allocation for the current housing period.

Director Borba stated that she is still discussing this with the consultants and will report that to the Commission.

C. REPORTS

Chair Carapiet and Commissioners thanked Peter Mark for his 7 years of service on the Planning Commission. Commissioners complimented him for his patience, knowledge and guidance. They wish him the best as the new City Council member.

A. CONSENT CALENDAR

- 1. Draft **Minutes of the April 18, 2022**, regular meeting of the Planning Commission.

Commissioner Stoehr also asked if there is any update as to what is the impact on the City if it experiences a short fall on the RHNA allocation for the current housing period.

Director Borba stated that she will follow-up and communicate to the Commission.

Commissioner Stoehr requested a correction to be incorporated in the approved Minutes.

MOTION: To approve Item 1 on the Consent Calendar as corrected.

MOVED BY: Nena Hart, seconded by Ashley Johnson

VOTE: AYES: Pat Carapiet, Peter Mark, Larry Stoehr, Claire Slaymaker,
Marsha Lasky, Ashley Johnson
ABSTAIN: Nena Hart (due to absence from this meeting)
ABSENT: None

D. PUBLIC HEARINGS

Commissioner Mark stated he must recuse himself from Item 2 because he owns property within 500 feet of the subject application. He departed from the meeting.

2. Design Review for an interior remodel and addition located at **13 Crest Road**. The project consists of a 413 Square foot addition that is proposed in the existing volume of the home. Additionally, the project proposes a deck addition at the rear of the home. Project Applicant: Carl Oldenburg AIA; Property Owner: David and Diane Williams. Staff recommends that the Commission approve the project proposal. *Recused – Commissioner Mark*

Samie Malakiman, consulting planner, presented the staff report. A slide show accompanied his remarks.¹

Commissioners did not have any questions for staff

Open public hearing.

Carl Oldenburg, project architect presented the project accompanied by a slide show of the project plans. He clarified that the new deck faces the northeast. The ADU will be at the northeastern corner of the property, far away from the neighbor to the west. The project area at the west end is to finish existing space into a bedroom which by code requires an egress system with doors and windows from that bedroom. Impacts on the neighbors would be minor considering the configuration and distance from the nearest neighbor.

There were no questions for the applicant.

No one from the public requested to speak.

Close public hearing.

Commissioners discussed the project. All had revisited the property and the neighbor's property to consider that neighbors' concerns. There was consensus that the addition of some new trees between properties would benefit the project and improve privacy. All Commissioners can make the findings for the applications. An additional condition of approval is to be added to the draft Resolution to provide a final landscape/lighting plan be submitted for review and approval of the Planning Chair and staff.

MOTION: To approve the Resolution granting Design Review for **13 Crest Road as amended**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Larry Stoehr, Claire Slaymaker, Nena Hart,
Marsha Lasky. Ashley Johnson.

RECUSED: Peter Mark,

ABSENT: None

Commissioner Mark rejoined the meeting.

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

Commissioner Lasky recused herself as she lives within 500 feet of the subject property. She departed from the meeting.

3. Design Review application for the property located at **7 Britton Avenue**. The project proposes an interior remodel and a raised roofline to 12 feet at the southern portion of the home. The project would replace the home's exterior siding and add new doors, exterior windows, and exterior light fixtures. The pool and driveway would be replaced, as would the roof on the northern portion of the home. Landscaping renovations are proposed throughout the home. Two gates would be replaced at the front of the home as well. The project requires a Revocable License for existing & proposed improvements in the right-of-way. Project Applicant: David Kotzebue at David Kotzebue Architecture; Property Owner: Matthew Quinlan. Staff recommends that the Commission approve the project proposal. Recused – Commissioner Lasky.

Samie Malakiman, consulting planner, presented the staff report. A slide show accompanied his remarks.²

Commissioners had no questions for staff.

David Kotzebue presented the project accompanied by a slide show of the proposed plans. They requested relief from the requirement to replace the front sidewalk with an ADA compliant one.

Commissioners asked if applicant agrees to condition of approval to move fence back onto the property.

Mr. Kotzebue stated they would do that in a staggered configuration.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioner Stoehr questioned the requirement to modify the sidewalk in a way that it would break up the consistent line of the sidewalks in the vicinity. May the Commission agree to not require this?

Public Works Director Robert Zadnik stated that the City's ADA Transition Plan requires that when a sizeable project is presented the property bring the sidewalk up to ADA standards. The aesthetics may not be a match now but eventually everyone will be bringing their sidewalks up to the requirements. Perhaps a section of sidewalk could be added to widen this sidewalk.

Commissioner Mark stated that this would not stick out into the roadway. There is a way to implement the requirement where there will be a small 6" section on the southern end added.

Chair Carapiet stated this is not an uncommon requirement and is seen in many neighborhoods.

Building Official stated that the driveway apron is being redone so the requirement is that it must be ADA compliant when replaced per several regulations in effect. Eventually everything must be in compliance with Federal State and local regulations to protect the City's liability.

Commissioners discussed the overall project. They were all in support of design and update of this property. A condition was added to remove the shed from the project as proposed; it is in the

^{2 2} The slide show presentation is archived with the record of the meeting.

setback and the AC unit may need to be conditioned in the approval review of compliance at the permit stage of the project. A condition was added that the portion of fence in the right-of-way be removed and relocated to private property.

Close public hearing.

MOTION: To approve the draft Resolution for Design Review at **7 Britton Avenue** as **conditioned**.

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

MOTION: To recommend City Council approval of a Revocable License for **7 Britton Avenue**.

MOVED BY: Ashley Johnson, seconded by Claire Slaymaker

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

Commissioner Lasky rejoined the Planning Commission meeting.

4. Design Review (portions of which are retroactive) and Variance and Exception to Total Floor Area for the property located at **105 Golden Gate Avenue** for an addition/remodel of the existing residence which includes the renovation and addition to the existing home and garage. New improvements include the infill construction of a portion of the residence that was previously exterior space within the footprint of the existing residence, a new garage, pool and exterior patios, lawn area and other landscape improvements. An Exception to Total Floor Area is requested to exceed the allowable total floor area and a Variance is required for the height of a retaining wall in the setbacks. Applicant: Sean Bailey (architect). Property Owner: Kasta Tim and Laura Family 2018 Trust. Staff recommends that the Commission hear the proposed project, open public comment and provide direction to the applicants. Recused – None.

Director Borba presented the staff report. A slide show accompanied her remarks³.

Commissioners asked questions about the background of the prior unpermitted work, issuance, content and enforcement of the Residential Building Records report (RBR) requirements, the estimation of cut and fill for work already done and proposed, trucks required etc..

Building Official Van Son responded with the qualification that at the architectural plans stage much of the information and valuations are just estimates and specifics are unknown. Plans from

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

engineers and other experts would be required to confirm the actual figures and processes needed to permit the work. Typically 10 yard trucks are used for cut and fill during projects. Work already performed without permits may require to be removed and rebuilt so that the compliance with building codes is assured for safety. The current owners have been pursuing correction of the unpermitted built by the prior owner in good faith with the City in an on-going effort. Consistent progress has been made to resolve these issues.

Open public hearing.

Sean Bailey, project architect, presented the project to the Commission accompanied by slides of the plans. He thanked the City for the opportunity to hold this study session and to receive feedback on the proposal. They discussed a number of additional modifications they can make to address concerns expressed by neighbors when they return to the Commission.

Commissioner Lasky inquired about dimensions and reason for location of the elevator at the garage; and whether the garage be reduced in width and length.

Response: the elevator is intended to serve the homeowners' parents who will reside in the ADU. Garage dimensions can be studied for reduction.

Elevations and renderings looking up from Belvedere Avenue were requested.

Pool wall heights were clarified: 12 feet at maximum; the lower wall is 7 feet high and the lowest about 4.5" high but the intent is to minimize the visual impact as well as proposed landscaping will be used for screening.

Preservation of landscape screening including preserving the Acacia trees is encouraged. Response: Replacement trees would need to be installed if trees are removed due to construction.

Reduction of window sizes facing Belvedere Avenue would improve privacy.

A lap pool could be considered to reduce the impacts of the large excavation for the regular pool.

Commissioner Slaymaker asked if the grass area is being redone would the lower retaining wall be needed.

Response: design of staggered walls would provide for terraced landscaping.

Commissioner Stoehr suggested that study of the ADU access plan may be needed to preserve ministerial approval compliance and if not compliant, Design Review might be requiring which also would impacts the project square footage calculation. More measurements are needed for heights.

Requested was a legend for symbols used on the plans to assist in understanding the drawings.

Commissioner Hart asked whether the architect aware of the 10-foot PG&E easement on the north side.

A request was made that standard setback lines be shown on the plans and elevations and heights added in the garage plans.

Chair Carapiet asked for specification of the height of the wall lights in the landscaping plans.

The applicant was requested to endeavor to supply data on the existing grade prior to the unpermitted lawn are installation. This is required for height measurements.

Open public hearing.

Eva Hassan, 101 Golden Gate Avenue, requested the garage project and elevator be reduced or return to the previously approved project. A detailed letter has been submitted for the record.

John Wilton, 2 Eucalyptus Road, has 3 concerns: the unpermitted retaining wall and lawn area, retaining walls violate setbacks, and tree protection previously required by the Planning Commission is proposed to be removed. A detailed letter has been submitted for the record.

Roy Wickland, 15 Belvedere Avenue, support stabilization of the hillside across the street and above his property. They request additional time to discuss more mitigation measures in a revised submittal. Evaluate the existing lawn area in place until a geotechnical engineer can do an assessment; removal may be more destabilizing than leaving it in place. If lawn elevation is retained, the proposed retaining walls could be moved back uphill and reduced in height to not more than 4 feet. Additional landscaping should be considered. The lowest wall might better be located closer to the street. The entire bulk and mass of the pool structure should be reduced. Some of the existing Acacia trees are not stable but screening should be replaced. Retaining walls should go the entire length of the property along Belvedere Avenue. He requests construction commence at the Belvedere Avenue frontage first and be completed and then the rest of the project be staged from Golden Gate Avenue. A detailed letter has been submitted for the record.

Giao Trac and her husband Tony, 19 Belvedere Avenue, spoke to preservation of existing trees and objections to the large retaining walls facing them. They are concerned with the safety of the work on the hill. The noise of the infinity pool may be a disturbance. Limited work from Belvedere Avenue should be encouraged.

Close public hearing.

Commissioners commented on the project scope. All have visited the site and several of the neighbors. No Commissioners could make findings for Design Review or for an Exception to Floor Area.

Suggestions included:

Revisit the project design to require no Variances or Exceptions.

Reduce the massive retaining walls or reconfigure.

Limit the amount of excavation under the existing home; address stability concerns.

Address the concerns re impacts of the garage and elevator on the neighbor.

Lower the pool.

Consider alternatives to the garage location as proposed.

Provide plans as requested.

Compliance with preservation of existing site conditions.

Preservation of mature trees.

Reconfigure the design appropriate for a sloped site.

The applicant was asked if they would agree to a continuance to rework the project for a future Commission hearing.

Mr. Bailey replied they would agree to a continuance.

MOTION: To continue the applications at **105 Golden Gate Avenue** to a future meeting.

MOVED BY: Marsha Lasky seconded by Nena Hart.

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

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

5. Public Hearing to consider recommending City Council approval of Amendments to the Zoning Code and adding a new Title to the Zoning Code; Title 22 for the **Objective Design and Development Standards (ODDS)**. No recusals.

Director Borba presented the staff report. The task before the Commission tonight is to receive comments from the Commission and the public in effort to recommend the Amendments to the City Council for adoption.

Commissioner Mark discussed the changes made to the draft document since the last review by the Planning Commission. Most of the changes are corrections, edits for consistency in the document, formatting, and to incorporate more available styles while remaining consistent with existing Zoning Codes for the applicable zones.

Commissioners suggested additional corrections and revisions and discussed clarifications of sections of this ODDs document. A number of items have been submitted to the Subcommittee as suggested final edits.

A question was asked as to whether future revisions may be made after the City Council adopts this ODDs Ordinance.

Attorney Danforth replied there is a provision that if amendment is considered. the Planning Commission would have to review the report first.

Open public hearing.

Jane Cooper, resident, thanked the Subcommittee and the Commission for all the hard work. She asked this be passed for City Council approval.

Close public hearing.

Commissioner Mark read the following additional list of corrections and edits to be made to the ODDs document. It is suggested that these be incorporated into the final Resolution of recommendation to the City Council.

Zone Map - P. 4/5 Zones slightly modified to more accurately follow property lines. Property lines around Teal Road, and Cove Road Pl.

p. 11 - Added Stoop to T3SN

p. 12 - Added "min" to base flood elevation +1

p. 12 - Added Accessory Structure height limit (16') - same for all zones

p. 13 - Correct foot note relating to setback adjacent to Lagoon for side and back, same for all zones

- p. 13 - Clean up upper story encroachment language, same for all zones
- p. 14 - Changed 1.5 min parking to 2, same for all zones
- p. 14 - Added footnote addressing rear parking adjacent to lagoon, same for all zones
- p. 14 - Corrected Allowable Public Frontage reference (22.05.060.C.1 -> 22.05.050.C.1) and other zones also
- p. 16 - Footnote 2 is hanging, corrected reference
- p. 28 - Added reference in #4 to the table above
- p. 28 - 5 B (1) Added clarification that height must remain within standards
- p. 30 - Wattage to voltage, added max mature height of tree to building height?
- p. 38 - Border and stormwater, changed to feet, not inches
- p. 39 - Fixed title number on table
- p. 40/41 - Fixed the 060 to 050
- p. 43 - Removed reference to since deleted 22.05.050 Slope Standards
- p. 66 - Wings not allowed conflicts with next page, removed conflict
- p. 73 - Added Footnote saying only 2 in T3 zone
- p. 93 - Corrected Sloped roof text
- p. 134 -At all deck illustrations, added footnote saying no roof decks allowed
- p. 105 - Corrected Finish level above sidewalk, conflicts with BFE +1, in all types
- p.105 - Removed Porch Engaged, inconsistent with Setbacks, removed references throughout
- p. 148 - Added roof colors to Materials Pages, for all types also
- p. 163,175 G added ornamental max size max
- p. 121 - 13 b iii change Title 24 to 22
- p. 265 - 2b9 ->40 feet, not 50 feet
- p. 270 - Corrected existing grade reference

It was agreed that these be incorporated into the final Resolution of recommendation to the City Council and into the final draft ODDs document.

MOTION: To adopt the Resolution recommending City Council adoption of Amendments to the Zoning Code and adding a new Title to the Zoning Code; Title 22 for the **Objective Design and Development Standards (ODDS)** as corrected and amended per the discussion at this meeting

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

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

Meeting was adjourned at 10:05 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

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

APPROVED: _____

Pat Carapiet, Planning Commission Chair

ATTEST: _____

Beth Haener, City Clerk



**CITY OF BELVEDERE PLANNING COMMISSION
MEMORANDUM**

REPORT DATE: June 13, 2022 **AGENDA ITEM: 2**

MEETING DATE: June 21, 2022

TO: Planning Commission

FROM: Irene Borba, Director of Planning and Building

REVIEWED BY: Ann Danforth, Assistant City Attorney

SUBJECT: **Demolition, Design Review, Exception to Total Floor Area and Variance applications for a new garage and an addition to 31 Alcatraz Avenue**

RECOMMENDATION

The applicant is requesting Demolition, Design Review, Exception to Total Floor Area and a Variance for the property located at **31 Alcatraz Avenue**. The proposal includes the demolition of the existing garage and the construction of a new garage and parking deck to accommodate vehicles as well as a new elevator. The project also includes an addition to the home for a new elevator as well as hardscape and landscape improvements. The applications are included as **Attachment 5** and project plans are included as **Attachment 6**.

Staff recommends that the Planning Commission conduct the required public hearing, consider all evidence in the record, direct staff to make any changes to the attached resolutions that the Planning Commission deems appropriate and take the following actions:

- MOTION 1** Adopt the Resolution granting Demolition for the garage located at **31 Alcatraz Avenue**, (Attachment 1).
- MOTION 2** Adopt the Resolution granting Design Review for the property located at **31 Alcatraz Avenue**, (Attachment 2).
- MOTION 3** Adopt the Resolution granting Exception to Total Floor Area for the property located at **31 Alcatraz Avenue**, (Attachment 3).
- MOTION 4** Adopt the Resolution granting a Variance for the structure to encroach into the side yard setback at **31 Alcatraz Avenue** (Attachment 4).

BACKGROUND

Planning Commission Review – March 15, 2022

On March 15, 2022, the Planning Commission reviewed the project, heard from staff, the project representative, and the homeowner. One neighbor spoke, George Gness, he was concerned about the overhang of the carport garage and that it would block the view from the street. View the [staff report](#) of the March 15, 2022.

At the March 15, 2022 meeting, the Planning Commissioners had questions and concerns about the story poles, the lights on the landscape plans, the planting plan legend, the carport overhang, trash enclosure, and the retaining wall height at the rear.

Modifications from the March Planning Commission Meeting

The applicant addressed the Commission's prior concerns with the following email from the architect:

“Bulk and Mass Changes:

The carport roof overhang has been eliminated from the design. The length of the garage has been reduced to reduce the volume of the garage projecting over the yard; eliminating the story pole of greatest concern at the March 15th planning commission meeting. The terrace has been reduced and the associated retaining wall design stepped to allow for landscape screening of the retaining wall. Trash enclosure doors have been added.

Landscape Changes:

The upper terrace has been reduced in size. Up lights have been removed from the design. Stair riser lights have been replaced w/ sidewall footlights. Screening trees have been added to planting plan to screen the terrace wall. Additional plantings at the retaining wall step along with vines have been added to soften the terrace retaining wall's visual impact. The height of hedge plantings in elevation have been adjusted to clearly illustrate the intent of the design. Simplified plant material symbols on the planting plan and revised planting legend with additional text have been added to further clarify the intent of the landscape design. Notes to save and preserve the existing magnolia and citrus tree for possible re-use have been added to the plans.”

Planning Commission – April 19, 2022

On April 19, 2022, the Planning Commission reviewed the project, heard from staff, the project representative, and the homeowner. The staff report can be viewed here:

https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/_04192022-643?html=true

At the April 19, 2022 Planning Commission meeting, the Commission raised concerns about the project proposal and asked for modifications. In particular, the Commissioners had concerns with the proposed terracing at the rear of the property and mass and bulk.

Modifications from the April Planning Commission Meeting

The applicant addressed the Commission’s prior concerns with the following changes:

Bulk and Mass Changes:

Terracing and grading changes to the rear/side hillside garden have been removed from the proposed design eliminating the need to import any fill.

The existing garden stairs, site lighting and terracing are to remain.

The parking deck has been reduced in size resulting in a reduction in coverage of 1.4%.

The elevator at the garage has been extended down to serve the existing level 1 terrace.

Documentation and detailed information confirming the air conditioner compliance w/ the sound ordinance and location has been provided.

Landscape Changes:

Landscaping changes to the rear/side hillside garden have been revised as follows: Existing hillside plantings, and terraces are to remain.

As new planting areas are now minimal, new planting has been reduced to include only privacy screening from the east side of the residence. This includes an appropriately scaled evergreen tree screen and reuse of an existing Magnolia tree.

The height of the new screening has been limited such that it does not extend above the trash enclosure to ensure it will not obstruct the newly created view corridor at the eastern side of the property.

No new exterior landscape lighting is proposed for the rear/side hillside garden, as new stairs and footlights have been eliminated.

ZONING PARAMETERS

ELEMENT	PRESCRIBED	EXISTING	PROPOSED
Lot Area	7,500 SF	5,286 SF	No Change
Total Floor Area	2,643 SF	4,207 SF	4,619 SF
Lot Coverage	40%	32.1%	35.4%
Left Side Yard Setback	5'	40' (Residence) 7" (Garage)	5' (Garage)
Right Side Yard Setback	5'	2'8"	No Change
Rear Yard Setback	10'	6'4"	No Change
Front Yard Setback	5'	5' (Residence) 1'1" (Garage)	No Change (Residence) 6' (Garage)

Building Height Maximum	36'	44'	No Change
Parking Spaces	2	2	3

PROJECT ANALYSIS

As noted above, the current request is for Demolition, Design Review, Exception to Total Floor Area and a Variance for the demolition of the existing garage and construction of a new garage and parking pad, which also includes an elevator. The project also includes an addition for an elevator adjacent to the front door on the right. An extensive landscape plan is proposed, with landscaping proposed behind the new garage. New trees, retaining walls and lights are proposed to help screen the garage from Bellevue Avenue.

The project was reviewed at the Planning Commission on March 15 and April 19, 2022 as noted above. The architect has redesigned the proposed garage so that it is smaller than the previous design, maintaining the footprint of the existing garage to address the concerns about view blockage from the street. The proposed project includes a parking deck, the large roof overhangs as previously proposed were removed in the previous design. The project also proposes an elevator at the garage and a new elevator addition to the residence. The goal of the project is so that the residents can age in place. An interior remodel is also proposed including the bathroom, stairs, and laundry room. The front gate, wall and landscaping is also proposed to be replaced and refreshed to create a cleaner entry into the property. An extensive landscape and hardscape plan is proposed creating new terraces on the property.

The project requires an Exception to Total Floor Area as well as a Variance. The existing total floor area is 4,207 SF and the project is proposing 4,619 SF. The Variance is required for the addition at the house that will accommodate the elevator. The new space will encroach into the side yard setback. The code requires 5 feet, and the project is proposing 2’8” to match the existing wall.

The applications are included as **Attachment 5**. Project Plans are included as **Attachment 6**.

DEMOLITION PERMIT

Staff suggests the findings for a Demolition Permit for the existing detached garage can be made pursuant to BMC Section 19.08.136 and Chapter 16.28. First, the project has been conditioned and designed to avoid adversely impacting the public health, safety, and/or welfare of the City because the project will be required to adhere to the requirements for a Demolition Permit from the Building Department, such as preparing an Erosion Control Plan, and must comply with all Regulations from the Building and Fire Code. Adequate measures will be implemented during and after grading activities to provide adequate site protection and the project will be conditioned to identify how the project complies with State air quality requirements.

Second, the proposed project will not result in the removal of a building which has been recognized as having historical or architectural significance. The City of Belvedere 2030 General Plan Update includes a Historic Resource Sensitivity Map, which categorized the parcels within the City based on the likelihood of containing a historically significant property. The Historic Resource Map contains three levels of historic sensitivity, Low, Medium, and High. The Map designates the project site as having “Medium” historic potential. Medium designated structures are those that are older than 45 years in age. The garage is not considered a historical structure. Also, the home is not listed as a historic resource on any federal, state or local register. The demolition plan provides for adequate site protection during the project and, the demolition timeframe is reasonable; week maximum. Finally, the demolition will not remove a housing unit and is consistent with the City’s Housing Element; the proposal is for the removal of a detached garage. A draft Resolution has been prepared for the Commission’s consideration (**Attachment 1**).

DESIGN REVIEW FINDINGS

The Design Review criteria 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 replacing the garage in a similar footprint as the existing and a small addition to the dwelling to accommodate an elevator. The proposed addition to the house and the garage 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 garage comply with Design Review criteria and are aesthetically compatible with the site and with the surrounding properties. The proposed garage is within the same footprint as the existing and the proposed elevator is located in the existing volume of the house which creates a balanced and harmonious addition. The proposed addition is not monumental or excessively large and would blend into the existing architecture of the home. Staff believes that the project meets all the Design Review criteria as attached in the draft Resolution (**Attachment 2**).

FLOOR AREA EXCEPTION

The applicant requests Planning Commission approval of a floor area of 4,619 SF. The maximum permitted FAR in the R-C Zoning District is 2,643 SF. The lot is 5,286 SF, the existing home exceeds the maximum allowed floor area at 4,207 SF. The applicant is requesting to further exceed the maximum allowed floor area with an additional 412 SF.

ETFA Findings: Pursuant to Section 19.52.120(A)(1) of the B.M.C., 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 evidence can support the required findings for a Floor Area Exception.

First, primary views from adjacent properties, as well as from the street, would not be significantly impaired by the additional square footage. The project proposes two small additions so that the homeowners can age in place. The additional square footage does not impact views because the location of the proposed garage and elevator are in the same footprint as the existing garage. The addition on the home, is tucked away in the existing footprint of the home. As proposed, the project is designed to maintain the footprint and basic size of the existing house and garage, with a small addition at the garage to make the existing property flow more cohesively.

Second, the unusual characteristics of the parcel that minimize the impact of the greater floor area include the steep slope of the lot and how the house and garage are sited on the lot. Much of the garage addition is proposed below the garage structure. While the addition will be visible from the street, it will not block any views given the location of the proposed additional floor area.

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

Finally, Staff can 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. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area (**Attachment 3**).

VARIANCE SIDEYARD

The applicant requests Planning Commission consideration and approval of a Variance from Sections 19.24.040 of the Belvedere Municipal Code (BMC) to encroach into the required side yard setback in the R-1C 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 five-foot side yard setback. The existing roof eave currently sits 2 feet 8 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 and addition which will affect the building wall that encroaches into the side yard setback. The addition includes continuing the existing wall and roof eave in the same plane as the existing wall and roof eave. The project does not comply with Subsection B above and therefore requires a Variance. Under the Municipal Code, the Planning Commission must make the following findings to grant the Variance:

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.

In addition, Section 65906 of the California Government Code provides the following in pertinent part:

Variations from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

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 small addition at the side similar to homes in the vicinity. Given the scope of work, it will allow the applicant to maintain the existing house in the same location, 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 homeowners would like to age in place, given the slope of the lot the encroachment into the side yard setback will allow the addition of an elevator and granting the encroachment will not be considered a special privilege. The special circumstance applicable to the property is that the slope of the lot is very steep. The addition of the elevator at the proposed location, given the steepness of the lot allows the property owners to age in place, and 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 4**).

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 15, 2022, 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 June 13, 2022 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 Medium Sensitivity site for Tribal Cultural Resources and the proposed construction is in already disturbed areas of the property.

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. Staff has not received any new correspondence regarding the project proposal as currently designed.

CONCLUSION

Staff believes that sufficient evidence exists to support the findings required for the Demolition, Design Review, Exception to Total Floor and Variance and has prepared Resolutions recommending approval.

RECOMMENDATION

Staff recommends that the Planning Commission conduct the required public hearing, consider all evidence in the records, direct staff to make any changes to the draft resolutions that the Planning Commission deems appropriate and take the following actions:

MOTION 1 Adopt the Resolution granting Demolition for the garage located at **31 Alcatraz Avenue**, (Attachment 1).

MOTION 2 Adopt the Resolution granting Design Review for the property located at **31 Alcatraz Avenue**, (Attachment 2).

MOTION 3 Adopt the Resolution granting Exception to Total Floor Area for the property located at **31 Alcatraz Avenue**, (Attachment 3).

MOTION 4 Adopt the Resolution granting a Variance for the structure to encroach into the side yard setback at **31 Alcatraz Avenue** (Attachment 4).

ATTACHMENTS

- Attachment 1: Draft Demolition Resolution
- Attachment 2: Draft Design Review Resolution
- Attachment 3: Draft Exception to Total Floor Area Resolution
- Attachment 4: Draft Variance Resolution
- Attachment 5: Project Applications
- Attachment 6: Project Plans
- Attachment 7: Correspondence

CITY OF BELVEDERE
RESOLUTION NO 2022 -
A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF BELVEDERE
GRANTING A DEMOLITION PERMIT TO DEMOLISH AN EXISTING
GARAGE AT 31 ALCATRAZ AVENUE

WHEREAS, a proper application has been submitted for Demolition Permit pursuant to Title 16 of the Belvedere Municipal Code to demolish an existing garage, built in 1918 at 31 Alcatraz; and

WHEREAS, the demolition project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines; and

WHEREAS, at its June 21, 2022 regular meetings, the Planning Commission held a public hearing and determined that the subject property did not constitute a Historical Resource nor did the property contain or constitute Tribal Cultural Resources under CEQA;

WHEREAS, staff has recommended conditions of approval, listed below, to ensure that the proposed demolition complies with Chapter 16.28 of the Municipal Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Demolition Permit on June 21, 2022; and

WHEREAS, the Planning Commission has reviewed the evidence in the record and determined that it can and hereby does make the findings listed in Exhibit A, which is attached hereto and incorporated herein, with respect to the project as conditioned in this resolution, as required by section 16.28.110 of the Belvedere Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval pursuant to Title 16 of the Belvedere Municipal Code to allow the demolition of an existing garage at 31 Alcatraz Avenue, with the following conditions:

- a) The property owners shall defend with counsel acceptable to the City 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 Demolition approval, shall cooperate with the City in the defense of any such action with counsel acceptable to 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.
- b) All requirements of the Building Official shall be met. A permit for demolition must be issued by the Building Department before the commencement of work
- c) All work shall be completed within 70 days of the commencement of demolition unless deconstruction methods are used in which case 12 weeks is permitted. "Commencement of demolition" shall mean the date of the issuance of the building permit for demolition or a start date specified in written correspondence from the property owner and approved by the Building Official prior to issuance of the permit for demolition.

- d) All requirements of the City Engineer shall be met. Encroachment permits, as distinguished from a Building Permit, shall be obtained for all improvements, work activities, and staging or storage of equipment and materials within the public right-of-way prior to commencing work, subject to approval of the Public Works Manager.
- e) Obstruction or blockage, partial or complete, of any street to leave less than ten feet of unobstructed horizontal clearance for vehicles, shall not be permitted without first obtaining, twenty-four hours in advance, a street closure permit. Twelve feet of clearance shall be required for debris boxes or building materials. Streets shall be left clean and free of any debris at the end of each workday.
- f) Demolition 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. Demolition is prohibited on City holidays except in special circumstances after obtaining written permission from the City Manager. The City Manager is urged to impose a very high-level of scrutiny in the determination of “special circumstances.”
- g) The site shall be left clean and free of all debris and materials from the demolition at the completion of work.
- h) All requirements of the Tiburon Fire Protection District (TFPD) shall be met.
- i) The general contractor shall submit a proposal to the City Manager for review and approval that addresses the demolition schedule and vehicle parking locations.
- j) Prior to the issuance of a building permit for demolition, the applicant shall submit for review and approval an Erosion Control Plan incorporating, as appropriate, the MCSTOPPP Minimum Erosion/Sediment Control Measures for Small Construction Projects:
<https://secureservercdn.net/198.71.233.106/hx9.6b8.myftpupload.com/wp-content/uploads/2020/09/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf>
- k) Prior to the issuance of a building permit for demolition, the applicant shall demonstrate compliance with State air quality requirements related to the control of dust generated by the demolition and construction and prepare a plan for the re-use and recycling of demolition materials.
- l) These restrictions shall be binding upon any successor in ownership of the property.
- m) In the event that archeological 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.

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PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission held on June 21, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

APPROVED: _____
Pat Carapiet, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

DEMOLITION FINDINGS

Given that the existing residence and garage are proposed to be demolished, a Demolition Permit is required pursuant to Belvedere Municipal Code Section 19.08.136 and Chapter 16.28. BMC Section 19.08.136, defines Demolition as “the razing of a building, removal of a dwelling unit, or the removal of more than fifty percent of the total exterior wall and roof area from the grade up...Removing a residential second unit or converting a duplex into a single unit is considered demolition.” In approving the Demolition Permit, the Planning Commission hereby makes the following findings:

A. That the demolition, as conditioned by the Planning Commission, will not have an adverse impact upon the public health, safety and/or welfare of the City;

The proposed demolition will not have an adverse impact upon the public health, safety, and/or welfare of the City because the demolition must satisfy the requirements for a demolition permit from the Building Department and must also comply with all Building and Fire Code regulations. Further, staff finds that, with a condition of approval stating that the applicant demonstrates compliance with State air quality requirements; this demolition project would not have an adverse impact upon the public health, safety and/or welfare of the City.

B. That the demolition will not remove from the City a building of recognized historical or architectural significance, until potential preservation options can be reviewed;

Demolition will not remove a building of recognized historical or architectural significance. The project site is designated as medium in terms of historic and prehistoric resource sensitivity. The Planning Commission also reviewed all information before it during the public hearing and determined in its discretion that there is no substantial evidence in the record to determine that the property constitutes an historical resource.

C. That the demolition plan presented by the applicant, as approved, provides for adequate site protection during and following the demolition.

The plan presented in the application, and as conditioned, would provide adequate site protection during and following the demolition. The applicant states that an erosion control plan will be put in place. Demolition is expected to take 30 days to complete.

D. That the time frame for accomplishing the demolition is reasonable.

The applicant’s estimated 30-day time frame for accomplishing the demolition is reasonable.

E. That the demolition will not remove a housing unit until options for maintaining housing on the property have been thoroughly considered.

Not applicable because the demolition does not involve any housing unit.

F. The proposed demolition is consistent with the goals of the City of Belvedere Housing Element.

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- G. The proposed demolition is required for the project to go forward. The project itself will further Goal 2 of the Housing Element (Maintain and Enhance the Quality of Existing Housing and Residential Neighborhoods) and will not conflict with any of the other goals.

CITY OF BELVEDERE
RESOLUTION NO. 2022-

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW
APPROVAL FOR AN ADDITION TO
THE RESIDENCE AND GARAGE AT 31 ALCATRAZ AVENUE**

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code to replace the existing garage and an addition to the existing residence at 31 Alcatraz Avenue; 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 the property is listed as Low Sensitivity for cultural resources; and

WHEREAS, the Planning Commission held a properly noticed hearing on June 21, 2022; 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, 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 Weir Andrewson Associates, Inc Architects and Engineers stamped received by the City of Belvedere on June 2, 2022.
- c) Prior to issuance of the building permit the side yard property lines shall be staked
- d) A separate landscaping and lighting plan shall be submitted and reviewed and approved by the Planning Commission Chair and Director of Planning and Building prior to the issuance of the building permit.
- e) Changes to existing landscaping and exterior lighting not approved as part of this project shall require planning review and approval.

ATTACHMENT 2

- f) 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.
- g) 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.
- h) All requirements of the City Engineer shall be met including but not limited to the following:
- An **Encroachment Permit** is required from the City 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.
 - 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.
 - The project will be subject to the City of Belvedere Regulations for Road Closure Applicants, see the following link:
<http://www.cityofbelvedere.org/documentcenter/view/68>
 - 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.
 - The project will require a **Construction Management Plan** identifying the following:
 - estimated project duration
 - construction schedule of milestones (excavation, grading, and offhaul duration; foundation work; framing; flatwork/paving; punch list/final inspection)
 - excavation and disposal methods
 - equipment to be used
 - site access location
 - storage and staging location of materials and equipment/portable toilet/debris box and waste bins
 - truck loading area and temporary traffic control required as necessary
 - haul route

- For construction requiring earthwork between October 15th and April 15th, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event
- i) All requirements of the Fire Marshal shall be met prior to issuance of a building permit.
- j) 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.
- k) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans.
- l) Design Review approvals expire twelve (12) months from the date of approval.
- m) Construction shall be completed within the Construction Time Limit established for this project.
- n) 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.
- o) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- p) These restrictions shall be binding upon any successor in interest of the property.
- q) 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.
- r) Any new exterior lighting shall require planning review/approval.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

APPROVED: _____
Pat Carapiet, 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.

There are two small trees and two small fruit espalier proposed for removal. The rest of the mature landscaping will remain on this site. The existing landscaping will be maintained in its natural state and preserved. There is minimal cut and fill proposed with 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 landforms 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 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 additions are designed to integrate with the existing house as well as integrating into the existing neighborhood. The additions are designed to fit into the natural landforms and the existing landscaping will provide screening to help minimize the mass and bulk. The garage is located in the same footprint as the existing garage, which will integrate into the structure and the site. The square footage proposed behind the garage is designed to maintain balance with 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 modifications are designed to avoid appearing monumental or excessively large. The modifications will not add bulk or mass as the new garage is proposed in a similar footprint to the existing. The additions and remodel will blend into the neighborhood and is in character with the surrounding dwellings. The garage is proposed in the similar footprint as the existing, and the addition behind the garage is in character with other dwellings in the neighborhood. The elevator addition on the home is designed in a manner to be balanced and harmonious with the home and the neighborhood.

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 same materials and colors are proposed to match existing colors and materials. There is not a large expanse of one material on a single plane. The new fence and gate at the front of the property will add architectural interest and variety.

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.

The proposed materials: will match the existing 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. The existing materials are Mediterranean in style and the proposed additions will match the existing dwelling. The colors are soft and muted and blend in with the neighborhood which is an eclectic mix of architectural styles.

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 fencing is proposed.

Privacy. 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. There are no new windows and doors proposed except the garage door which has no privacy implications with the adjacent buildings.

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.

The project proposes to redesign the driveway, garage and circulation to create better traffic flow, and a safer parking situation on the lot. Alcatraz Avenue is extremely challenged in terms of parking and the proposed project will create a safer flow. Additionally, the design does not conflict with the appearance of neighboring properties.

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.

As conditioned any new lighting will be required to meet this finding & any new lighting will require planning review/approval.

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.

The applicant requests an Exception to Total Floor Area that would allow the property to further exceed the maximum allowable floor area in the R-1C zoning district for the size lot. Additionally, the applicant requests a Variance to encroach into the side yard setback. Because the findings for a Floor Area Exception and Variance can be made, it is not reasonable or feasible to mitigate or eliminate the proposed nonconformity. The space proposed for the additional floor area is in the existing volume of the home, and the encroachment into the side yard setback will match the existing non-conforming building wall.

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.

Landscaping is proposed at the rear of the property to provide additional screening from what currently exists. The existing landscaping, which provides screening for the entire property, will remain.

CITY OF BELVEDERE
RESOLUTION NO. 2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
BELVEDERE GRANTING AN EXCEPTION FROM SECTIONS 19.24.040 OF THE
BELVEDERE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 31 ALCATRAZ AVENUE**

WHEREAS, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code for an addition/remodel of an existing residence and garage to allow a maximum floor area of 4,619 SF where a maximum of 2,643 SF is permitted and where 4,207 SF currently exists at 31 Alcatraz Avenue; 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 duly noticed public hearings on the requested Floor Area Exception on June 21, 2022; and

WHEREAS, the Planning Commission made each one 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.**

Due to the topography of the lot (downward slope from the street above) and the placement of the existing garage and residence on the downslope of the lot, and due to the design of the proposed garage and elevator additions largely within the existing building envelope, primary views from adjacent properties and the street are not significantly impaired by the additional square footage. The proposed addition/remodel as designed is mostly contained within the envelope of the existing structures, the garage and residence. The additional square footage will not be visible from the street or neighboring properties.

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

The unusual characteristics of the parcel that minimize the impact of the greater floor area include the steep topography of the property and the unusually small size of the lot. First, the topography of the lot is steep as the property slopes sharply down from the street above. The additional square footage is proposed behind the garage and will have minimal impact when viewed from the street. Finally, the project as designed is mostly contained within the envelope of the existing structure and is visually reduced because the area is behind the garage on a steeply sloping lot. The above-mentioned unusual characteristics of the parcel minimize the impact of the 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.**

The proposed project is appropriate in mass, bulk and character for the parcel, neighborhood, and zoning district because the additional floor area is designed to be well integrated into the existing architecture and site. The new and existing materials that will be used in constructing the addition are proposed to blend into the existing residence and will add some architectural interest to the existing structure. As proposed the bulk and mass of the proposed addition/remodel as designed is mostly contained within the envelope of the existing structure. Additionally, the project meets all Design Review criteria.

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

The additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties due to the placement of the home on the downslope of the property and due to the design of the proposed addition/remodel, which is largely within the existing building envelope. As designed, the proposed addition/remodel is oriented so that the proposed new square footage will not cause any substantial reduction in privacy from what currently exists to residents of adjoining properties.

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 4,619 square feet where 2,643 square feet is permitted at 31 Alcatraz Avenue.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission held on June 21, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

APPROVED:

Pat Carapiet, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

CITY OF BELVEDERE
RESOLUTION NO. 2022 -

**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 31 ALCATRAZ AVENUE**

WHEREAS, a proper application has been submitted for a Variance from 19.24.040 of the Belvedere Municipal Code to allow for the home to encroach into the side yard setback at 31 Alcatraz Avenue; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Variance on June 21, 2022; 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-1C 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 to age in place. The special circumstances applicable to the property include the existing siting and location of the home and the fact that the home is on a very steep hillside. The building wall currently sits in the side yard setback and the project proposes to enclose the volume of the home under a large window overhang, which was constructed in 1918. 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.

- 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 31 Alcatraz Avenue.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

APPROVED: _____
Pat Carapiet, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

ZONING PARAMETERS:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	April Mtg.
Lot Area	7500 sf	5286 sf	No Change	
Lot Coverage	40 %	1695 sf 32.1 %	1873 sf 35.4 %	1945 sf 36.8 %
Total Floor Area	2643 sf	4207 sf	4619 sf	4624 sf
Front Yard Setback	5'	5' RES., 1'-1" GAR.	6' GAR.	
Left Sideyard Setback	5'	40' RES., -7" GAR.	5' GAR.	
Right Sideyard Setback.	5'	2'-8"	No Change	
Rear Yard Setback	10'	6'-4"	No Change	
Building Height Maximum...	36'	44'	No Change	
Building Height Average...	28'	32.7'	No Change	
Parking Spaces	2	2	3	

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

(To Be Completed by Applicant)

Date Filed: October 19, 2021 REV.: January 21, 2022

General Information

Mark and Alison Weinzierl

1. Name and address of developer or project sponsor: 31 Alcatraz Avenue, Belvedere, CA 94920
2. Address of project: 31 Alcatraz Avenue
3. Name, address, and telephone number of person to be contacted concerning this project: Albert DeLima, Weir Andrewson Associates, 1430 4th Street, San Rafael, CA 94901 (415) 485-9797
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: Floor area exception, setback variance, design review, demolition permit, building permit.
6. Existing zoning district: R-1C
7. Proposed use of site (Project for which this form is filed): SINGLE FAMILY RESIDENCE
8. Year built: 1918 Original architect: Unknown

Project Description

9. Site size. 5286 sf
10. Square footage. 4619 sf
11. Number of floors of construction. 3 stories over basement, existing no change
12. Amount of off-street parking provided. 3 standard plus 1 compact space
13. Plans attached? YES
14. Proposed scheduling. ASAP

We have reached out to the two neighbors, 38 and 37 Alcatraz Ave, that voiced objections to the initial submitted design.

The neighbor at 37 Alcatraz voiced two concerns:

The first concern was about the garage setback compliance. It was brought to the attention of the neighbor at 37 Alcatraz Ave. that planning is requiring a survey as a condition of approval and that the intent of the plans is to provide a garage with a setback compliant with the city municipal code.

The neighbor's second concern pertained to landscape planting scheduled to take place on his side of the common property line. At present the residents at 31 Alcatraz maintain a section of the property within the bounds of 37 Alcatraz Ave, this condition/situation was inherited from the prior owners. The landscape design has been revised such that no work is to take within the property lines of 37 Alcatraz Ave. Updated plans and the above noted information has been shared with the neighbor at 37 Alcatraz Ave.

The neighbors at 38 Alcatraz Ave. also voiced two different concerns:

The primary concern voiced in their letter is regarding the view of the Belvedere Cove from a porch and a bedroom. While the views lost from the residence are not from any of the primary living spaces (living room, dining room or primary bedroom) the new design is sensitive to the neighbors' concern. The new design does reduce the height and area of the roof initially proposed to minimize any potential view blockage of the cove from 38 Alcatraz. The new design further mitigates its impact on views from 38 Alcatraz by lowering the roof eave on the downhill side (most impact on view) by sloping the last few feet of roof.

They also voiced concerns about view impact to residents walking the street. The existing garage occupies 18' of the street frontage and has solid guard rails. The revised design has been significantly reduced & will occupy the same amount of street frontage as the existing garage, 18', thus in and of itself, the new garage design does not block more of the view than the existing garage to residents passing by on the street. To further mitigate potential view loss, large sections of the new guardrail will be open metal guardrail to allow for a greater view from the street.

We let the neighbors at 38 Bellevue Ave. know that we intended to provide a revised design when we received a copy of their concerns from the City. We requested to meet with them to gain insight into their concerns and for permission to observe the project from where the photos that accompanied the concerns were taken from. They did not respond. We have provided them with copies of the revised design.

Parking Design Intent:

At present there are two compliant open parallel parking spaces, one at the bottom of the yard on Bellevue Ave and one at the top on Alcatraz Ave. At present the occupants must navigate outdoor steps to access an entry from the parking spaces, 3 flights from the lower space and 1 from the upper space. The parallel parking forces the residents to park extremely close to the stucco retaining wall in order to allow traffic to pass; the street is very narrow and passenger entry and exit conflicts with the traffic. The present parallel parking has very poor sight lines, is difficult to maneuver a vehicle into and out and is dangerous for passengers to enter and exit the vehicles from. The present garage location is right along the edge of the street pavement and does not provide for safe passage of both pedestrians and cars.

The owners' primary goal is to be able to age safely in place. The revised design provides simplified parking maneuvering, better sight lines, elimination of the need to navigate exterior stairs and safe vehicle entry and exit. The elevator in combination with the space below the parking deck would provide safe weather protected passage from the parking deck level to the residence.

In addition the new parking will be setback from the edge of pavement to meet the city's present parking setback requirements. Unlike the present condition this will improve the safety of pedestrians by providing adequate room for both pedestrians and cars to pass by the garage and parking along Alcatraz Ave.

Updated Since 10/28/2021:

A survey has been prepared and the plans illustrating the building locations have been updated based on the survey. The updated plans & survey have been shared with the owners of 37 & 38 Alcatraz Ave. The owner of 37 Alcatraz expressed support for the project based on the survey and associated revisions.

Updated Since 03/15/2022 Planning Commission meeting:

Bulk and Mass Changes:

The carport roof overhang has been eliminated from the design. The length of the garage has been reduced to reduce the volume of the garage projecting over the yard; eliminating the story pole of greatest concern at the March 15th planning commission meeting. The terrace has been reduced and the associated retaining wall design stepped to allow for landscape screening of the retaining wall. Trash enclosure doors have been added.

Landscape Changes:

The upper terrace has been reduced in size. Up lights have been removed from the design. Stair riser lights have been replaced w/ sidewall footlights. Screening trees have been added to planting plan to screen the terrace wall. Additional plantings at the retaining wall step along with vines have been added to soften the terrace retaining wall's visual impact. The height of hedge plantings in elevation have been adjusted to clearly illustrate the intent of the design. Simplified plant material symbols on the planting plan and revised planting legend with additional text have been added to further clarify the intent of the landscape design. Notes to save & preserve the existing magnolia and citrus tree for possible re-use have been added to the plans.

Updated Since 4/19/2022 Planning Commission meeting:

Bulk and Mass Changes:

Terracing and grading changes to the rear/side hillside garden have been removed from the proposed design eliminating the need to import any fill.

The existing garden stairs, site lighting and terracing are to remain.

The parking deck has been reduced in size resulting in a reduction in coverage of 1.4%.

The elevator at the garage has been extended down to serve the existing level 1 terrace.

Documentation and detailed information confirming the air conditioner compliance w/ the sound ordinance and location has been provided.

Landscape Changes:

Landscaping changes to the rear/side hillside garden have been revised as follows:

Existing hillside plantings, and terraces are to remain.

As new planting areas are now minimal, new planting has been reduced to include only privacy screening from the east side of the residence. This includes an appropriately scaled evergreen tree screen and reuse of an existing Magnolia tree.

The height of the new screening has been limited such that it does not extend above the trash enclosure to ensure it will not obstruct the newly created view corridor at the eastern side of the property.

No new exterior landscape lighting is proposed for the rear/side hillside garden, as new stairs and footlights have been eliminated.



Job Name:	Date:	
System Reference:		
Indoor Unit: MSY-GL09NA	Outdoor Unit: MUY-GL09NA-U1 MUY-GL09NA-U2	Wireless Remote Controller

- GENERAL FEATURES**
- Slim wall-mounted indoor units provide zone comfort control
 - The outdoor unit powers the indoor unit, and should a power outage occur, the system is automatically restarted when power returns
 - INVERTER-driven compressor and LEV provide high efficiency and comfort while using only the energy needed to maintain maximum performance
 - Multiple fan speed options: Quiet, Low, Medium, High, Super-high, Auto
 - Multiple control options available:
 - Hand-held Remote Controller (provided with unit)
 - kumo cloud® smart device app for remote access
 - Third-party interface options
 - Wired or wireless controllers
 - Quiet operation
 - Smart Set: recalls a preferred preset temperature setting at the touch of a button
 - Blue Fin anti-corrosion treatment applied to the outdoor unit heat exchanger for increased coil protection and longer life

SPECIFICATIONS: MSY-GL09NA & MUY-GL09NA

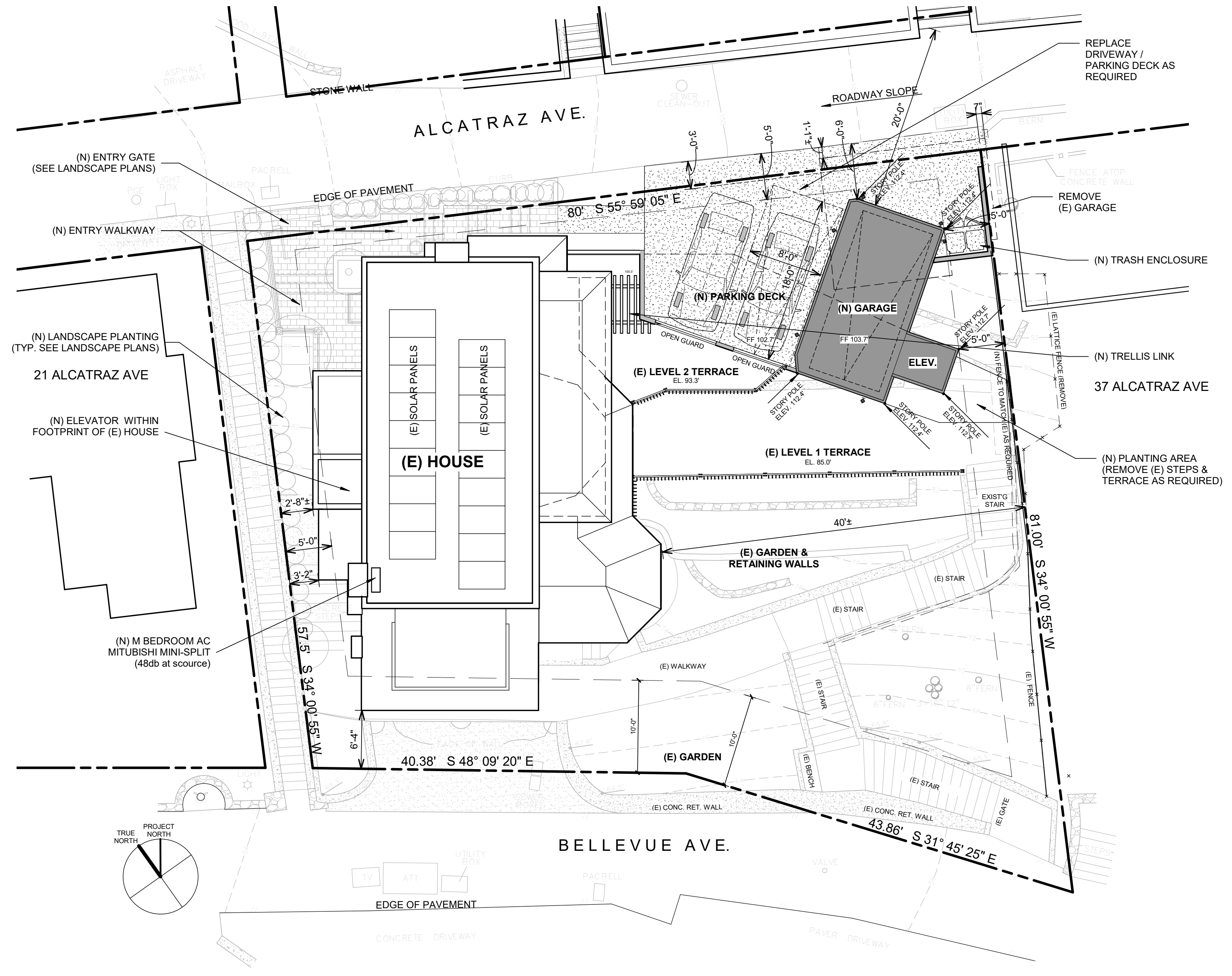
Fan Motor Output	W	55
Airflow Rate	CFM	1,229
Refrigerant Control	LEV	
Defrost Method	Reverse cycle	
Heat Exchanger Type	Plate fin coil	
Sound Pressure Level, Cooling ¹	dB(A)	48
Sound Pressure Level, Heating ²	dB(A)	-
Compressor Type	DC INVERTER-driven	
Compressor Model	-U1: KNB073FRVMC -U2: KNB073FRXMC	
Compressor Rated Load Amps	A	4.9
Compressor Locked Rotor Amps	A	6.1
Compressor Oil Type // Charge	oz.	FV50S // 9.1
External Finish Color	Munsell 3Y 7.8/1.1	
Base Pan Heater	N/A	
Unit Dimensions	W: In. (mm)	31-1/2 (800)
	D: In. (mm)	11-1/4 (285)
	H: In. (mm)	21-5/8 (550)
Package Dimensions	W: In. (mm)	37 (940)
	D: In. (mm)	14-15/16 (380)
	H: In. (mm)	24-13/16 (630)
Unit Weight	Lbs. (kg)	81 (37)
Package Weight	Lbs. (kg)	88 (40)

SITE DATA

ZONE: R-1C CONDITION	REQUIRED	EXISTING	PROPOSED
LOT AREA	7500 sf	5286sf	NO CHANGE
LOT COVERAGE	40 %	32.1 %	35.4 %
TOTAL FLOOR AREA	2643 sf	4207 sf	4619 sf
FRONT YARD SETBACK	5'-0"	5'-0" RES., 1'-1" GAR.	6' GARAGE
LEFT SIDEYARD SETBACK	5'-0"	40'-0" RES., -7" GAR.	5' GARAGE
RIGHT SIDEYARD SETBACK	5'-0"	2'-8"	NO CHANGE
REAR YARD SETBACK	10'-0"	6'-4"	NO CHANGE
BUILDING HEIGHT MAXIMUM	36'	44'	NO CHANGE
BUILDING HEIGHT AVERAGE	28'	32.7'	NO CHANGE
PARKING SPACES	2	2	3

AS-BUILT NOTES

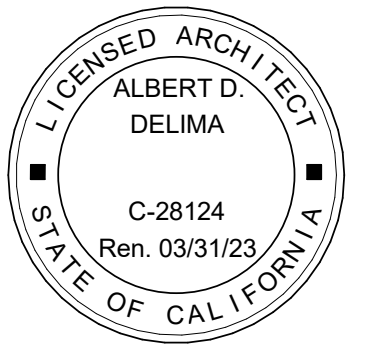
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1 SITE PLAN
1/8" = 1'-0"



Weir|Andrewson Associates, Inc
ARCHITECTS & ENGINEERS
1430 4th Street
San Rafael, CA 94901
T: 415.485.9797
www.waassoc.com



Mark and Alison Weinzierl

Weinzierl Residence

31 Alcatraz Ave.
Belvedere CA 94920

APN 060-102-043

MARK	DATE	DESCRIPTION
	06/03/2021	DESIGN REVIEW
1	10/20/2021	DESIGN REVIEW
2	01/21/2022	SURVEY
4	03/29/2022	DESIGN REVIEW
5	05/30/2022	DES. REV. III

SCALE: As indicated
DRAWN BY: AD / MB
CHECKED BY: EM
JOB NUMBER: 18034

SHEET TITLE
SITE PLAN

DRAWING
A-100

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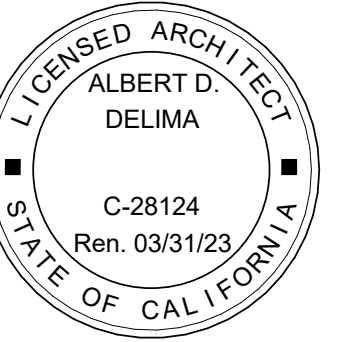
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	06/03/2021	DESIGN REVIEW
1	10/20/2021	DESIGN REVIEW
5	05/30/2022	DES. REV. III

SCALE: As indicated

DRAWN BY: AD, MB

CHECKED BY: AD

JOB NUMBER: 18034

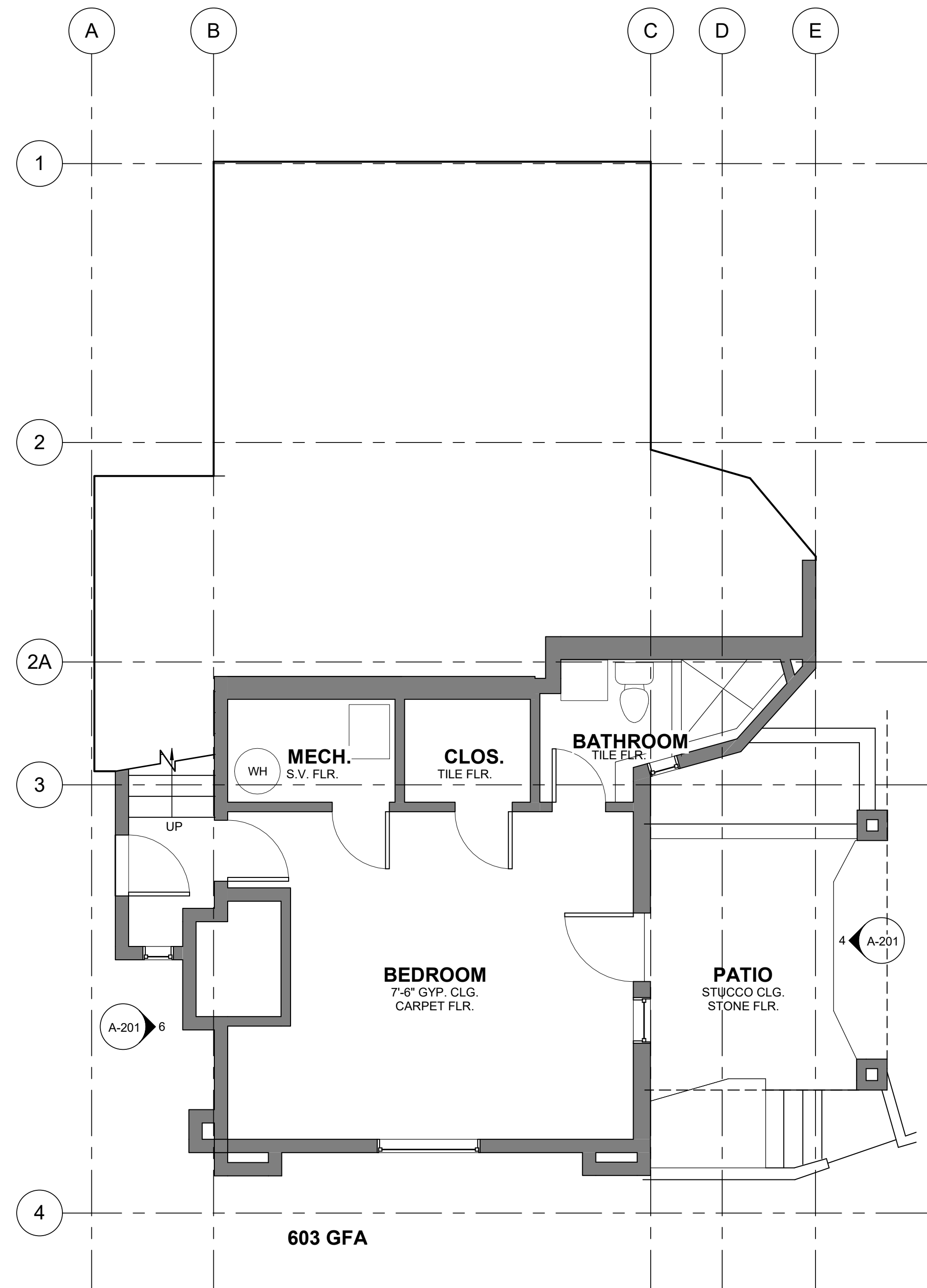
SHEET TITLE

BASEMENT PLAN

DRAWING

A-101

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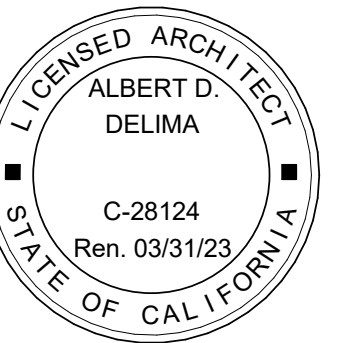
603 GFA

1 LEVEL 0 - EXISTING BASEMENT
1/4" = 1'-0"



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Mark and Alison
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5	05/30/2022	DES. REV. III

SCALE: As indicated

DRAWN BY: MB

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JOB NUMBER: 18034

SHEET TITLE

1ST FLOOR PLANS

DRAWING

A-102

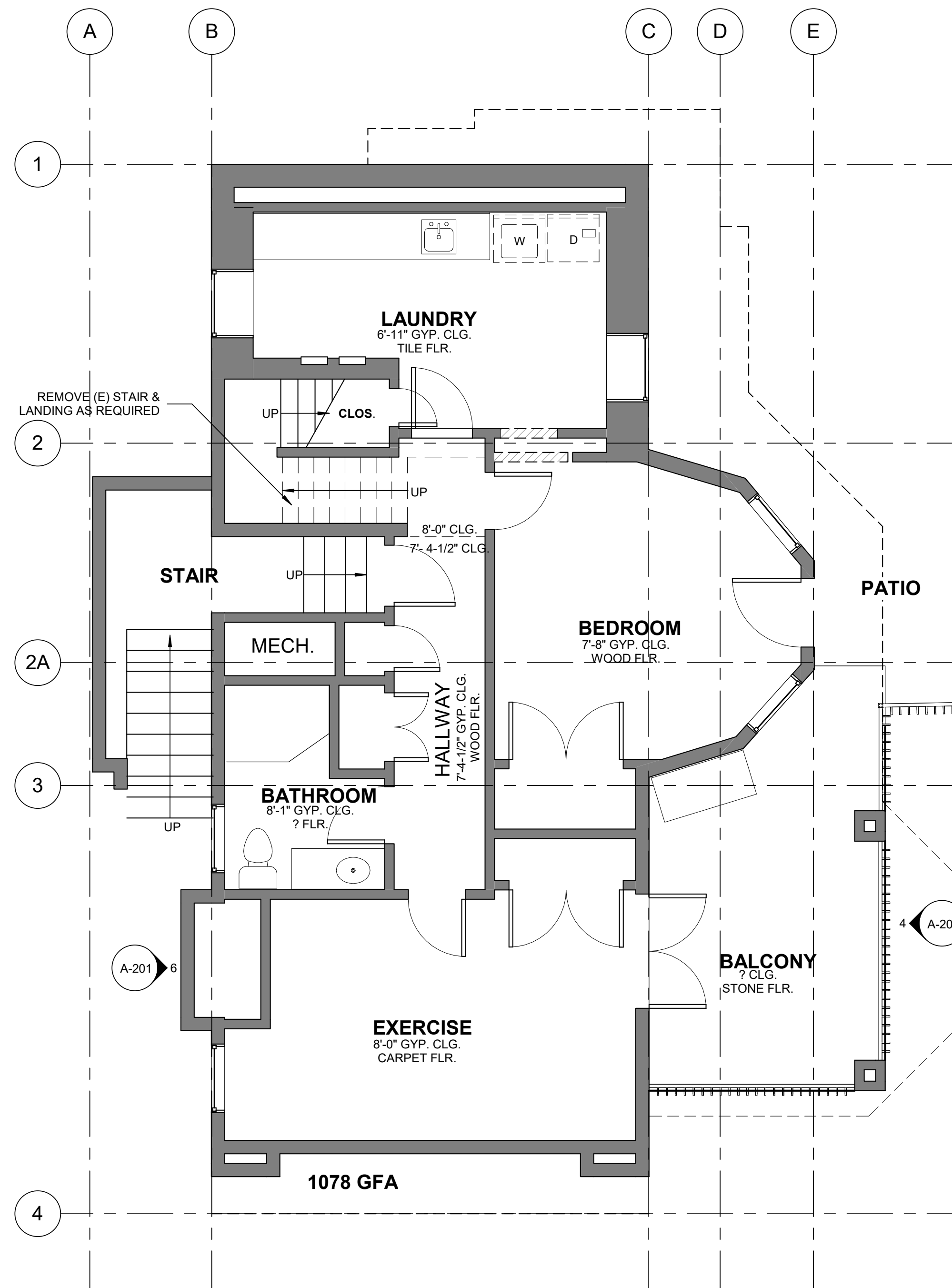
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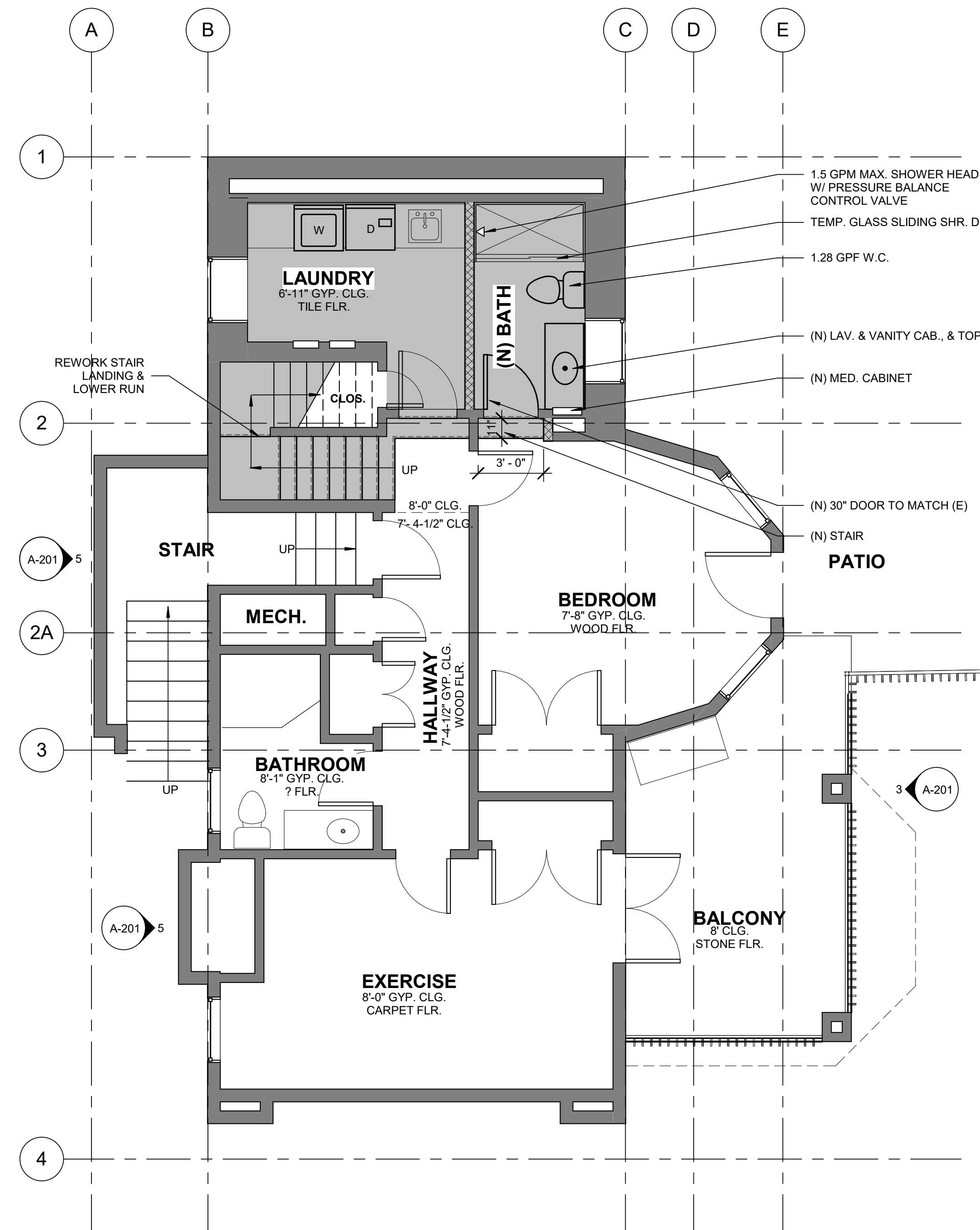
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WALL LEGEND

- (E) TO REMAIN
- DEMO
- (N) WALL



1 LEVEL 1 - EXISTING 1ST FLOOR
1/4" = 1'-0"

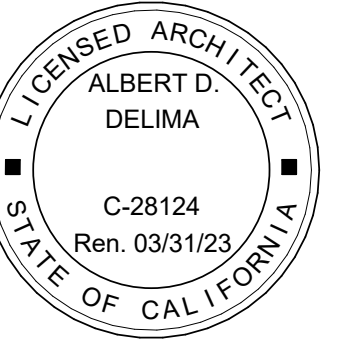


2 LEVEL 1 - PROPOSED 1ST FLOOR
1/4" = 1'-0"



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	06/03/2021	DESIGN REVIEW
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SCALE: As indicated

DRAWN BY: MB

CHECKED BY: AD

JOB NUMBER: 18034

SHEET TITLE

2ND FLOOR PLANS

DRAWING

A-103

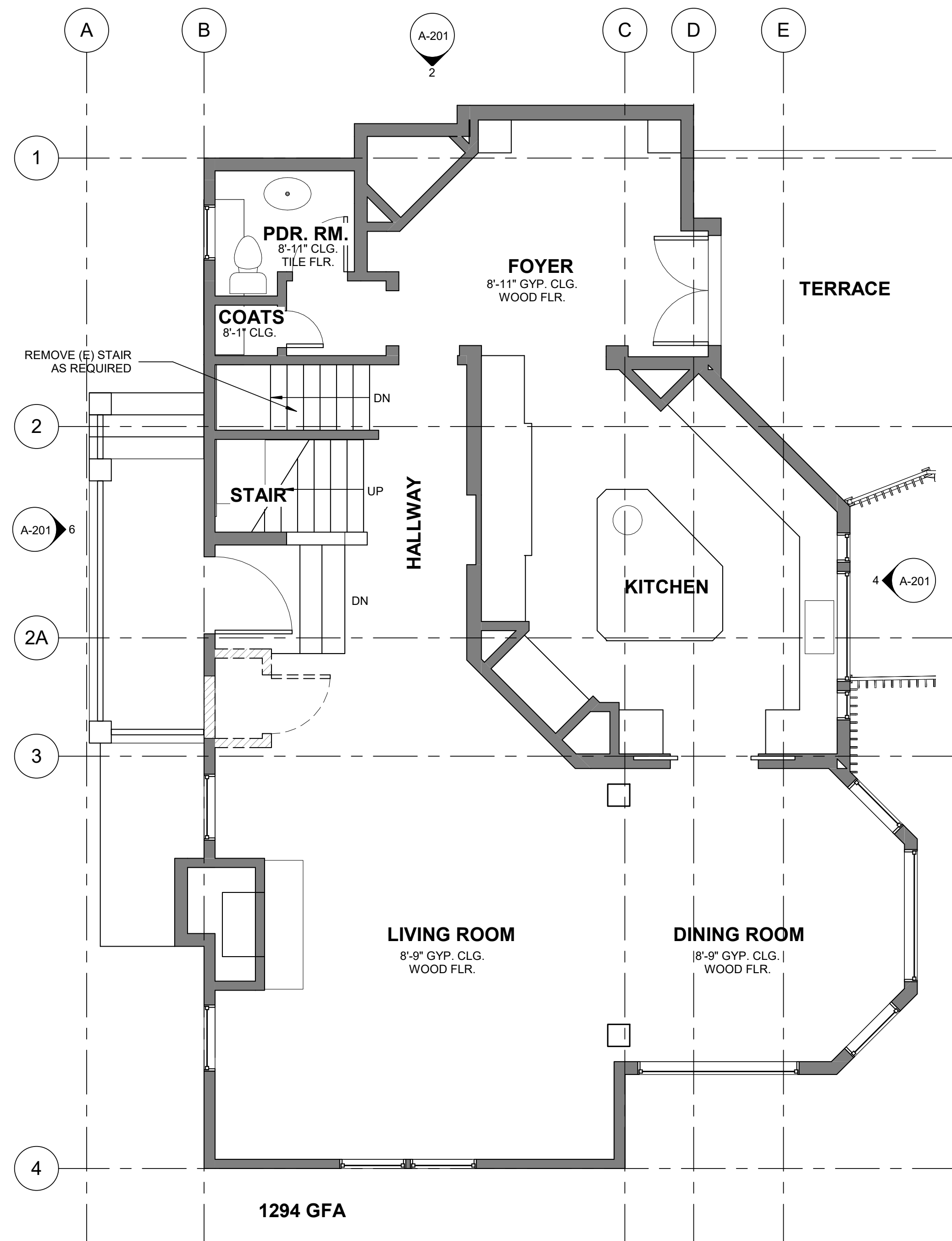
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AS-BUILT NOTES

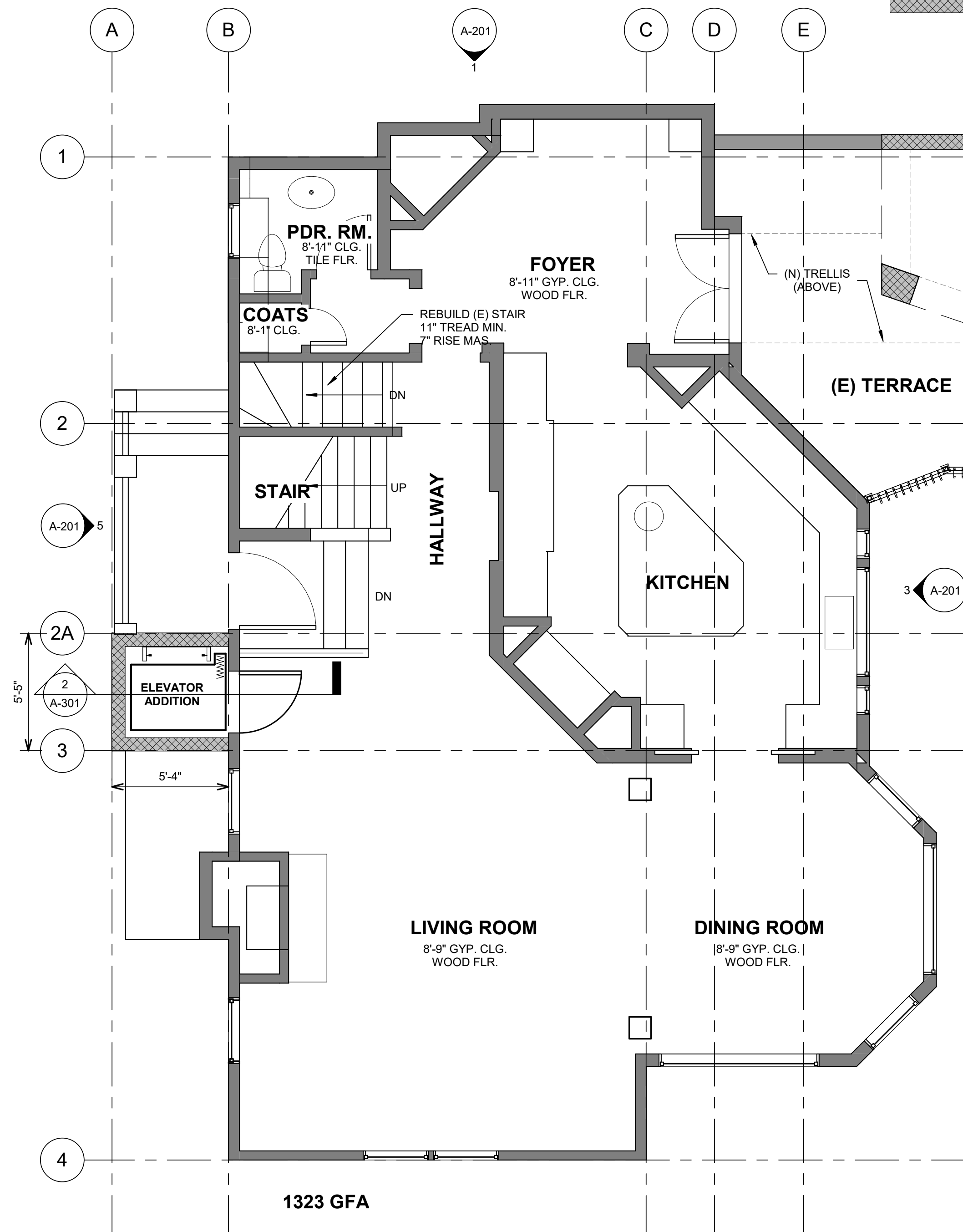
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WALL LEGEND

- (E) TO REMAIN
- DEMO
- (N) WALL



2 LEVEL 2 - EXISTING 2ND FLOOR
1/4" = 1'-0"






1 LEVEL 2 - PROPOSED 2ND FLOOR
1/4" = 1'-0"

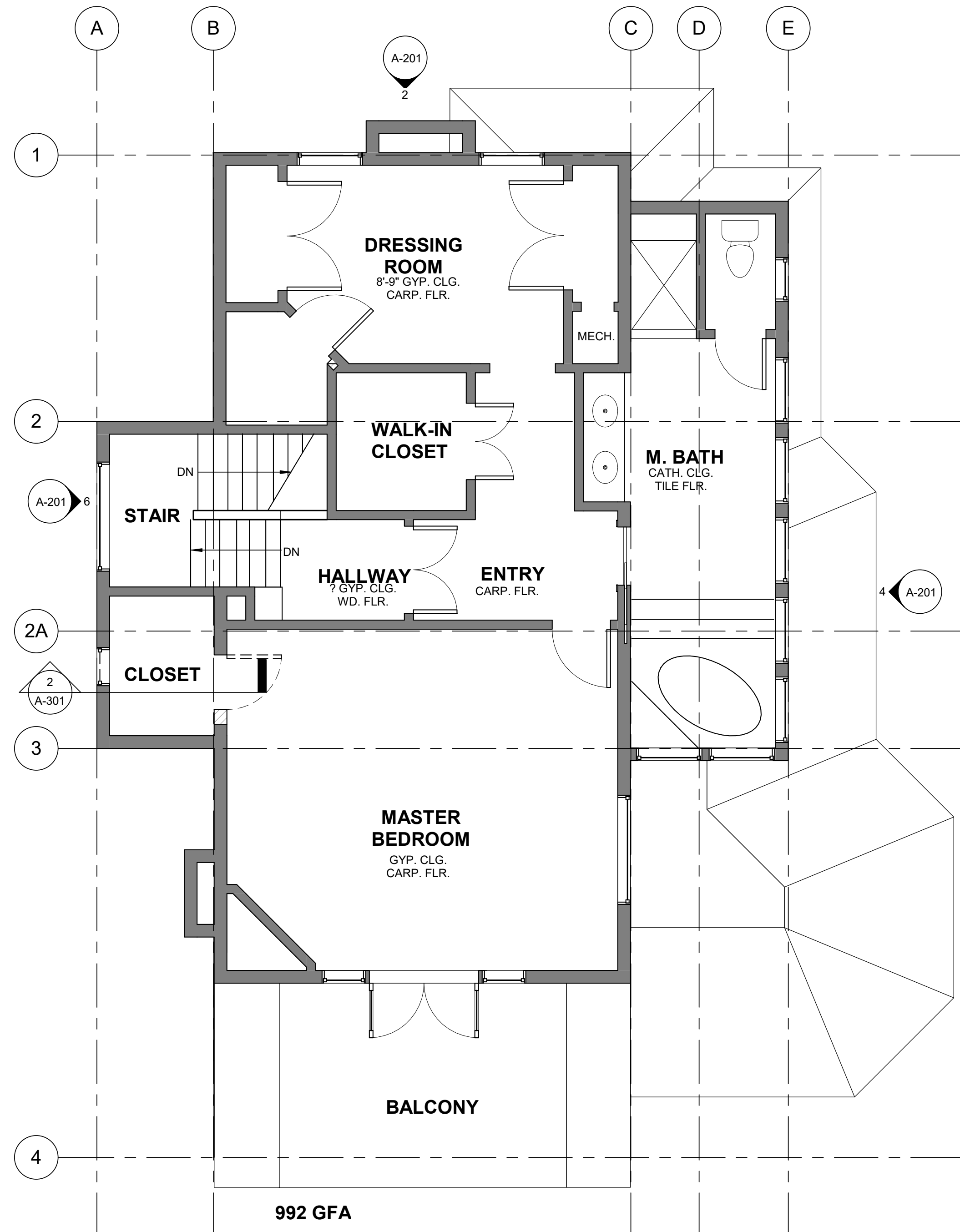
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AS-BUILT NOTES

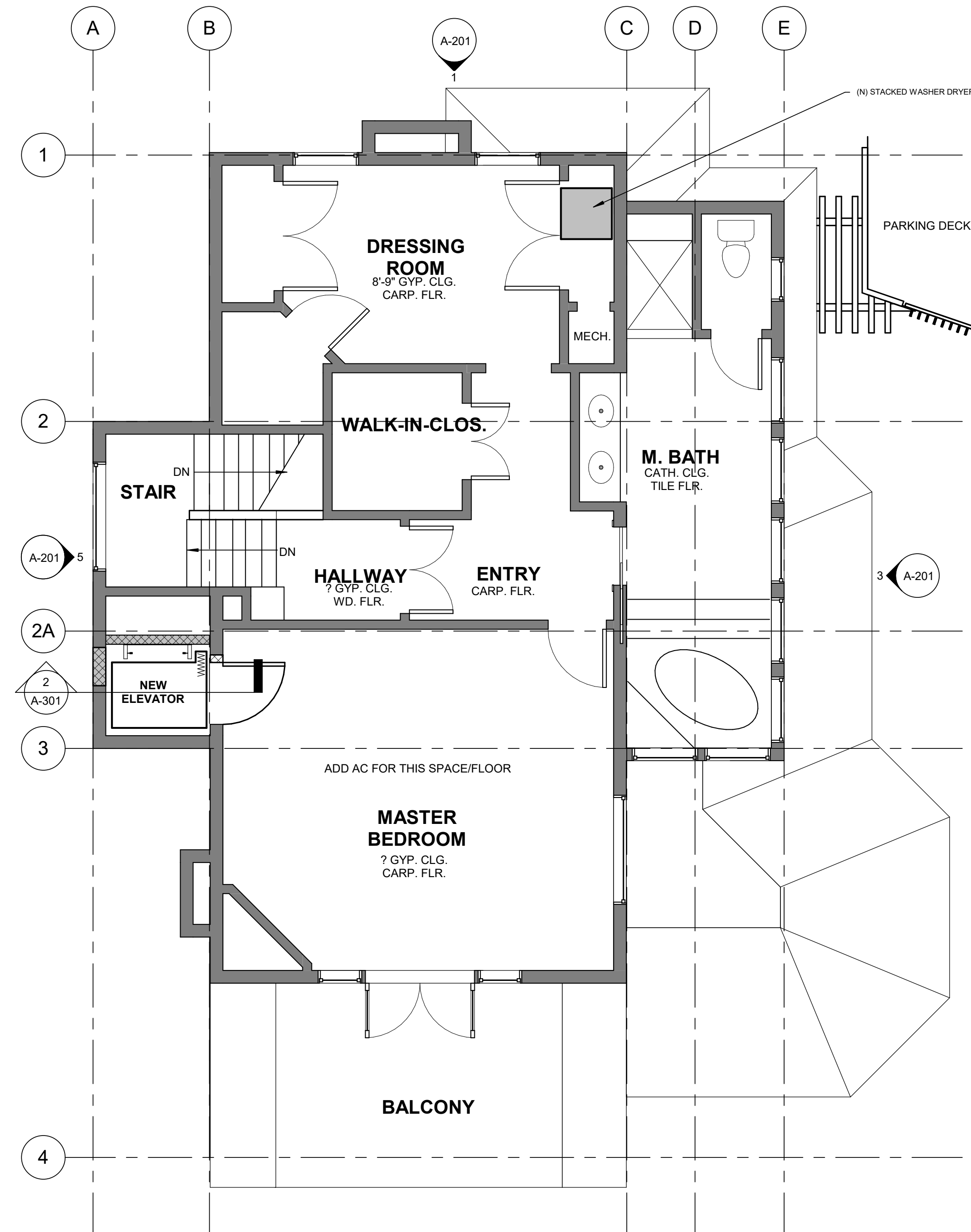
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WALL LEGEND

-  (E) TO REMAIN
-  DEMO
-  (N) WALL



1 Level 3 - EXISTING 3RD FLOOR
1/4" = 1'-0"

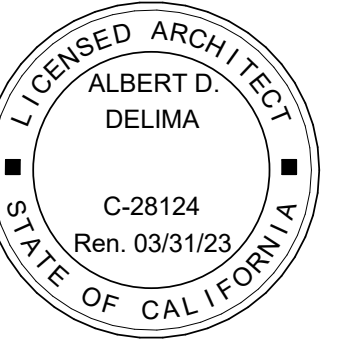


2 Level 3 - PROPOSED 3RD FLOOR
1/4" = 1'-0"



WEIR|ANDREWSON
ASSOCIATES, INC
ARCHITECTS & ENGINEERS

1430 4th Street
San Rafael, CA 94901
T: 415.485.9797
www.waassoc.com



Mark and Alison
Weinzierl

Weinzierl
Residence

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Belvedere CA 94920

APN 060-102-043

MARK	DATE	DESCRIPTION
	06/03/2021	DESIGN REVIEW
1	10/20/2021	DESIGN REVIEW
5	05/30/2022	DES. REV. III

SCALE: As indicated

DRAWN BY: MB

CHECKED BY: AD

JOB NUMBER: 18034

SHEET TITLE
3RD FLOOR PLANS

DRAWING

A-104

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JUNO

Project:
Fixture Type:
Location:
Contact/Phone:

4" IC 1400 LUMEN LED DOWNLIGHT NEW CONSTRUCTION OPEN TRIMS

PRODUCT DESCRIPTION
Dedicated LED Air-Loc sealed new construction housing with integral light engine

ENVIRONMENTALLY FRIENDLY, ENERGY EFFICIENT
No harmful ultraviolet or infrared wavelengths
No lead or mercury, RoHS compliant

PRODUCT SPECIFICATIONS
LED Light Engine LED array attached to high purity aluminum, thermally conductive inner housing provides superior heat transfer to ensure long life of the LED

Optical System Computer-optimized reflector design with high reflectance finish coupled with a high transmission diffusing lens conceals the LEDs and produces uniform aperture luminance

LED Driver Choice of dedicated 120 volt (120) driver or universal voltage (MVOLT) drivers that accommodate input voltages from 120-277 volts AC at 50/60Hz

Life Rated for 50,000 hours at 70% lumen maintenance

Labels ENERGY STAR Certified when used with select trims

Union made UL and cUL CP option is compatible with spray foam insulation with an R-value of 3.2 per inch or less

Testing All reports are based on published industry procedures; field performance may differ from laboratory performance

Specifications subject to change without notice

HOUSING FEATURES
Designed for use in IC (insulated ceiling) or non-IC construction

Aluminum housing sealed for Air-Loc compliance Housing is vertically adjustable to accommodate up to a 1 1/2" ceiling thickness

Junction Box Pre-wired junction box provided with (6) 1/2" and (1) 3/4" knockouts, (4) knockouts for 12/2 or 14/2 NM cable and ground wire

UL listed and cUL listed for through-branch wiring, maximum # 12 branch circuit conductors

Knockouts equipped with pryout slots Quick connect electrical connectors supplied as standard for fast, secure installation

Mounting Frame 22 gauge die-formed galvanized steel mounting frame fully assembled for ease of installation

Real Nail 3 Bar Hangers Patented US Patent D552,949 Real Nail 3 bar hangers telescoping system permits quick placement of housing anywhere within 24" O.C. joists or suspended ceilings

Includes removable nail for repositioning of fixture in wood joist construction Integral T-bar notch and clip for suspended ceilings

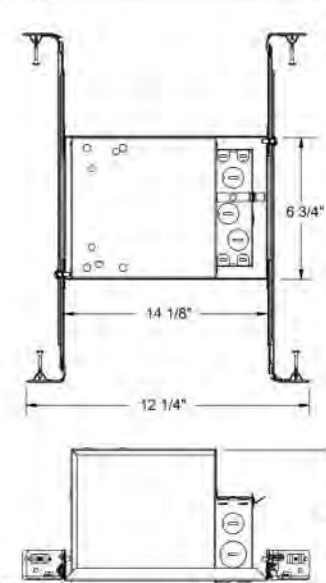
Nominal input wattage @ 120-volt operation with dedicated 120-volt driver under stable operating conditions

AcuityBrands 1300 S. Wall Road • Des Plaines, IL 60018 • Phone 1-800-705-5591 (7378) • Visit us at www.acuitybrands.com/junoproduct

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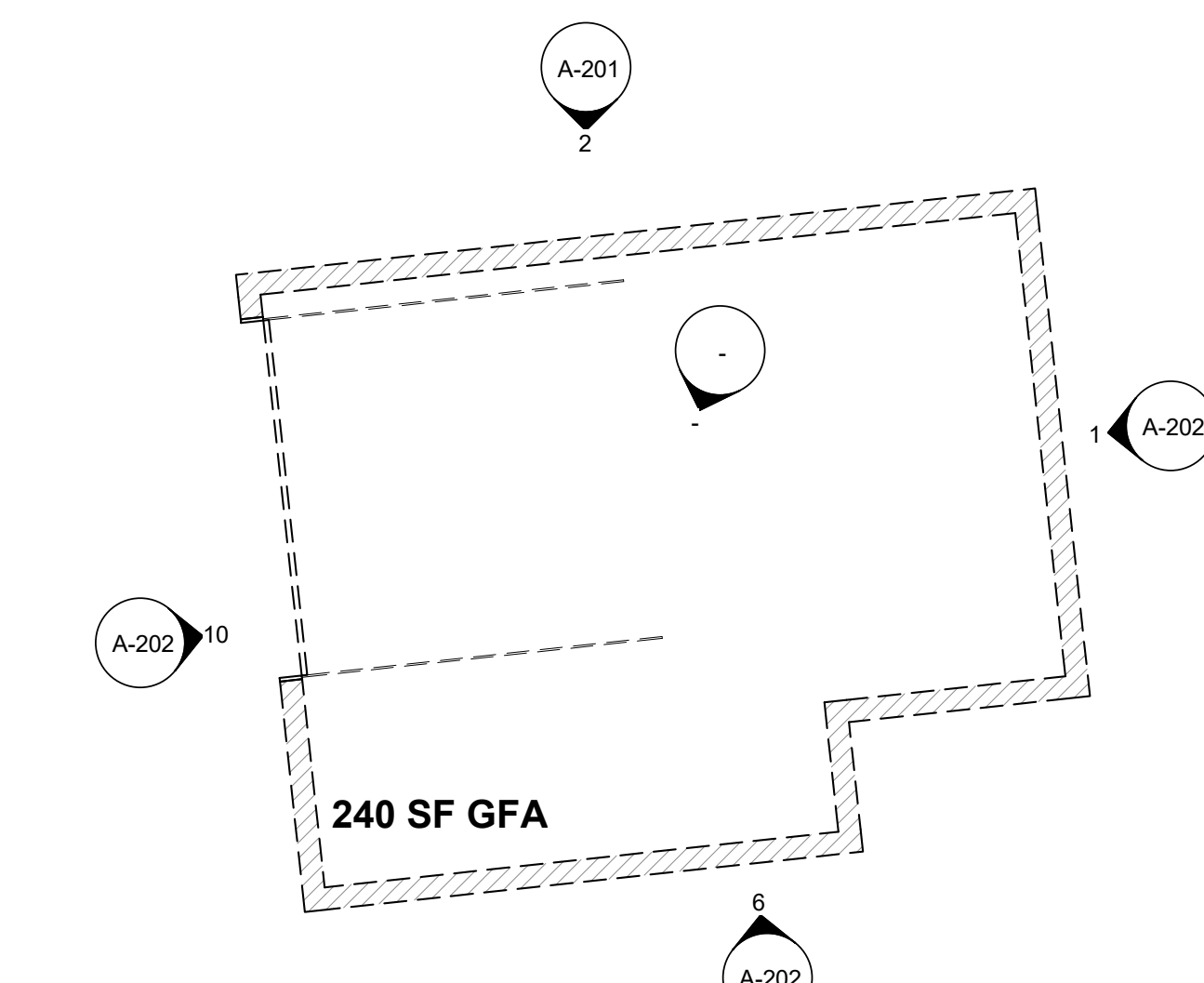
Light Commercial & Residential

DIMENSIONS



4 1/2" CEILING CUTOUT

TYPICAL DOWNLIGHT INFORMATION



Level 3 - EXISTING GARAGE 1/4" = 1'-0"

4" IC 1400 LUMEN LED DOWNLIGHT NEW CONSTRUCTION OPEN TRIMS

Electrical Data tables for MVOLT EZ10 and EZ1, and MVOLT ZT10 and ZT1, including input power, current, frequency, and minimum starting temp.

ORDERING INFORMATION

Table with columns: Series, Generation, Lumens, Color Temperature, CRI, Distribution, Voltage/Driver, and Territory.

Example: K118G G4 1400 27K 90CRI 95+ CRI (Black) Medium Beam (45°) 120 FPFC 120V Forward Phase Cut 0% dim

Capable options indicated by this color background

Trim/Description table listing various trim options like 13 WH, 14 BRZ, 14 BLK, 14 BPC, 14 BWV, 17 BWV, 17 CWV, 17 DZV, 17 FPFC, 17 WIKRZ, 17 WIZWV, 17 WVV.

Note: Size 5" O.D. Also is a registered trademark of Altec Corp. Note: In Canada when available is present, Type K fixtures must be used.

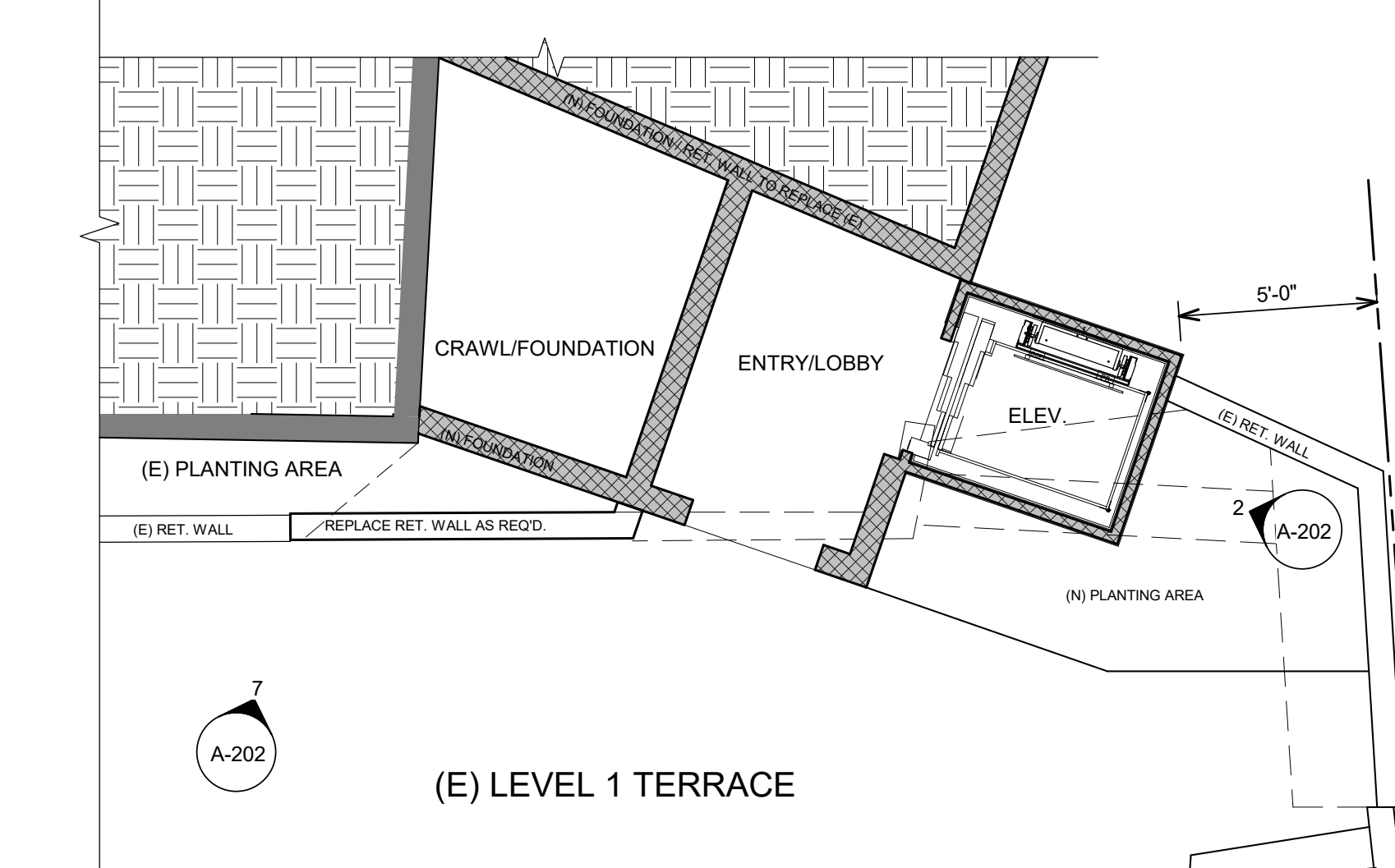
Multi-tilt: 124 @ 30K, 35K, 40K only

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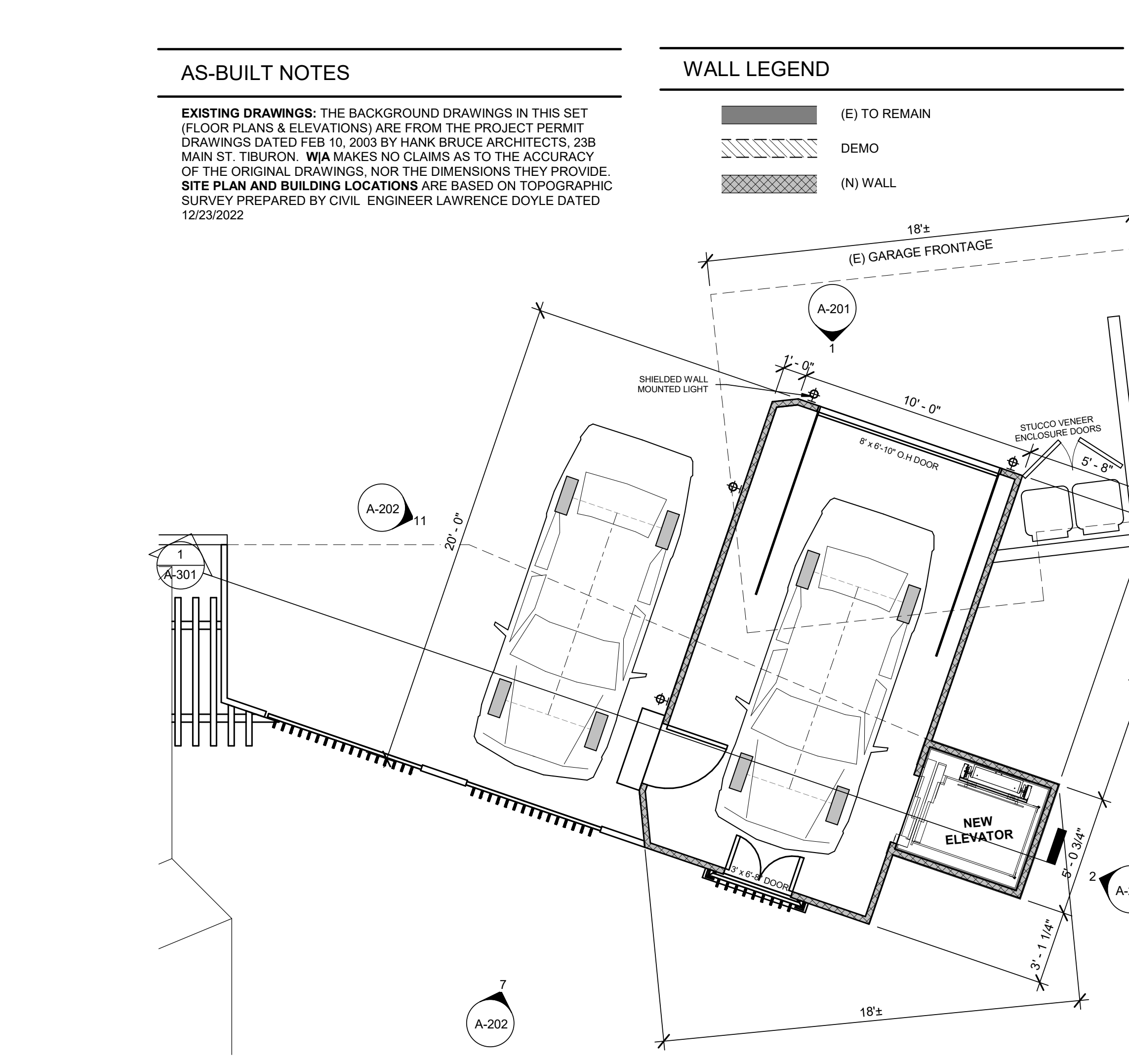
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Light Commercial & Residential

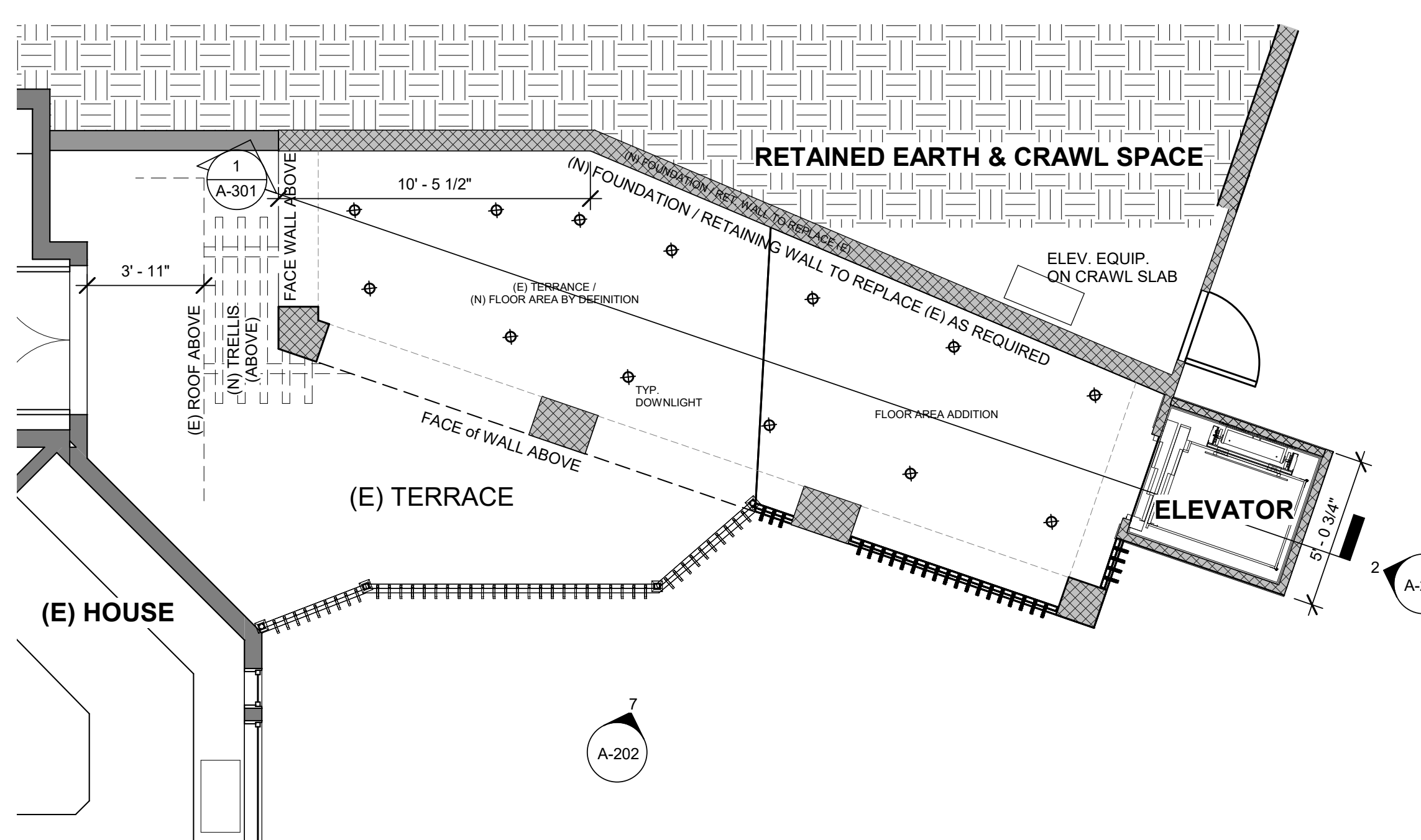
2 of 3



LEVEL 1 - GARAGE ELEVATOR 1/4" = 1'-0" FLOOR AREA 80 SF



Level 3 - PROPOSED GARAGE 1/4" = 1'-0" FLOOR AREA 248 SF

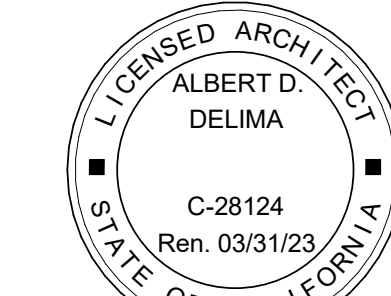


LEVEL 2 - PROPOSED AREA BELOW PARKING 1/4" = 1'-0" FLOOR AREA 236 SF



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1430 4th Street San Rafael, CA 94901 T: 415.485.9797 www.waassoc.com



Mark and Alison Weinzierl

Weinzierl Residence

31 Alcatraz Ave. Belvedere CA 94920

APN 060-102-043

Table with columns: MARK, DATE, DESCRIPTION

Table with columns: MARK, DATE, DESCRIPTION. Includes entries for design review and design review III.

SCALE: As indicated

DRAWN BY: AD/MB

CHECKED BY: AD

JOB NUMBER: 18034

SHEET TITLE

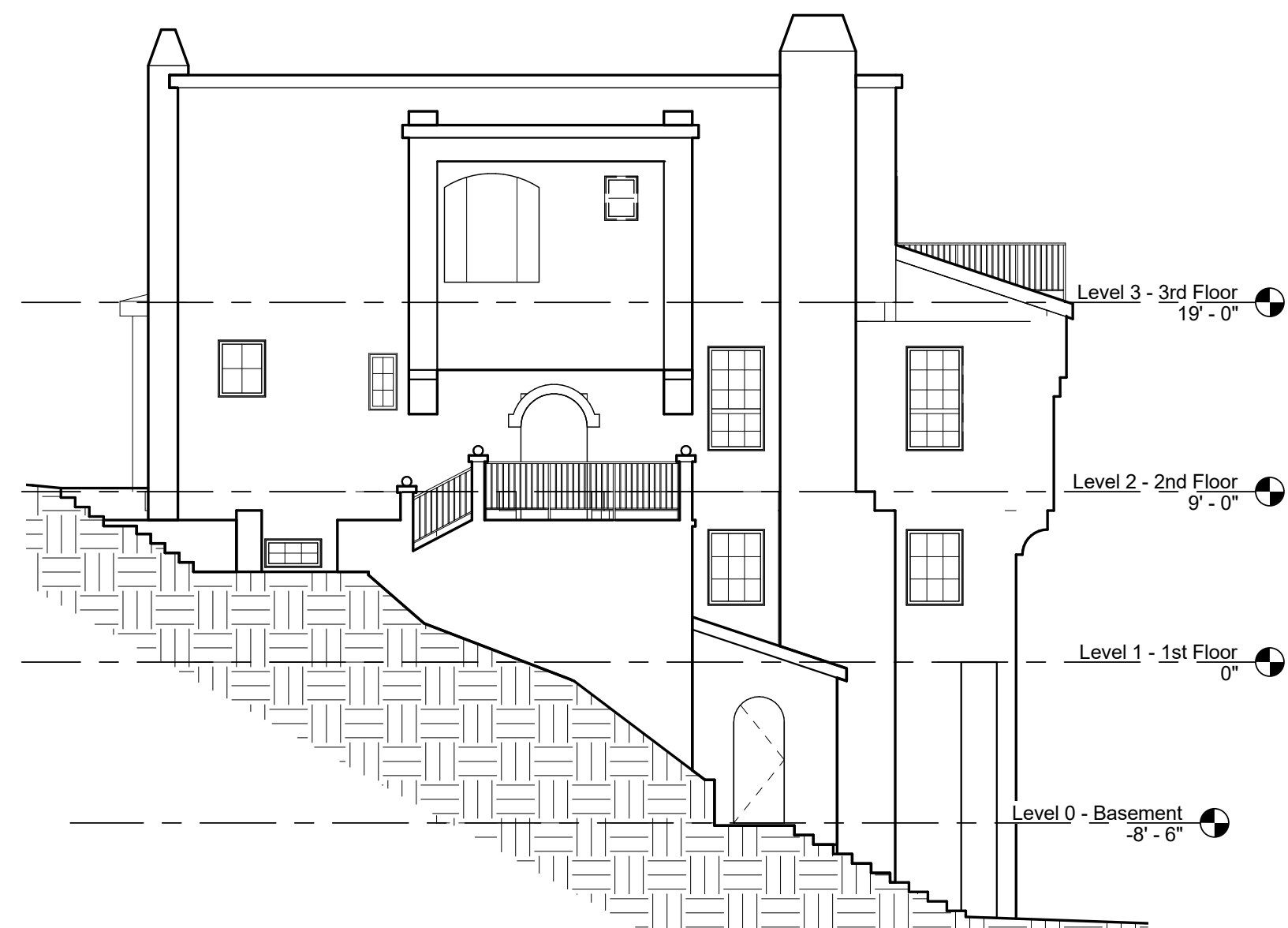
GARAGE PLANS

DRAWING

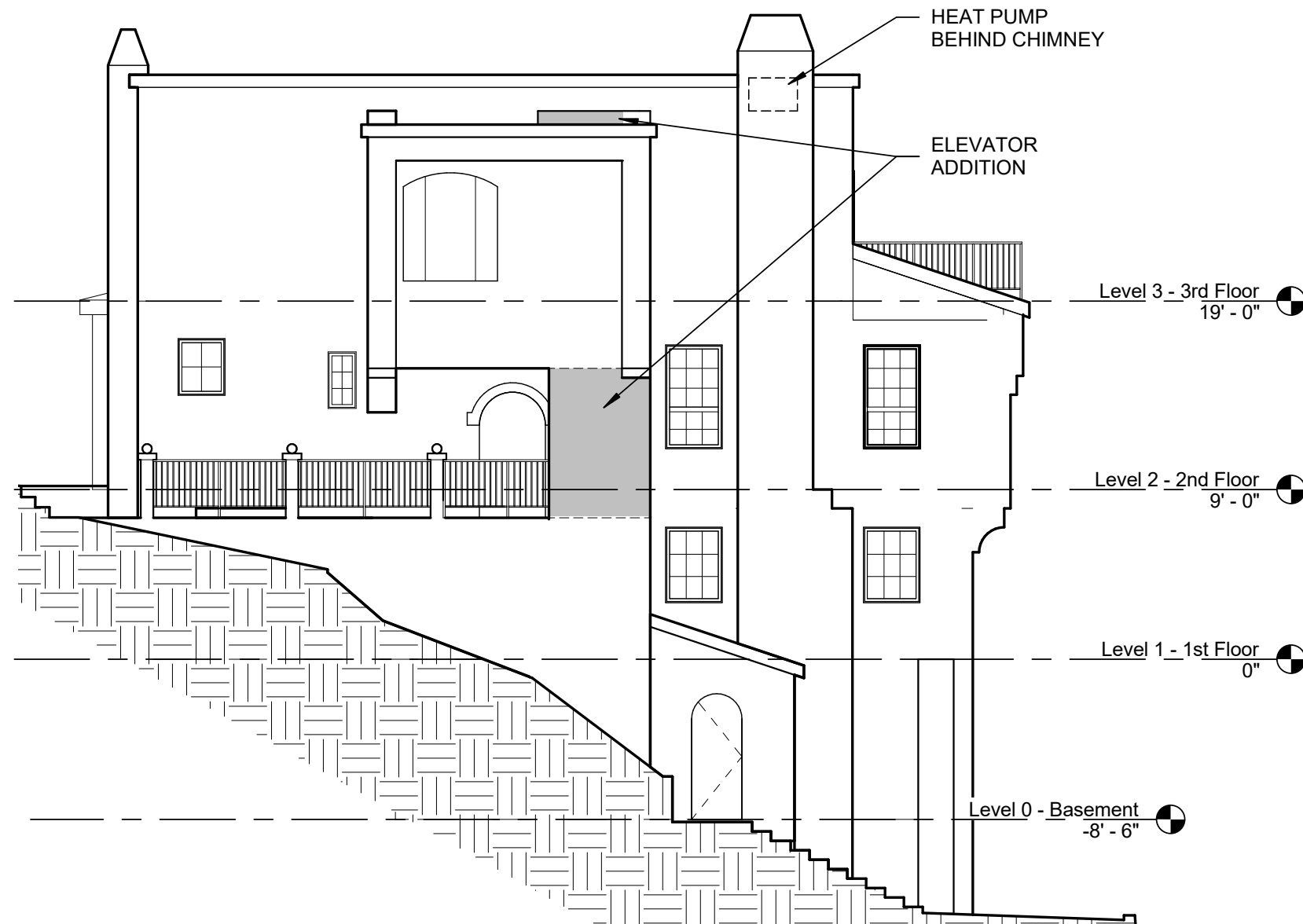
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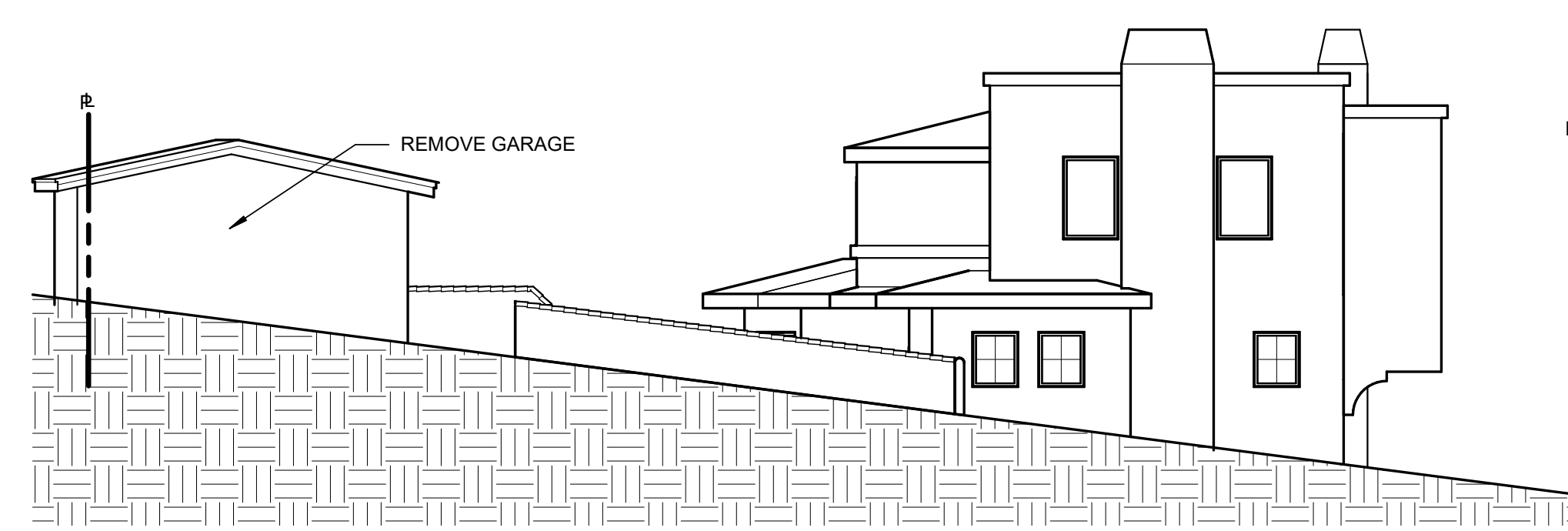
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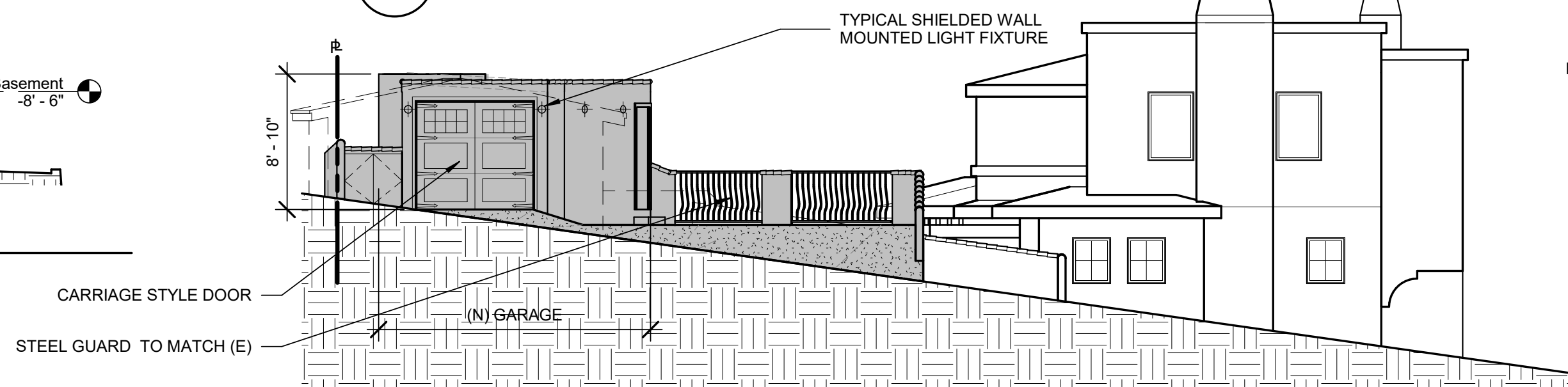
6 WEST ELEVATION - EXISTING
1/8" = 1'-0"



5 WEST ELEVATION - PROPOSED
1/8" = 1'-0"



2 NORTH ELEVATION - EXISTING
1/8" = 1'-0"



1 NORTH ELEVATION - PROPOSED
1/8" = 1'-0"

AS-BUILT NOTES

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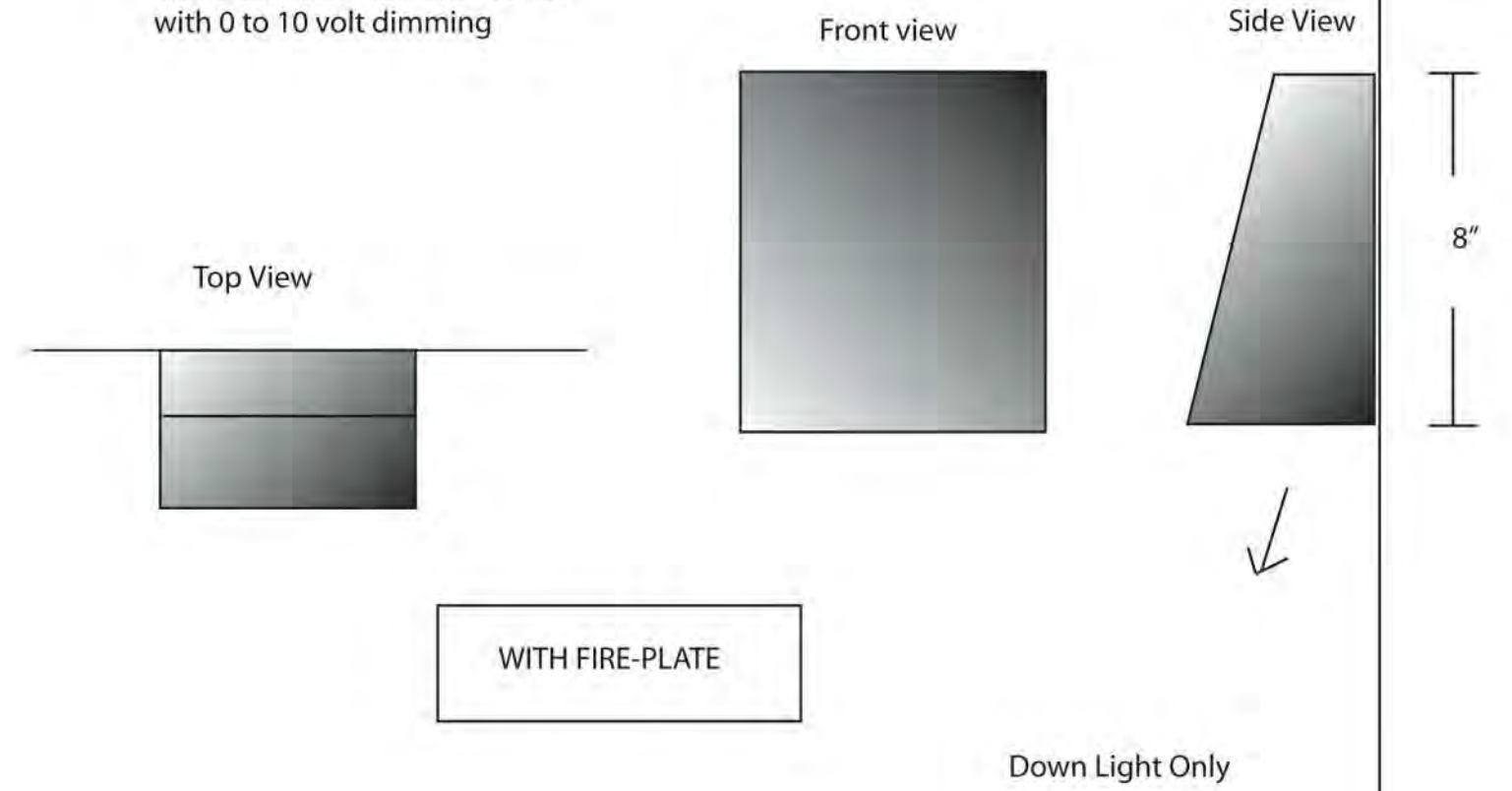
EXTERIOR FINISHES

LOCATION/ELEMENT	EXISTING	PROPOSED
SIDING	PAINTED STUCCO	MATCH EXISTING
FENESTRATION & TRIM	PAINTED WOOD AND CLAD WOOD	MATCH EXISTING
FLAT ROOF	TAR AND GRAVEL	MEMBRANE W/ (GRAY) GRANULAR CAP SHEET
SLOPED ROOF	TERRACOTTA TILE	MATCH EXISTING
PARAPET & GUARD CAP	TERRACOTTA TILE	MATCH EXISTING

EVERGREEN LIGHTING
WALL FLUSH MOUNT
GL-W-8X8-21LED-MBK-CFA-ADA-DIM

SPECIFICATION FEATURES	Date	PROJECT:
Dimensions	8" H x 8" W x 4" deep	10-08-18
Lamps	21 watts of LED- 3000K	
Material	Aluminum (.0635")	
Finish	Matte black Powdercoat	
Lens	Clear Frosted Acrylic (.125")	
Label	WET Location	
Voltage	120 / 277	
Description	Exterior Wall Fixture	

1,890 delivered Lumens - 95 CRI with 0 to 10 volt dimming



Drawings are not to scale.

EVERGREEN LIGHTING WWW.EVERGREENLIGHTING.COM
1379 Ridgeway St. Pomona, CA 91768 PHONE: (909) 865-5599 FAX: (909) 865-5539

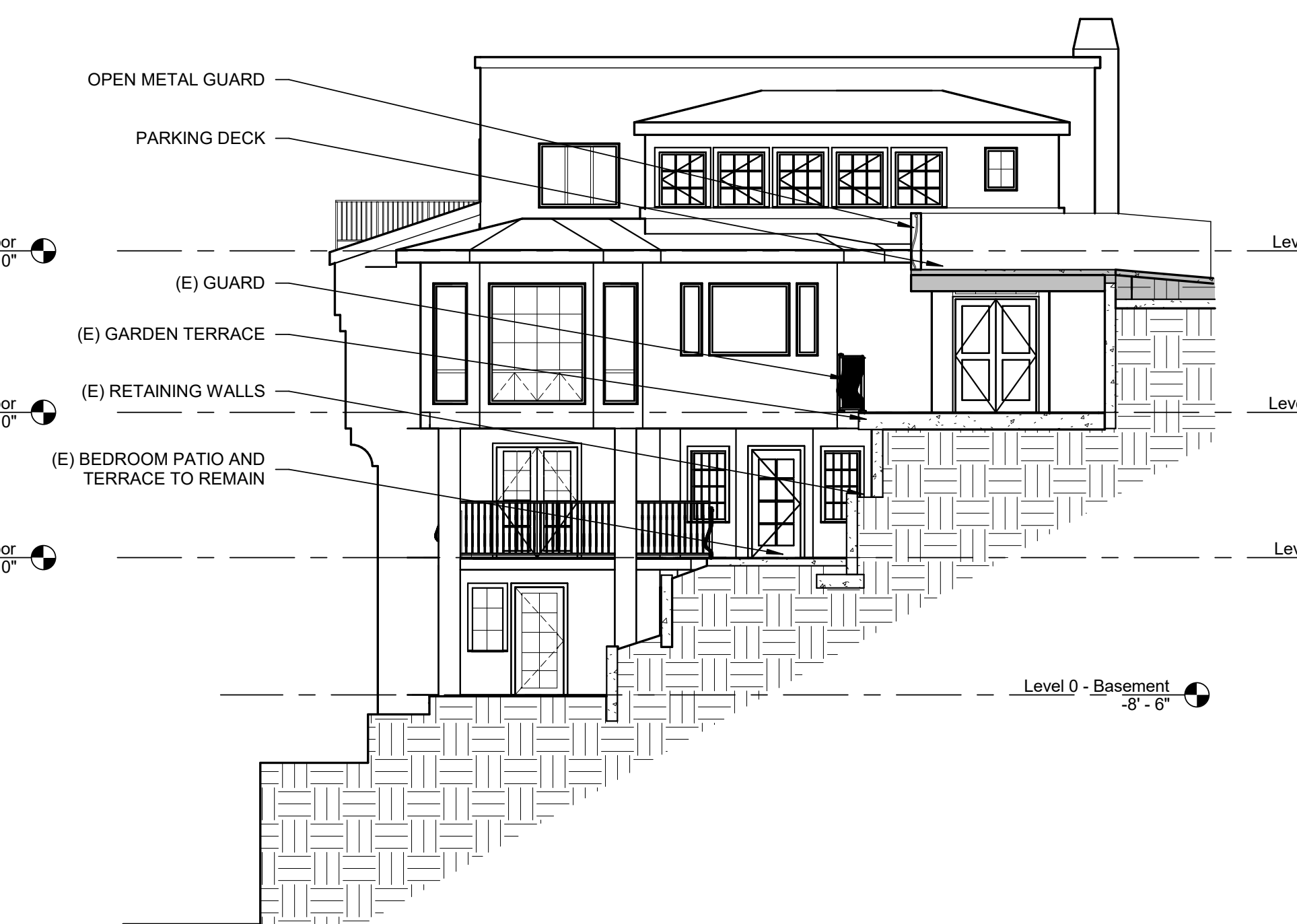
MADE IN USA • Information appearing hereon is proprietary and confidential and may not be used without the permission of Evergreen Lighting.

MADE IN USA

TYPICAL GARAGE WALL MOUNTED EXTERIOR LIGHT FIXTURE



4 EAST ELEVATION - EXISTING
1/8" = 1'-0"

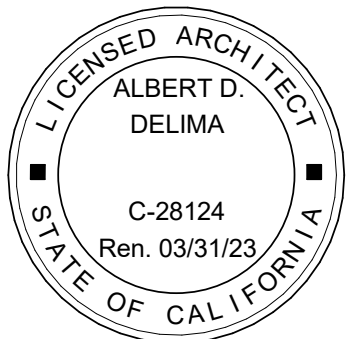


3 EAST ELEVATION - PROPOSED
1/8" = 1'-0"



WEIR|ANDREWSON ASSOCIATES, INC
ARCHITECTS & ENGINEERS

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San Rafael, CA 94901
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Weinzierl Residence

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APN 060-102-043

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	06/03/2021	DESIGN REVIEW
1	10/20/2021	DESIGN REVIEW
4	03/28/2022	DESIGN REVIEW
5	05/30/2022	DES. REV. III

SCALE:	As indicated
DRAWN BY:	AD/MB
CHECKED BY:	AD
JOB NUMBER:	18034

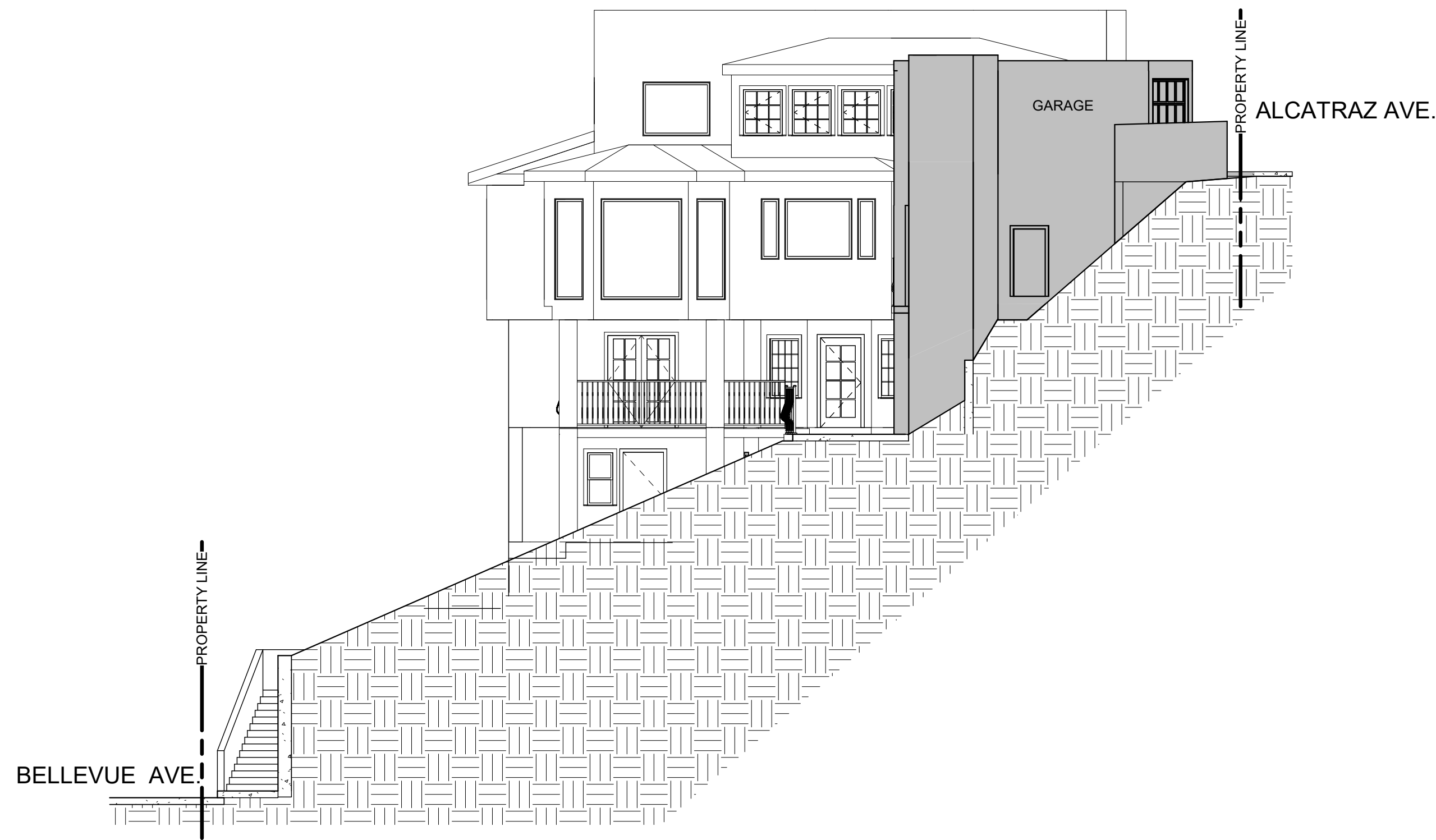
SHEET TITLE
RESIDENCE ELEVATIONS

DRAWING

A-201

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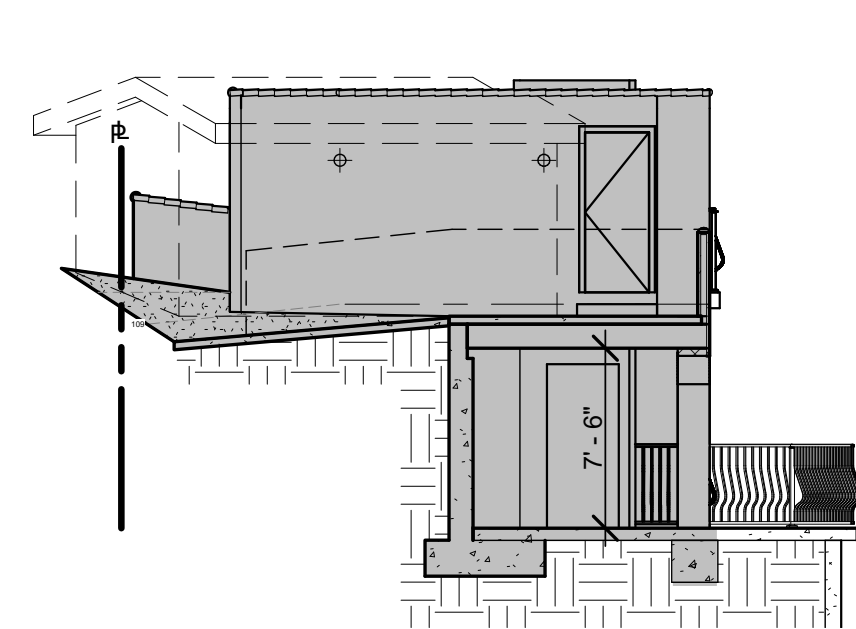
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5/31/2022 9:42:03 AM



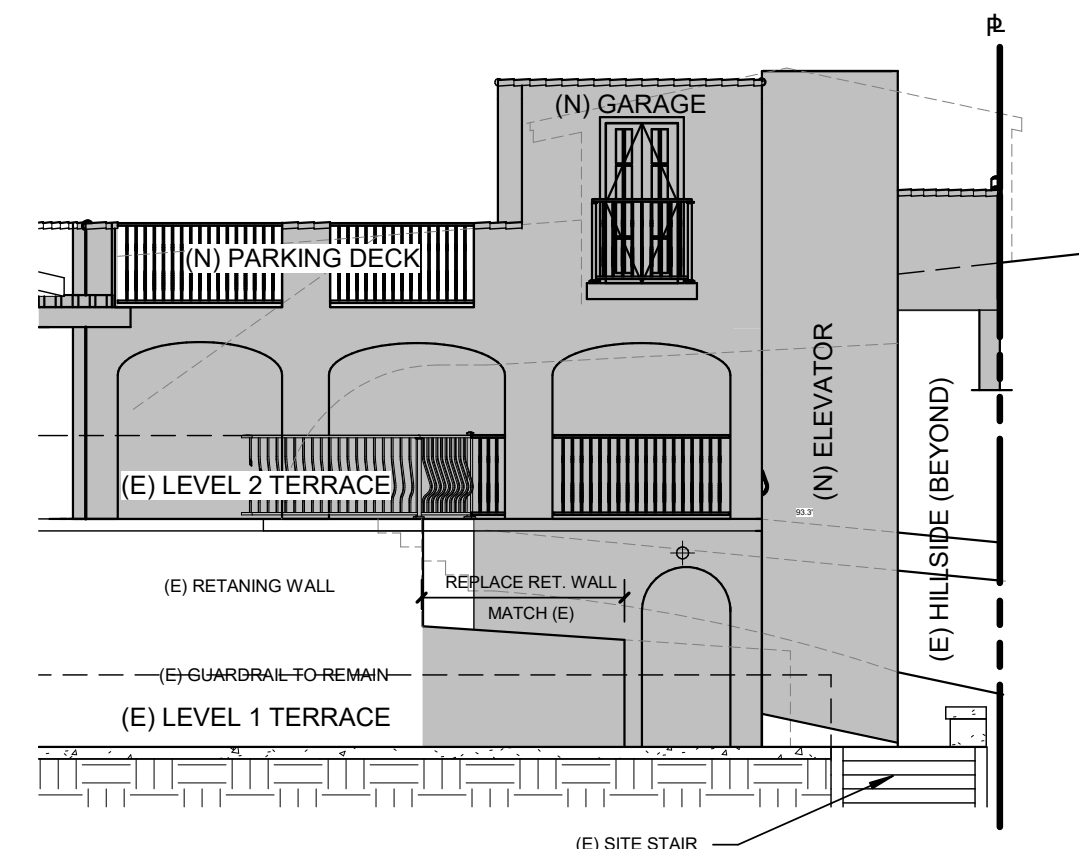
3 EAST ELEVATIONS (COMBINED)
1/8" = 1'-0"

EXTERIOR FINISHES

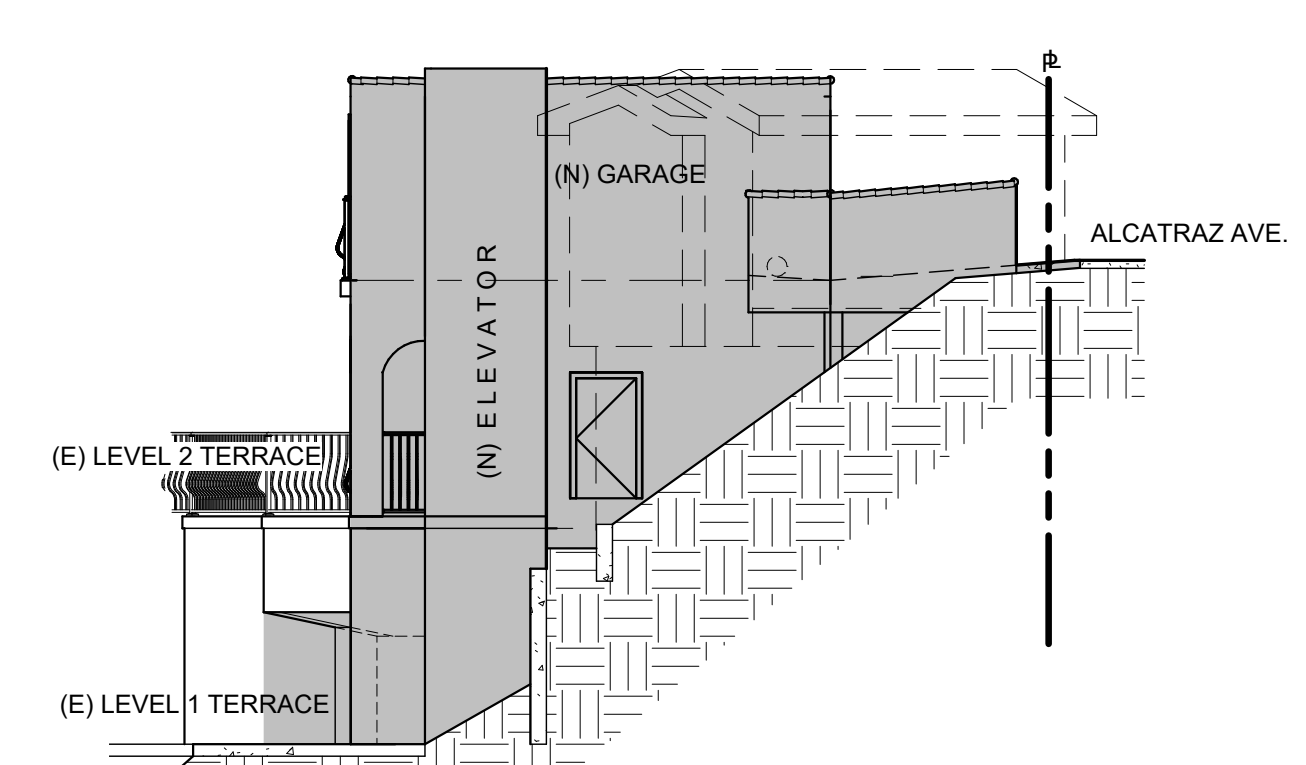
LOCATION/ELEMENT	EXISTING	PROPOSED
SIDING	PAINTED STUCCO	MATCH EXISTING
FENESTRATION & TRIM	PAINTED WOOD AND CLAD WOOD	MATCH EXISTING
FLAT ROOF	TAR AND GRAVEL	MEMBRANE W/ (GRAY) GRANULAR CAP SHEET
SLOPED ROOF	TERRACOTTA TILE	MATCH EXISTING
PARAPET & GUARD CAP	TERRACOTTA TILE	MATCH EXISTING



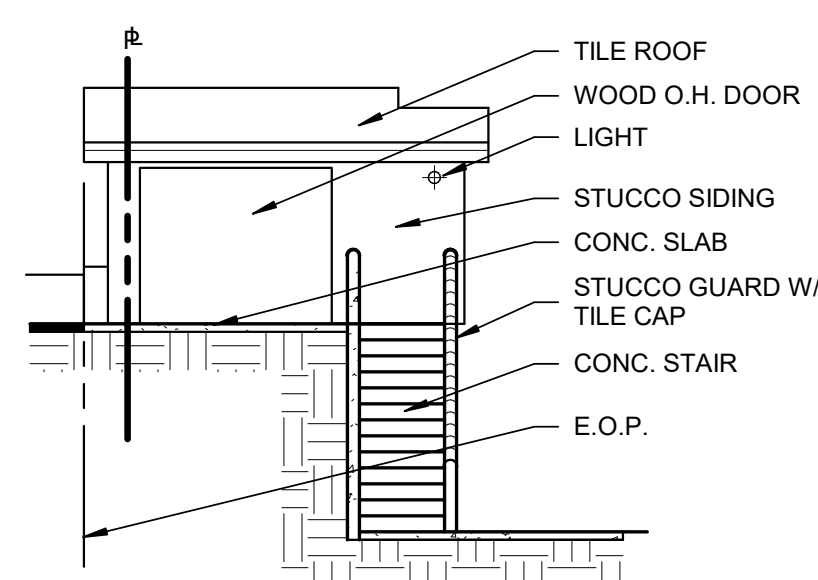
11 GARAGE WEST ELEVATION
1/8" = 1'-0"



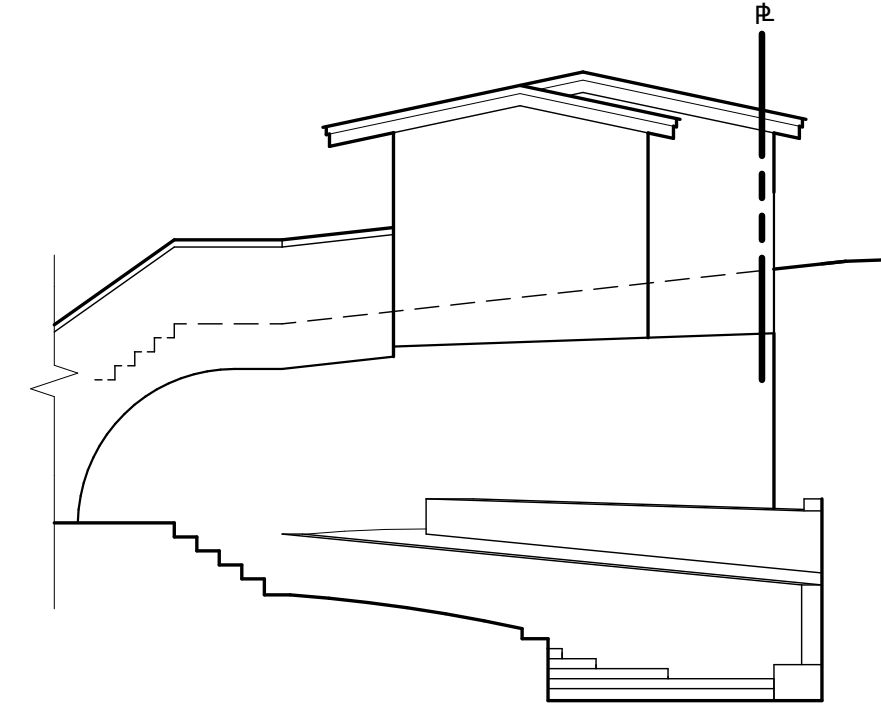
7 GARAGE SOUTH - PROPOSED
1/8" = 1'-0"



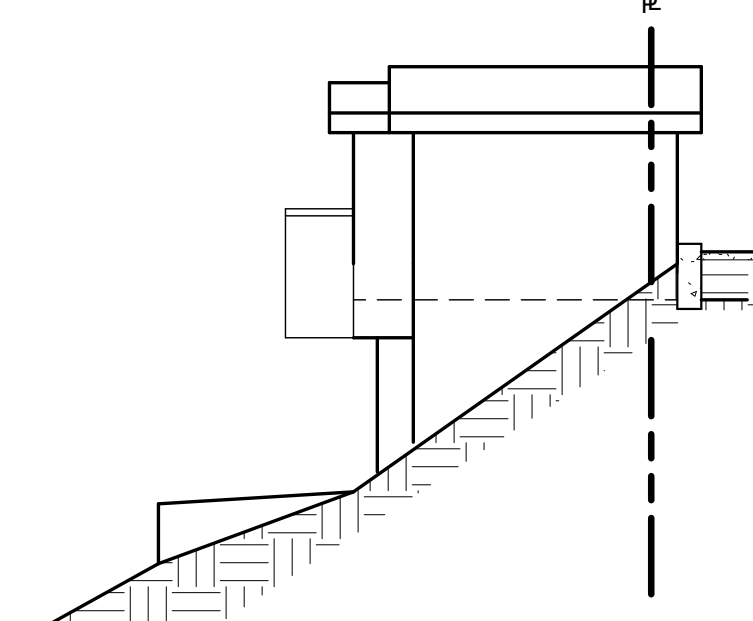
2 GARAGE EAST - PROPOSED
1/8" = 1'-0"



10 GARAGE WEST - EXISTING
1/8" = 1'-0"



6 GARAGE SOUTH - EXISTING
1/8" = 1'-0"



1 GARAGE EAST - EXISTING
1/8" = 1'-0"

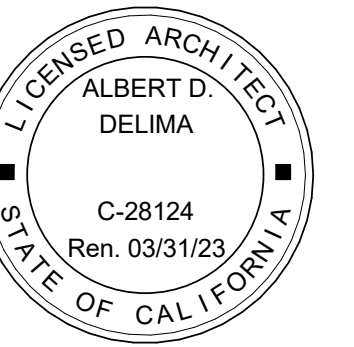
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5	05/30/2022	DES. REV. III

SCALE: As indicated

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CHECKED BY: AD

JOB NUMBER: 18034

SHEET TITLE
GARAGE ELEVATIONS

DRAWING

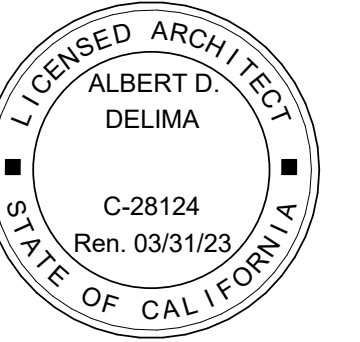
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5	05/30/2022	DES. REV. III

SCALE: 1/4" = 1'-0"

DRAWN BY: AD / MB

CHECKED BY: AD

JOB NUMBER: 18034

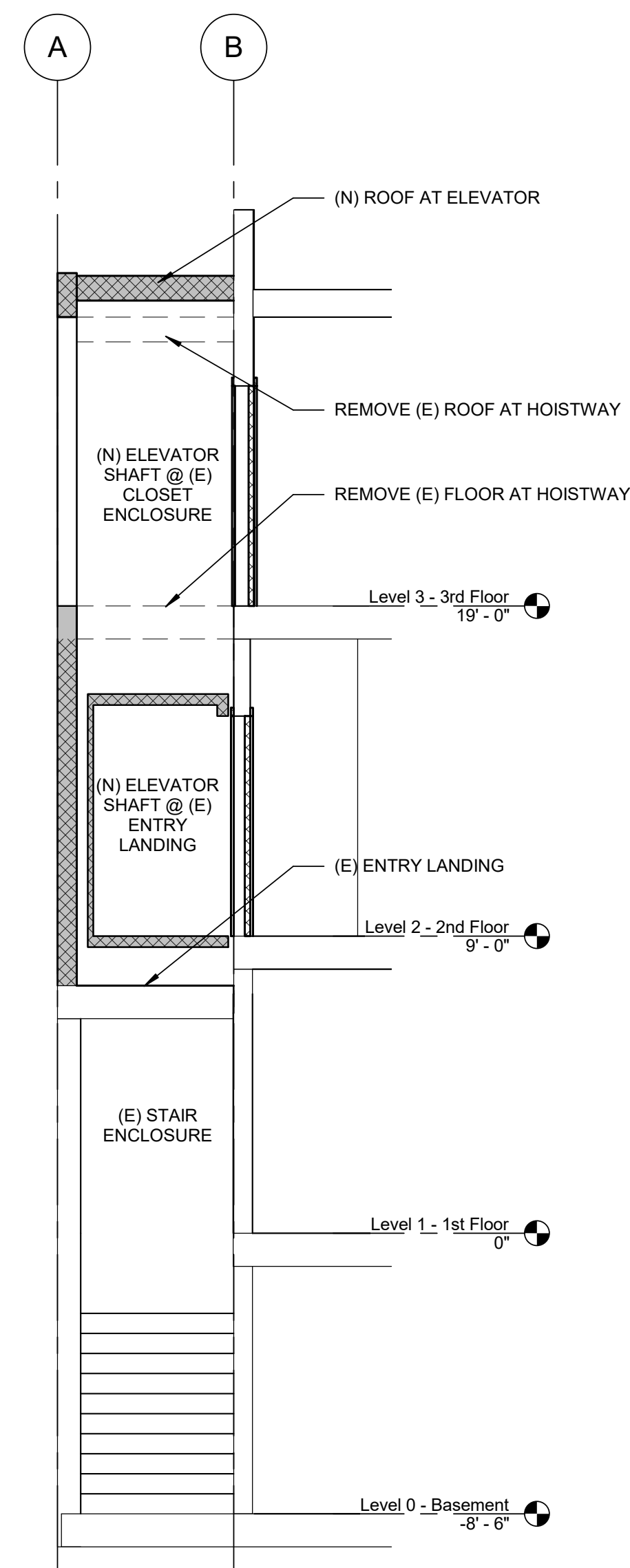
SHEET TITLE

SECTIONS

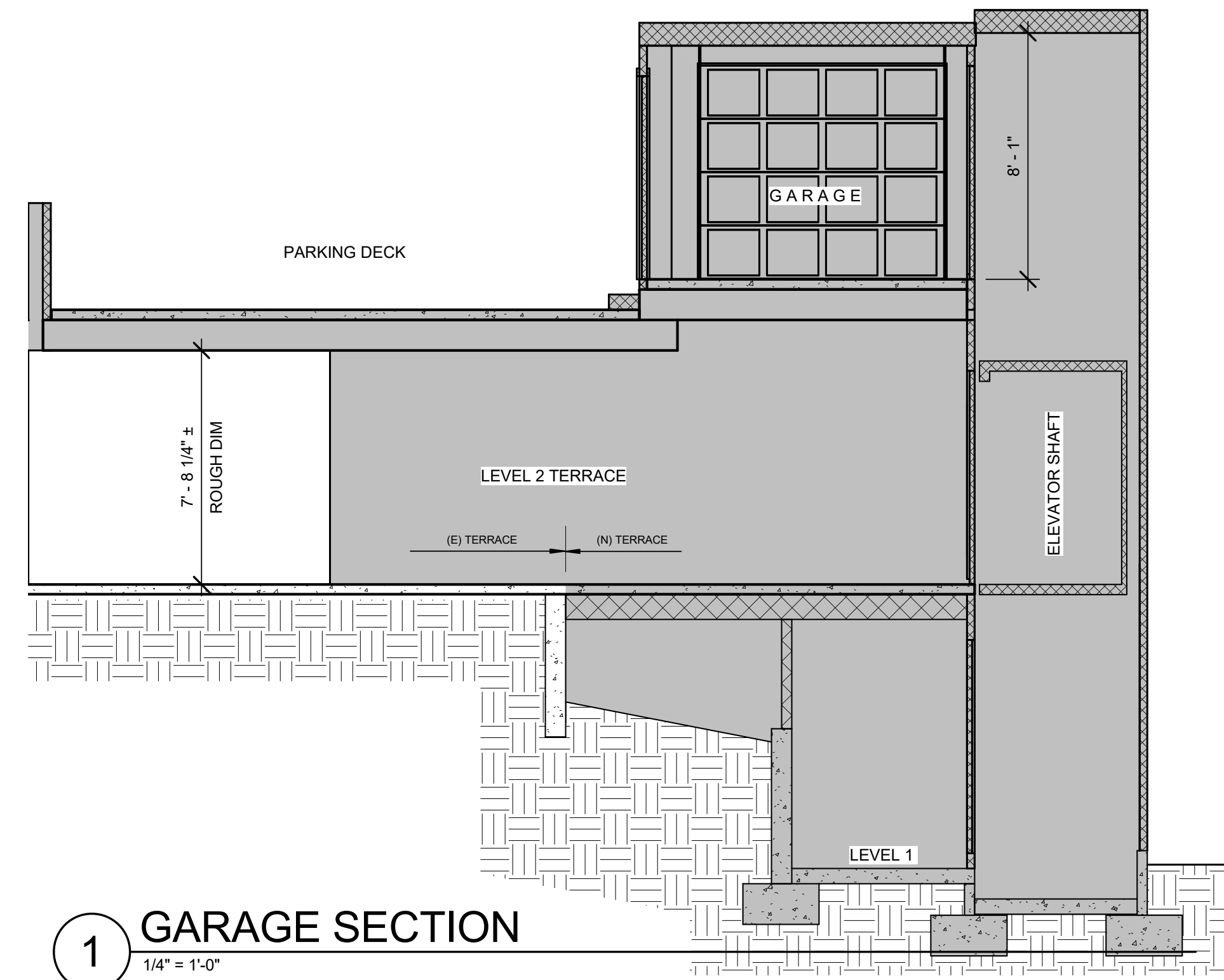
DRAWING

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2 SECTION AT ELEVATOR
1/4" = 1'-0"



1 GARAGE SECTION
1/4" = 1'-0"

ALCATRAZ AVENUE



MAGRANE ASSOCIATES
LANDSCAPE DESIGN

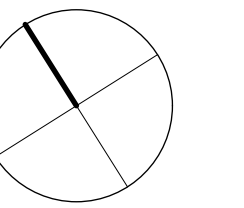
SAN FRANCISCO
POST OFFICE BOX 40549
SAN FRANCISCO, CALIFORNIA 94140
TEL. 415.821.0233
FAX. 415.821.7438

SONOMA
362 W. NAPA STREET
SONOMA, CALIFORNIA 95476
TEL. 707.935.7309
FAX. 707.935.6380

WWW.MAGRANE.COM
LIC. #437488

WEINZIERL RESIDENCE

31 ALCATRAZ AVENUE
BELVEDERE, CA



REVISIONS

3/29/22

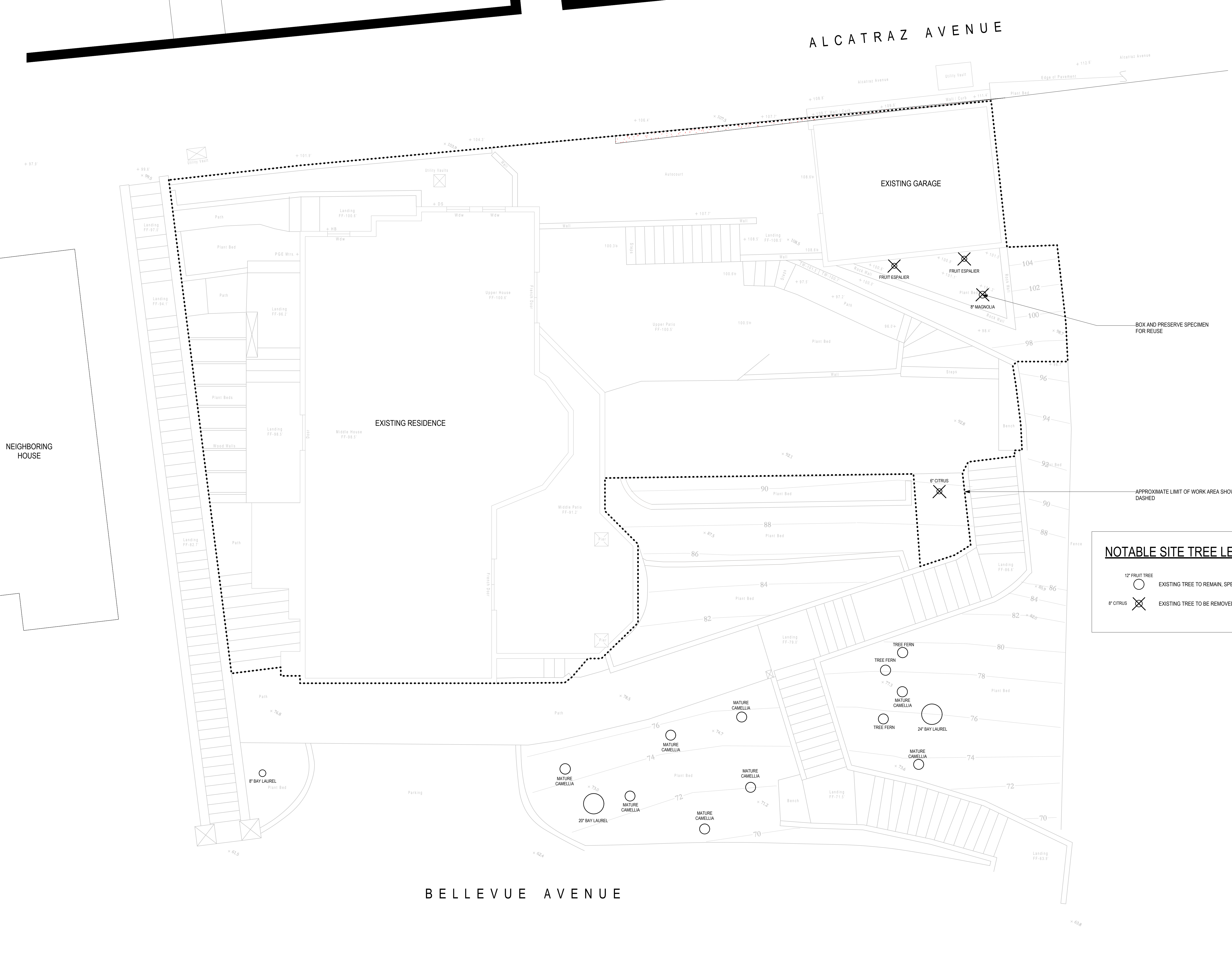
5/27/22

NOTABLE SITE TREE LEGEND

- 12' FRUIT TREE EXISTING TREE TO REMAIN, SPECIES AND DIAMETER
- 8" CITRUS EXISTING TREE TO BE REMOVED, SPECIES AND DIAMETER

BOX AND PRESERVE SPECIMEN FOR REUSE

APPROXIMATE LIMIT OF WORK AREA SHOWN
DASHED



BELLEVUE AVENUE

EXISTING LANDSCAPE

L1.0

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ALCATRAZ AVENUE



PERMEABLE SURFACING TOTALS:

PERMEABLE SURFACING (FULL SITE EXISTING EXCLUDING RESIDENCE):	• PLANTING AREA: 1,825 S.F.
IMPERMEABLE PAVING (FULL SITE EXISTING):	• 2,400 S.F.
PERMEABLE SURFACING (NEW PLAN FULL SITE):	• INCLUDES PLANTING WITHIN LIMIT OF WORK AREA AND EXISTING TO REMAIN: 1,575 S.F.
IMPERMEABLE PAVING (NEW PLAN FULL SITE):	• 2,650 S.F.



MAGRANE ASSOCIATES
LANDSCAPE DESIGN

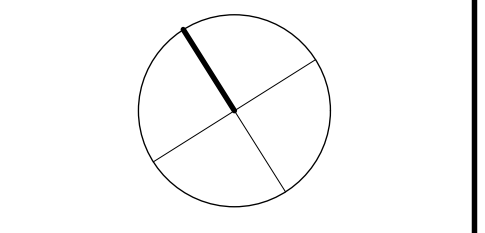
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BELVEDERE, CA



REVISIONS

10/20/21
3/29/22
5/27/22



DATE: 6/3/21
SCALE: 1/4"=1'-0"
DRAWN: DJG

PRELIMINARY LANDSCAPE PLAN

L2.0

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ALCATRAZ AVENUE



MAGRANE
ASSOCIATES
LANDSCAPE
DESIGN

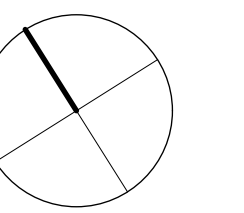
SAN FRANCISCO
POST OFFICE BOX 40549
SAN FRANCISCO,
CALIFORNIA 94140
TEL. 415.821.0233
FAX. 415.821.7438

SONOMA
362 W. NAPA STREET
SONOMA,
CALIFORNIA 95476
TEL. 707.935.7309
FAX. 707.935.6380

WWW.MAGRANE.COM
LIC. #437488

WEINZIERL
RESIDENCE

31 ALCATRAZ AVENUE
BELVEDERE, CA



REVISIONS

10/20/21
3/29/22
5/27/22



DATE: 4/7/21

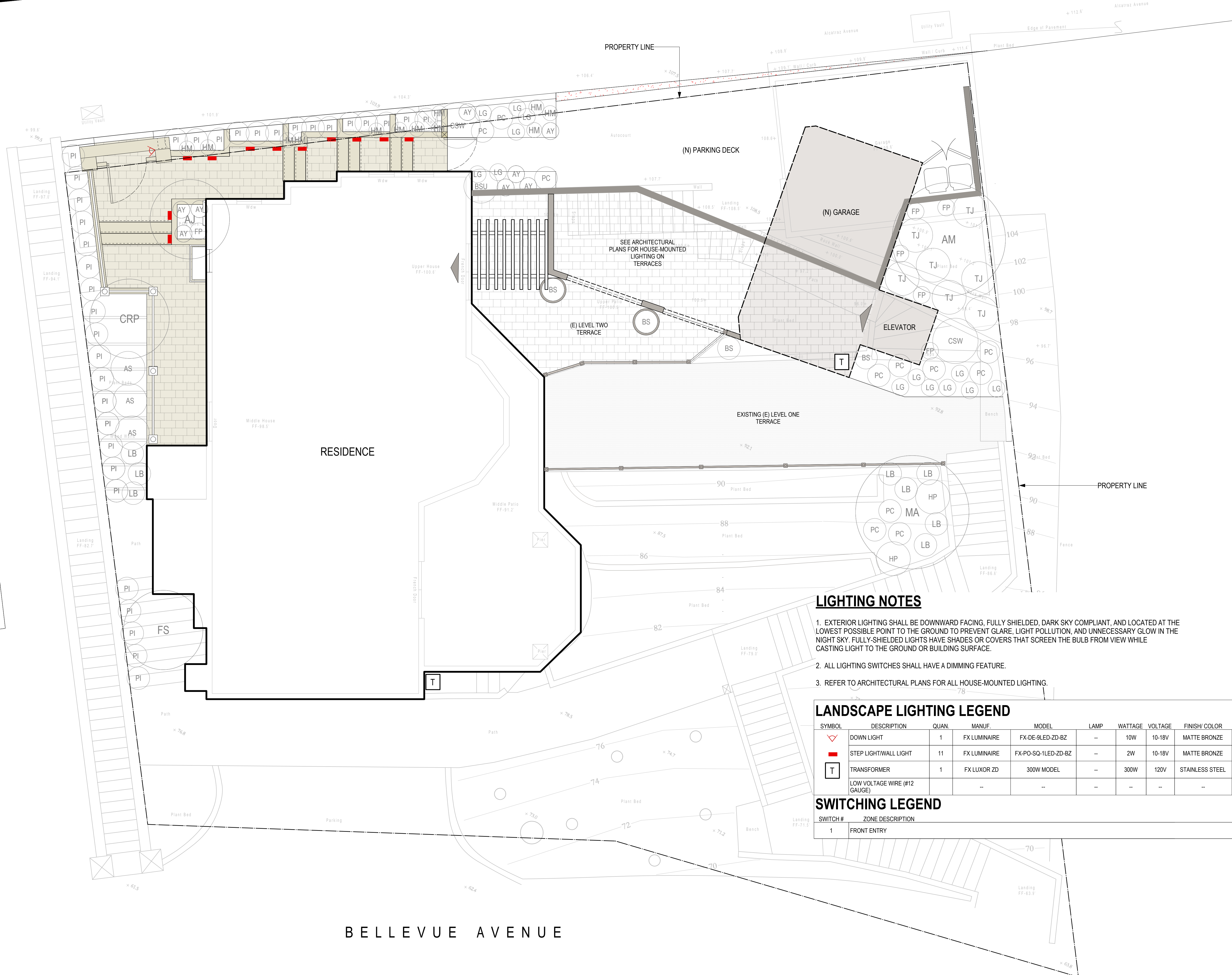
SCALE: 1/4"=1'-0"

DRAWN: DJG

PRELIMINARY
LIGHTING
PLAN

L4.0

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LIGHTING NOTES

- EXTERIOR LIGHTING SHALL BE DOWNWARD FACING, FULLY SHIELDED, DARK SKY COMPLIANT, AND LOCATED AT THE LOWEST POSSIBLE POINT TO THE GROUND TO PREVENT GLARE, LIGHT POLLUTION, AND UNNECESSARY GLOW IN THE NIGHT SKY. FULLY-SHIELDED LIGHTS HAVE SHADES OR COVERS THAT SCREEN THE BULB FROM VIEW WHILE CASTING LIGHT TO THE GROUND OR BUILDING SURFACE.
- ALL LIGHTING SWITCHES SHALL HAVE A DIMMING FEATURE.
- REFER TO ARCHITECTURAL PLANS FOR ALL HOUSE-MOUNTED LIGHTING.

LANDSCAPE LIGHTING LEGEND

SYMBOL	DESCRIPTION	QUAN.	MANUF.	MODEL	LAMP	WATTAGE	VOLTAGE	FINISH COLOR	NOTES
	DOWN LIGHT	1	FX LUMINAIRE	FX-DE-9LED-ZD-BZ	--	10W	10-18V	MATTE BRONZE	
	STEP LIGHT/WALL LIGHT	11	FX LUMINAIRE	FX-PO-SQ-1LED-ZD-BZ	--	2W	10-18V	MATTE BRONZE	
	TRANSFORMER	1	FX LUXOR ZD	300W MODEL	--	300W	120V	STAINLESS STEEL	TO BE LOCATED
	LOW VOLTAGE WIRE (#12 GAUGE)	--	--	--	--	--	--	--	FINAL LAYOUT AND SPECIFICATION TBD

SWITCHING LEGEND

SWITCH #	ZONE DESCRIPTION
1	FRONT ENTRY

NEIGHBORING HOUSE

RESIDENCE

BELLEVUE AVENUE

LANDSCAPE LIGHTING CONTROLS

Quick Facts

- Zone control: Up to 250 individual lighting groups of fixtures
- Color control: Create 30,000 colors per zone
- Scene/Theme creation: Up to 40 custom lighting themes
- Wireless control: Optional iOS® and Android™ app
- Dimming control: Adjust the intensities from 0-100%
- UL-1838, UL-379 compliant
- Astronomical timing
- Compatible with FX Luminaire Designer Series LED fixtures
- Event-based scheduling
- Calendar-based programming
- 304 stainless steel and powdercoated galvanized construction



STEP LIGHTS

FXLuminaire

LED Wall Lights



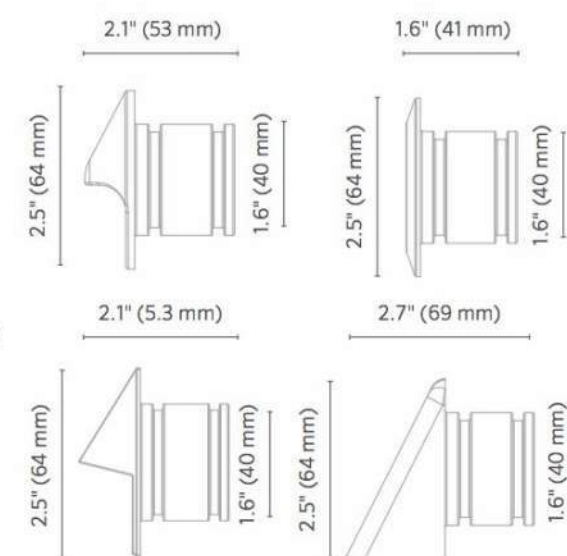
PROJECT _____
 CATALOG # _____
 TYPE _____
 NOTES _____

PO Wall Light DESIGNER PREMIUM

1 LED recessed wall light available in four brass faceplate styles for any application.

Quick Facts

- Die-cast brass or aluminum
- Natural, powder-coated, or antique brass
- Cree® integrated LEDs
- Color temperature filters
- Compatible with Luxor® technology
- Phase and PWM dimmable
- Input voltage: 10-15V



DOWNLIGHT

FXLuminaire

LED



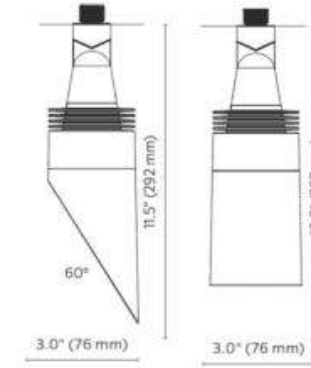
PROJECT _____
 CATALOG # _____
 TYPE _____
 NOTES _____

DE Down Light DESIGNER PLUS

Practical directional down light in 1, 3, 6, or 9 LED. Aluminum construction. An RGBW version is also available for use with ZDC systems.

Quick Facts

- Die-cast aluminum
- Two-layer marine-grade anodization and powder coat finish
- Cree® integrated LEDs
- ProAim™ adjustability
- Tamper-resistant features
- Color temperature filters
- Compatible with Luxor® technology
- Phase and PWM dimmable
- Input voltage: 10-15V



MAGRANE
 ASSOCIATES
 LANDSCAPE
 DESIGN

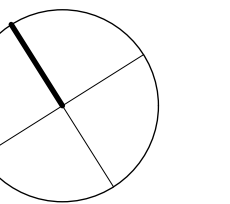
SAN FRANCISCO
 POST OFFICE BOX 40549
 SAN FRANCISCO,
 CALIFORNIA 94140
 TEL. 415.821.0233
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SONOMA
 362 W. NAPA STREET
 SONOMA,
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 TEL. 707.935.7309
 FAX. 707.935.6380

WWW.MAGRANE.COM
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WEINZIERL
 RESIDENCE

31 ALCATRAZ AVENUE
 BELVEDERE, CA



REVISIONS

3/29/22

DATE: 3/14/22

SCALE: NOT TO SCALE

DRAWN: DJG

PRELIMINARY
 LIGHTING
 SPECIFICATIONS

L4.1

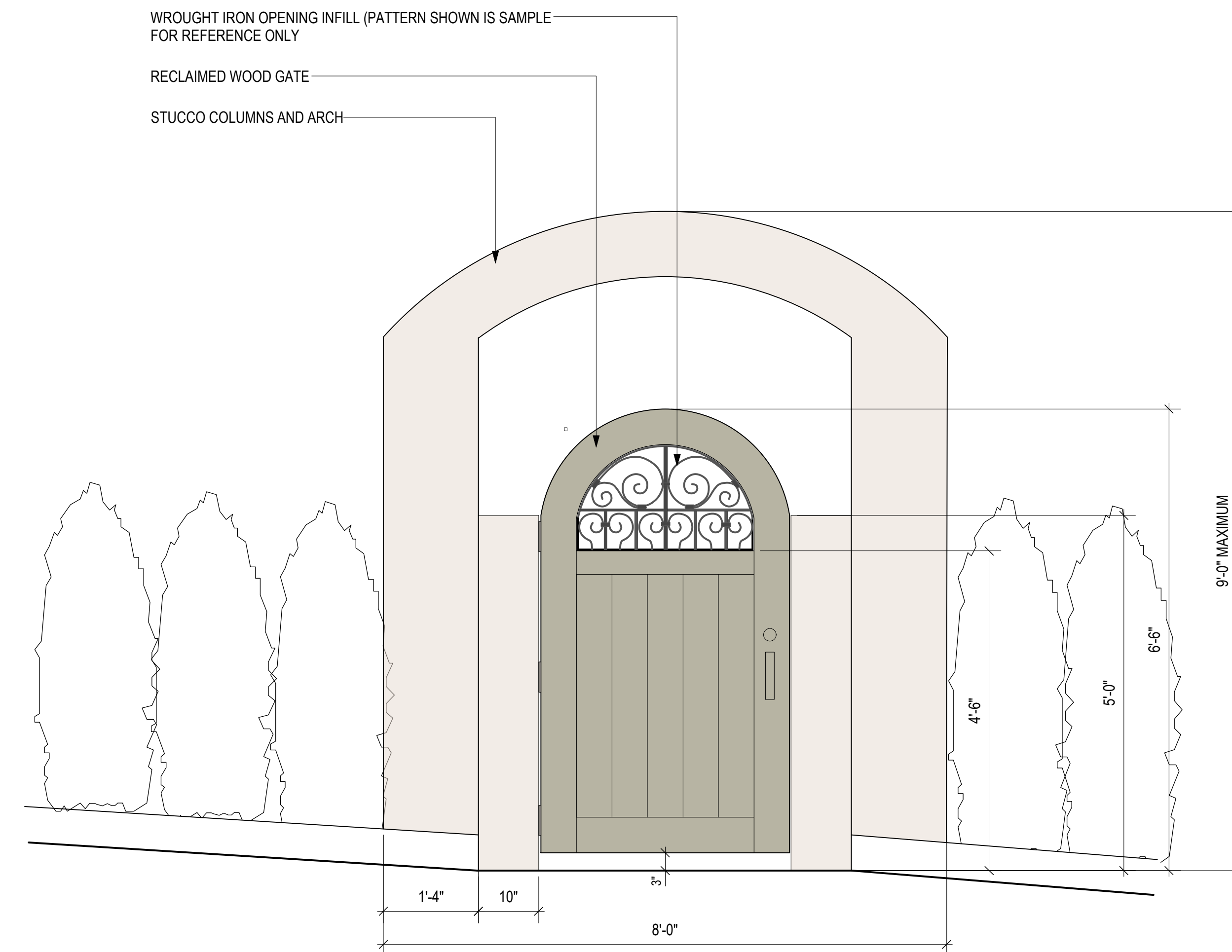
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3 5' PODOCARPUS 'ICEE BLUE' HEDGE PLANTING EXAMPLE
SCALE: NOT TO SCALE



2 HAND AND GUARD RAIL IMAGERY
SCALE: NOT TO SCALE



1 FRONT ENTRY GATE
SCALE: 1/2" = 1'-0"



MAGRANE
ASSOCIATES
LANDSCAPE
DESIGN

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**WEINZIERL
RESIDENCE**

31 ALCATRAZ AVENUE
BELVEDERE, CA

REVISIONS

	3/29/22
	5/27/22



DATE: 6/3/21

SCALE: AS SHOWN

DRAWN: DJG

**PRELIMINARY
LANDSCAPE
DETAILS**

L5.0

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NOTE:
NEW PROPOSED PLANTING SHOWN ONLY



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DESIGN

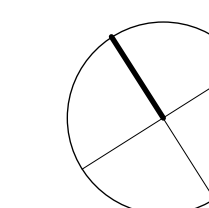
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31 ALCATRAZ AVENUE
BELVEDERE, CA



REVISIONS

	10/20/21
	3/29/22
	5/27/22

DATE: 6/3/21

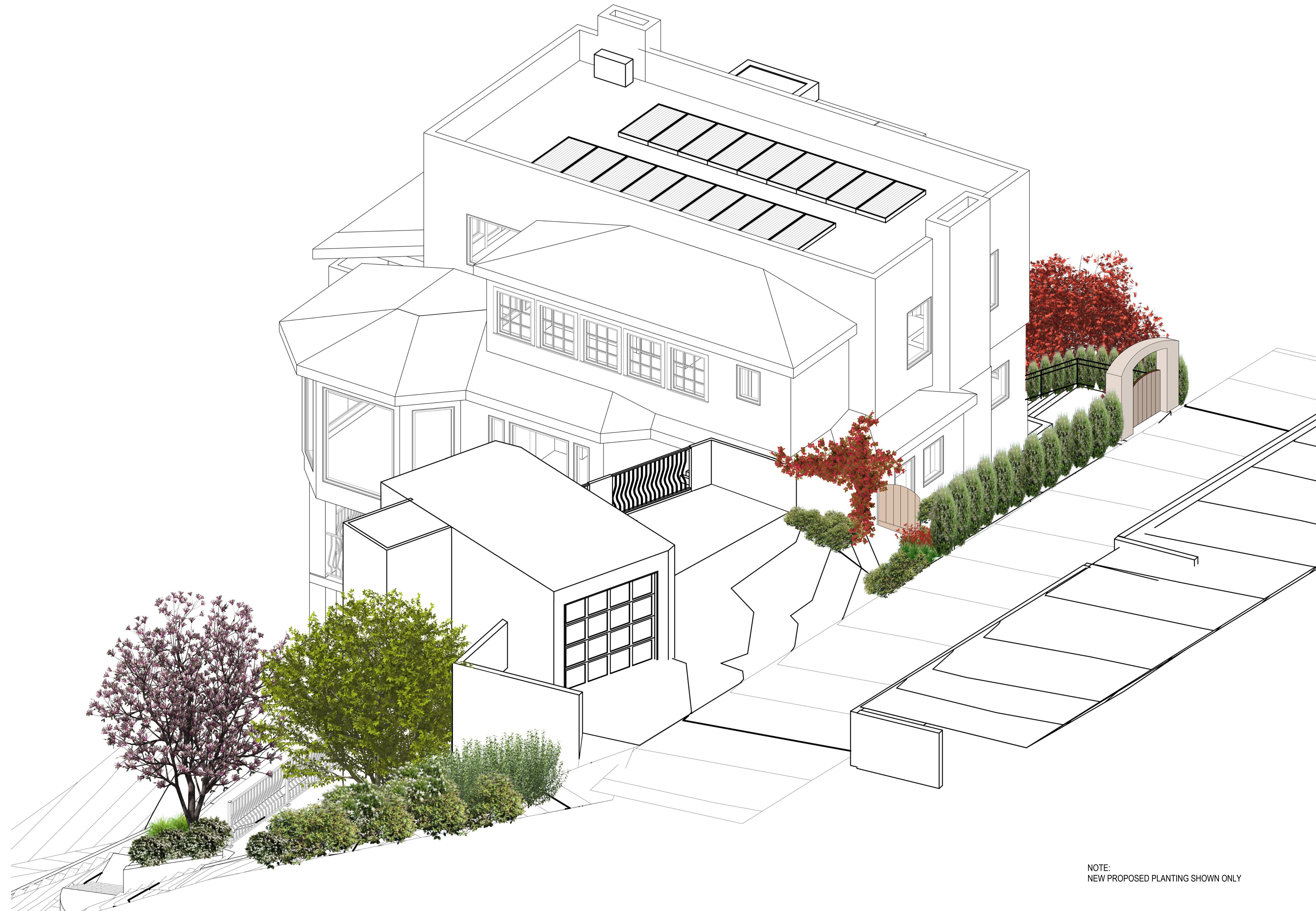
SCALE: 1/4"=1'-0"

DRAWN: DJG

LANDSCAPE
PERSPECTIVE
FROM BELLEVUE

L6.0

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LANDSCAPE
DESIGN

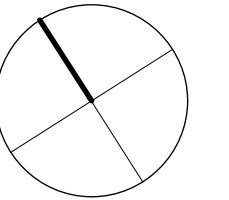
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RESIDENCE**

31 ALCATRAZ AVENUE
BELVEDERE, CA



REVISIONS

	10/20/21
	3/29/22
	5/27/22

DATE: 6/3/21

SCALE: 1/4"=1'-0"

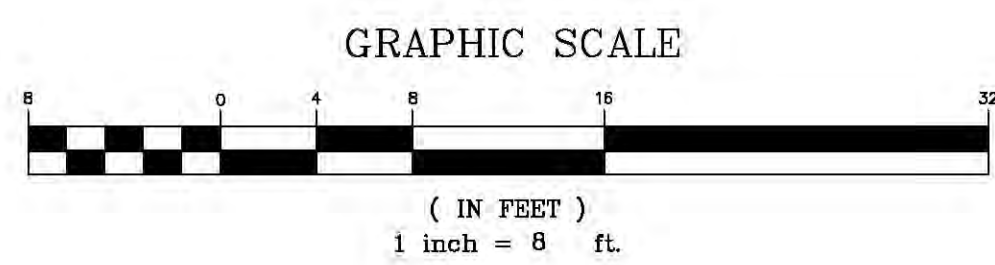
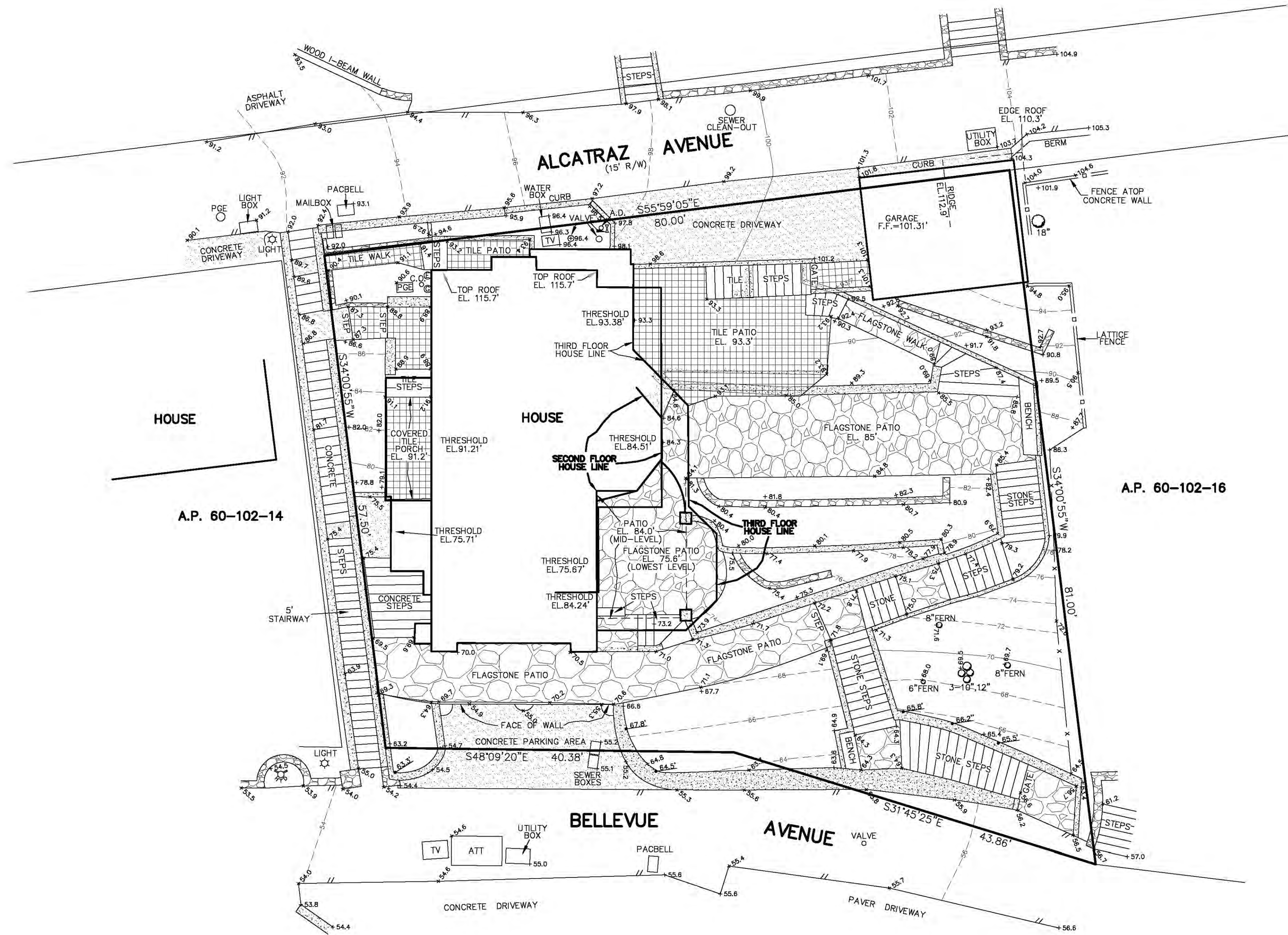
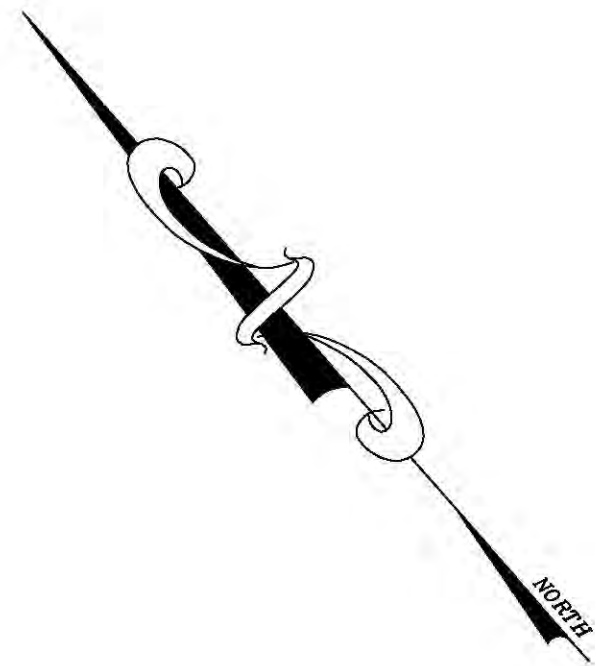
DRAWN: DJG

**LANDSCAPE
PERSPECTIVE
FROM ALCATRAZ**

L6.1

NOTE:
NEW PROPOSED PLANTING SHOWN ONLY

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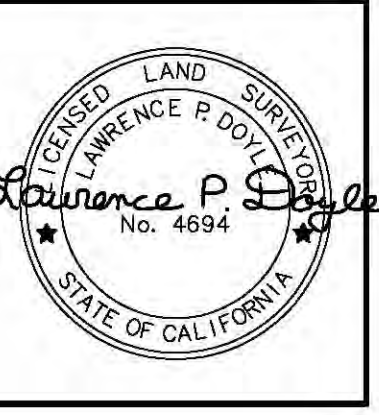
LEGEND

	TREE (AS INDICATED)
	TOP OF WALL ELEVATION
	CONCRETE
	GRADE BREAK
	WIRE FENCE
	WOOD FENCE
	EDGE OF PAVEMENT
	SURVEY CONTROL POINT
	JOINT POLE
	CONCRETE WALL
	ROCK WALL
	ROCK BORDER
	ELECTRIC / GAS METER

- NOTES**
1. ONLY SIGNIFICANT TREES SHOWN
 2. LOT MAY BE SUBJECT TO EASEMENTS NOT SHOWN
 3. DATUM IS PER MARIN GIS MAPPING
 4. BASIS OF BEARING IS PER 2011 M 54
 5. A RECORD OF SURVEY WILL BE FILED

LAWRENCE DOYLE
 LAND SURVEYOR
 CIVIL ENGINEER
 100 HELENS LANE
 MILL VALLEY, CA 94541
 415 388 9585 F 415 388 0412

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 THIS DRAWING IS THE PROPERTY OF LAWRENCE P. DOYLE LAND SURVEYOR CIVIL ENGINEER AND MAY NOT BE DUPLICATED OR USED WITHOUT PERMISSION



31 ALCATRAZ AVENUE
 BELVEDERE CALIFORNIA
 A.P. 60-102-43

TOPOGRAPHIC SURVEY

DRAWN BY: CPD
 DATE: 12/23/21
 ISSUE: _____

C-1
 DRAWING NUMBER: 2865
 SHEET 1 OF 1



**CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: 6/13/2022 **AGENDA ITEM: 3**
MEETING DATE: 6/21/2022
TO: City of Belvedere Planning Commission
FROM: Irene Borba, Director of Planning and Building
REVIEWED BY: Ann Danforth, Assistant City Attorney
SUBJECT: Design Review (retroactive) and Variance application for a batting cage for the property located at 400 San Rafael Avenue

RECOMMENDATION

The applicant is requesting Design Review for a batting cage which was constructed without prior approval at the rear of the property.

Additionally, a Variance is required for encroachment into the setback.

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

MOTION 1 Adopt the Resolution denying Retroactive Design Review and Variance for a batting cage for the property located at **400 San Rafael Avenue (Attachment 1)**.

PROPERTY SUMMARY

Project Address: 400 San Rafael Avenue
APN: 060-042-01
Project Applicant/Property Owners: Joe Miller and Ann Sheridan
GP Designation: Medium Density Residential SFD - 3.1 to 6.0 units/net acre
Zoning: R-1L Zoning District, Belvedere Lagoon
Existing Use: Single Family Residential

Site Characteristics: The project site is a 6,780-square-foot corner lot in the R-1L Zone - Belvedere Lagoon. The lot is relatively flat, and the site is developed with an existing single-family residence and carport. Single-family residences are directly adjacent to the subject property.

PROJECT DESCRIPTION/ANALYSIS

As noted above, the property owner is requesting retroactive design review and a variance for encroachment into the setbacks for a batting cage that was constructed without design review. Prior to installing the batting cage, the property owner Mr. Miller had inquired with planning staff on the process for installing the structure; he was told it would require design review.

The structure encroaches into the side yard setback; the required setback is 5' and the structure is 2 feet from the side property boundary line. The structure consists of four 4x6 wood posts in the ground and netting that hangs from the posts. Lighting was also installed; however, these lights are a typical string lights which can plug into any electrical outlet.

RETROACTIVE DESIGN REVIEW

Section 20.04.050 (B)(1) states that an application may be made for retroactive design review for a structure which lacks or is not in compliance with Planning Commission approval or condition of approval or built or commenced without design review approval, by application and submission of an application fee as established by resolution of the City Council and plans and other data in the prescribed form and conditions. An application for retroactive design review shall be processed as provided in Sections 20.04.020 and 20.040.030 of the Code, provided however, that any application that would qualify for administrative approval pursuant to Section 20.04.020 (B) shall be processed according to the procedures set forth for a design review exception pursuant to Section 20.04.020 (B) (3). The request did not qualify to be processed as a Design Review Exception as a Variance is required of the structure.

Section 20.04.050 (B)(2) additionally states that, if the Planning Commission finds, based upon substantial evidence in the record that the applicant has intentionally preceded with construction without obtaining the required Design Review approval, the Planning Commission may *deny* the application for Retroactive Design Review and require removal of improvements on that ground alone. As noted above, staff had told the property owner before he built the structure that the project needed design review.

Here Staff suggests and recommends that the Planning Commission deny the application(s) and require the removal of the improvements. As noted above, Staff does not believe that each of the required findings can be made to support the project as designed/constructed. Additionally, the structure requires a Variance and staff does not believe that the evidence in the record supports the required Variance findings.

DESIGN REVIEW

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 Design Review findings, specified in the Belvedere Municipal Code, state that soft and muted colors in the earthtone and woodtone range are preferred and should predominate generally.

As detailed in the draft resolution (**Attachment 1**), and as explained below, Staff is concerned with the requested Variance to encroach into the setbacks. The structure possibly could have been designed and constructed in such a manner to allow for greater setbacks from the side property

lines. Screening could have been provided along the property boundary to screen the structure. Staff recommends denial of the requested retroactive design review request.

VARIANCE - (Encroachment into the side yard setback)

Staff is unable to support the requested Variance and recommends its denial. There is no evidence of special circumstances pertaining to the property nor any evidence that denial of the Variance will deny the property owner of privileges enjoyed by other properties in the vicinity. Given the proximity of the structure to adjacent properties and structures, as proposed the project would be detrimental to the public health, safety and welfare, and injurious to the property or improvements of owners of other premises.

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 *June 13, 2022*, staff determined that the proposed project is categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project includes the construction of a batting cage involving negligible or no expansion of use beyond that existing. It can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, as defined by CEQA.

Staff believes that project is exempt from CEQA by the Common Sense Exemption. This exemption applies where 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).) CEQA provides certain exceptions where such categorical exemptions may not be used. The only potentially applicable such exception is where the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Staff sees 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 Medium Sensitivity site for Tribal Cultural Resources in the Belvedere 2030 General Plan Historical Resources Map.

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 received one letter of concern (San Rafael Avenue resident). The concern is related to the noise from the batting cage.

CONCLUSION

Staff cannot make all the required findings for the Retroactive Design Review Permit and Variance. Staff has provided for Commission consideration a draft Resolution of denial for the requested applications. Given that staff is unable to make the required findings staff recommends that the subject be required to be removed and that a plan be required illustrating how that area will be repaired/replaced once the structure is removed.

Alternatively, the Commission may do either of the following:

- Should the Commission be able to approve the Retroactive Design Review and Variance for the structure, it could direct staff to return with Resolutions of approval in July. Should

the Commission opt for this course, staff requests that the Commission explain how it can make the findings based on the evidence in the record.

- Deny the application requests, order the structure's removal, and suggest that the applicant apply for the Planning Commission's consideration redesigning the structure in such a way as to eliminate the encroachment into the setback and provide landscaping for screening the structure.

CONCLUSION/RECOMMENDATION

Staff is unable to make the required findings and recommends the Planning Commission deny the proposed project. Staff recommends the commission take the following action:

MOTION 1 Adopt the Resolution denying Retroactive Design Review and Variance for a batting cage for the property located at **400 San Rafael Avenue (Attachment 1)**.

ATTACHMENTS

- Attachment 1: Draft Resolution Denying Retroactive Design Review and Variance for encroachment into the side yard setback for batting cage and storage area and ordering its removal
- Attachment 2: Applications and Project Plans
- Attachment 3: Correspondence

CITY OF BELVEDERE

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY OF BELVEDERE DENYING RETROACTIVE DESIGN REVIEW AND VARIANCE REQUESTS FOR A BATTING CAGE LOCATED AT THE REAR OF THE PROPERTY LOCATED AT 400 SAN RAFAEL AVENUE

WHEREAS, proper applications have been submitted for Retroactive Design Review pursuant to Title 20 of the Belvedere Municipal Code and for A Variance pursuant to Title 19 for an unpermitted batting cage structure located at 400 San Rafael Avenue; and

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

WHEREAS, Belvedere Municipal Code section 20.04.050 allows the Planning Commission to *deny* Retroactive Design Review if the Planning Commission finds, based upon substantial evidence in the record that the applicant has intentionally proceeded with construction without obtaining the required Design Review approval for a project that was constructed without previous Design Review approval; and

WHEREAS, the Planning Commission held a properly noticed hearing on June 21, 2021, for retroactive design review and the associated variance and considered all evidence in the record and at the public hearing; and

WHEREAS, the Planning Commission on June 21, 2022, at said public hearing found that the applicant intentionally proceeded with construction without obtaining the required Design Review approval for a project that was constructed without previous Design Review approval; and

WHEREAS, the Planning Commission finds based upon the findings set forth in **Exhibit A** attached hereto and incorporated herein, that the proposed project is not 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 and that the required findings for the requested Variances **Exhibit B** cannot be made for encroachment into the setbacks (side setback pursuant to Belvedere Municipal Code Sections 19.26.040.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings set forth above, which are incorporated herein by reference, and as set forth in **Exhibits A and B** and attached hereto, the Planning Commission of the City of Belvedere does hereby:

1. *Deny* approval of the Retroactive Design Review application pursuant to Title 20 of the Belvedere Municipal Code and Variance application(s) for encroachment into the side yard setback pursuant to Title 19 of the Belvedere Municipal code for batting cage; and
2. Direct staff to begin code enforcement if the property owner has not removed the illegal improvements by August 21, 2022.

Resolution 2022 -
400 San Rafael Avenue
June 21, 2022
Page 2

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
RECUSED: Nena Hart
ABSENT:

APPROVED: _____
Patricia Carapiet, Planning Commission Chair

ATTEST: _____
Beth Haener, City Clerk

EXHIBIT A (Design Review)

Retroactive Design Review approval is denied because the following finding cannot be made:

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.

The project encroaches into the side yard setback; the appropriate variance applications have been applied. Given the proximity of the structure to adjacent properties and structures, as proposed the project would be detrimental to the public health, safety and welfare, and injurious to the property or improvements of owners of other premises. No variances have been approved for these nonconformities, and therefore this finding is not satisfied.

EXHIBIT B (Variances)

The Variance application is denied because the following finding cannot be made:

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 batting cage structure in the side yard setback will be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises due to the proximity of the structure from neighboring properties and adjacent structures. The structure is 2' from the side yard property line.

Project Address: 400 San Rafael



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

RECEIVED FOR STAFF USE ONLY

Date: MAR 11 2022 Rec'd. by: NKM Planning Comm. Approval
City of Belvedere Amount: 82500 Project Number: _____ Design Review Exception
+ 826700 Staff Approval
Parcel No.: _____ Zone: RIL
Located in Flood Zone AE VE N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No Yes Permit No.: N/A
Is this property adjacent to a City Owned Lane? No Yes
Is there an Existing Revocable License for this property? No Yes Lic # 2020.35
Does this project have Planning Commission approval? No Yes
Address of Property: 400 San Rafael Ave
Record Owner of Property: JOSEPH MILLER / ANN SHERIDAN
Mailing 400 San Rafael Ave Daytime Phone: (415) 407-9779
Address: Belvedere, CA Fax: N/A
94920 Email: joseph.miller422@gmail.com
Owner's Representative: _____
Mailing _____ Daytime Phone: _____
Address: _____ Fax: _____
Email: _____
Project Description: _____

* SEE ATTACHED *
FOR
DESCRIPTION OF BATTING CASE

ZONING PARAMETERS:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	<u>6,780 sf</u>	<u>6,780 sf</u>	<u>6,780 sf</u>
Lot Coverage	<u>50%</u>	<u>21%</u>	<u>31%</u>
Total Floor Area	<u>.50 or 3,390 sf</u>	<u>1,400 1,400 sf</u>	<u>2,128 sf</u>
Front Yard Setback	<u>N/A</u>	<u>X</u>	<u>X</u>
Left Sideyard Setback	<u>5 ft</u>	<u>10 ft</u>	<u>11 ft</u>
Right Sideyard Setback	<u>5 ft</u>	<u>8 ft</u>	<u>2 ft</u>
Rear Yard Setback	<u>15 ft</u>	<u>38 ft</u>	<u>15 ft</u>
Building Height Maximum...	<u>22 ft</u>	<u>10 ft</u>	<u>10 ft</u>
Building Height Average...	<u>UNKNOWN</u>	<u>10 ft</u>	<u>10 ft</u>
Parking Spaces	<u>N/A (2)</u>	<u>X (3)</u>	<u>X (3)</u>

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

Date Filed: 3/10/22 (To Be Completed by Applicant)

General Information

- Name and address of developer or project sponsor: N/A
- Address of project: 400 San Rafael Ave
- Name, address, and telephone number of person to be contacted concerning this project:
Jonathan Wilson / 400 San Rafael Ave, Berkeley / (415) 407-9779
- Indicate number of the permit application for the project to which this form pertains: N/A
- 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
- Existing zoning district: R-1L
- Proposed use of site (Project for which this form is filed): BATTING CAGE IN BACK YARD
- Year built: 1957 Original architect: UNKNOWN

Project Description

- Site size. 65 x 104.247
- Square footage. 6,780
- Number of floors of construction. SINGLE
- Amount of off-street parking provided. 3 CARS
- Plans attached? YES

- 14. Proposed scheduling. ALREADY CONSTRUCTED
- 15. Associated projects, such as required grading or staging. N/A
- 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. N/A

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Change in dust, ash, smoke, fumes or odors in vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Substantial change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Site on filled land or on slope of 10 percent or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Relationship to a larger project or series of projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Changes to a structure or landscape with architectural or historical value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Changes to a site with archeological or cultural value such as midden soil.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. TRUCK YARD. PROJECT DOESN'T IMPACT ANY OF THE ITEMS LISTED HERE.

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. BATTING CAGE IS A VERY SIMPLE STRUCTURE DOESN'T IMPACT ANY ITEMS LISTED HERE.

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: \$ 1,500

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:

Time & Material for staff time is Hourly Rate below plus 10% overhead) as of June 14, 2021 (subject to change without notice):

Director of Planning & Building	\$ 110.00
Senior Planner	\$ 80.00
City Attorney	\$ 240.00
Building and Planning Technician	\$ 60.00

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: 400 San Rafael Ave

Assessor's Parcel No(s). of subject property: 060-042-01

► 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, _____, 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 N/A 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, Joselyn Miller, 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.

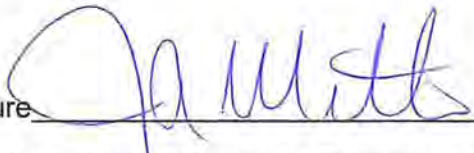
I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

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 MARCH, 2022, at Belvedere, California.

Project Address: 400 San Rafael

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 finalized or until the designation is rescinded in writing.

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____

400 San Rafael Ave.

(Page 1 of 4)

Project Description:

Application is for the construction of a personal use BATTING CAGE with the dimensions of:

Length: 52 ft

Width: 14 ft

Height: 10 ft

As parents, we implore you to consider this request with compassion and understanding. I truly hope we can work together to make this work. Belvedere is a truly special community – and, amidst all of the children that grow up into high achieving adults – a baseball player can be developed here, too.

Our two sons (Jack age 11 and Bradley age 8) are avid baseball players. Jack plays on elite travel ball teams and has been driving baseball in our house as far back as we can remember. Up until now, we have practiced daily with whiffle balls in Belvedere Park, which he has outgrown the benefits of.

In order for Jack to pursue his long-term goal of playing baseball beyond high school, a proper batting cage is imminent. Competition out there is fierce – and, that goes without saying, hitting a baseball is arguably the most difficult thing in all sports.

This batting cage doesn't reflect the typical Design Review Application, which represents adult visions of glamorous household improvements. On the contrary, this application reflects Jack's lifelong dream, in which he truly believes that someday he will play professional baseball.

400 San Rafael Ave.

(Page 2 of 4)

Without this batting cage, equipped with a \$7,000 Iron Mike pitching machine, his dream will begin to slip away. The Iron Mike pitching machine, which weighs 700 lbs and holds a few hundred baseballs in an automated auger bucket, is in all aspects a really special piece of equipment. Iron Mikes are most often found at D1 colleges and within MLB clubhouses. It's different than a typical pitching machine – having a mechanical arm that simulates the downward pitching motion – as opposed to other machines that shoot balls out via spinning wheels. Our Iron Mike sits on a wooden pallet – and, isn't a permanent attachment in any fashion.

To take this batting away, basically strips Jack of the bright future that he has worked so hard for over the past 8+ years. He is on a great track, thus far. Jack isn't your typical kid when it comes to baseball. Baseball is his true passion. He needs to continue working just as hard as he has, but now has the opportunity to start working daily with proper equipment, in order to continue pursuing his dream.

The dimensions of the cage are appropriate – and, were carefully chosen after discussing with retired MLB players (Eric Byrnes / Troy Glaus). 14 feet wide is ideal for being able to swing comfortably and see the ball path. 10 feet high is really the minimum height – as the ceiling naturally sags quite a bit. 52 feet long allows the balls to be pitched from an appropriate distance for timing purposes. As he grows older, and the mound moves to 60 feet, at least he won't be practicing too far off the actual pitching distance.

400 San Rafael Ave.

(Page 3 of 4)

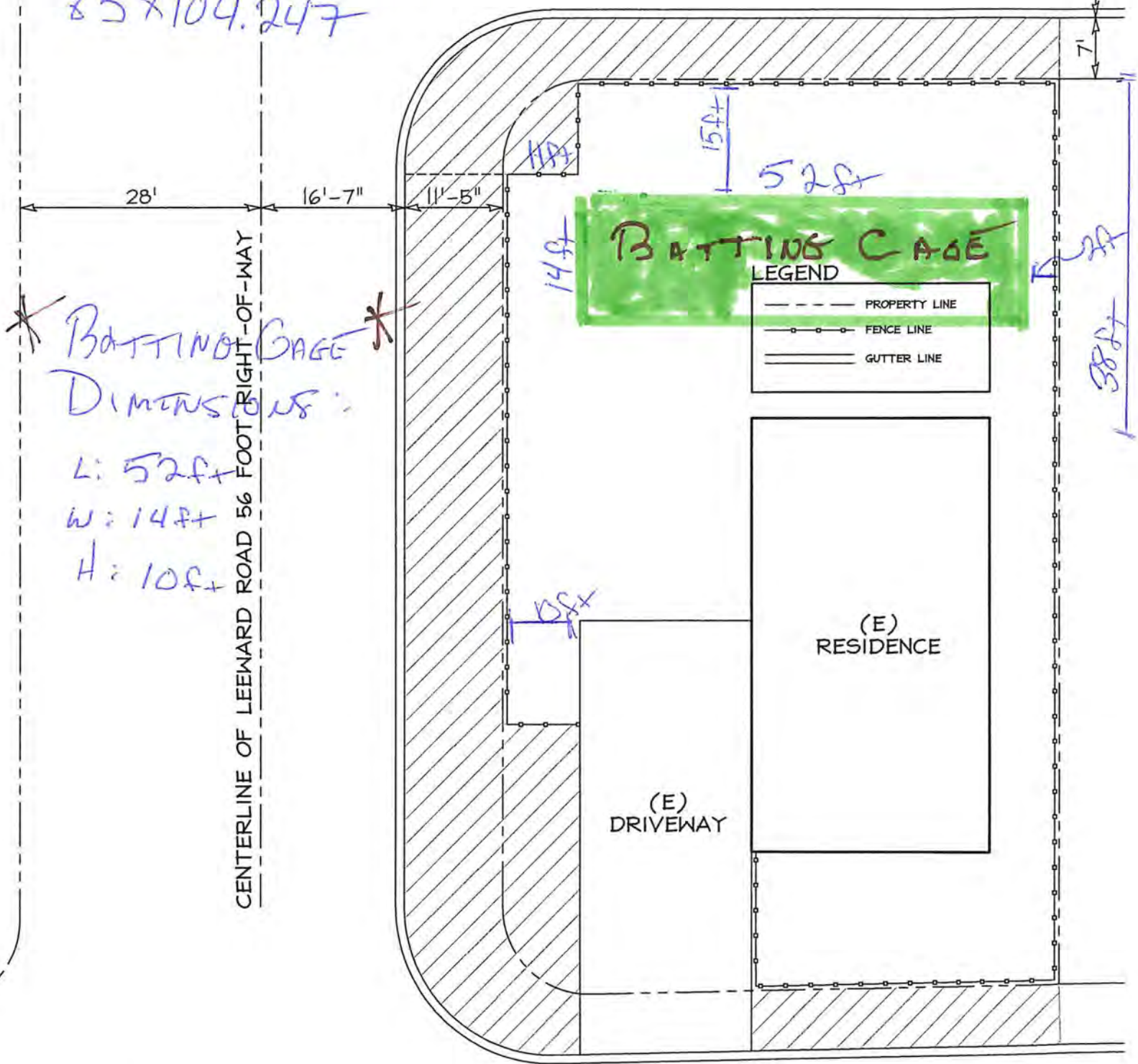
Construction:

- (4) 4x6 Redwood Posts (same wood used in fence construction)
- (2) Steel pipes that support the center cable
- (3) 52 ft long cables that hang the netting

Designed to have as minimal of an aesthetic as possible by using just 4 posts and suspended cable – as opposed to multiple posts spanning the length. Construction Cost of Batting Cage: \$1,500.



LOT DIMENSIONS:
 65 x 104.247



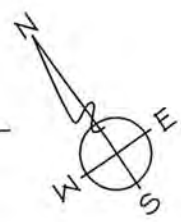
BATTING CAGE
 DIMENSIONS:
 L: 52ft
 W: 14ft
 H: 10ft

SITE PLAN

SCALE: 1" = 16'

Address: 400 San Rafael Avenue
 Parcel: 060-042-01

CENTERLINE OF
 SAN RAFAEL AVENUE
 50 FOOT
 RIGHT-OF-WAY





Project Address: 400 SAN RAFAEL AVE

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: _____ Zone: _____

TO BE COMPLETED BY APPLICANT

Address of Property: 400 SAN RAFAEL AVE.

Type of Property: SINGO FAMILY

Record Owner of Property: JOSEPH McILLOP / ANN STEPHANIAN

Mailing 400 SAN RAFAEL AVE. Daytime Phone: (415) 407-9779

Address: BELVEDERE, CA 94920 Fax: X

Email: JOSEPH.MCILLOP422@GMAIL.COM

Owner's Representative: X

Mailing _____ Daytime Phone: _____

Address: _____ Fax: _____

Email: _____

Description of project and variance(s) requested: FRONT STANDING PATIUNG PAVIL.
ONE END OF PAVIL IS WITH THE 5 FT SIDE YARD SETBACK.

<u>ORDINANCE §</u>	<u>REQUIREMENT</u>	<u>EXISTING</u>	<u>PROPOSED</u>
<u>19.24.050</u>	<u>5 FT. SIDE YARD SETBACK</u>	<u>N/A (HOUSE IS 8 FT 9 IN)</u>	<u>2 FT. SETBACK</u>
_____	_____	_____	_____
_____	_____	_____	_____

U:\planning\manager\Planning Forms\PLANNING FORMS - LATEST EDITION\APPLICATION FOR VARIANCE.doc Rev. 9/25/2008 LC

Project Address: 400 SAN RAFAEL AVE

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:

THIS IS A "FREE STANDING" BATTING CAGE - COMPOSED
OF (4) 4X6 WOOD POSTS AND A NET THAT HANGS
FROM ABOVE. THE CAGE ISN'T A PERMANENT STRUCTURE.

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:

THE CAGE ISN'T A "PERMANENT" STRUCTURE. IT'S
FREE STANDING - WITH A CONSTRUCTION COST OF \$1,500.

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:

THIS IS A BATTING CAGE, ENCLOSED BY A HIGH
QUALITY NET. THE NOISE IS VERY MINIMAL -
AND IMMEDIATE NEIGHBORS SUPPORT THE CAGE.

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: [Signature]

Name: Joseph Miller

Date: 4/1/22

RECEIVED

City of Belvedere

Belvedere Planning Commission,

The 'batting cages' @ the house on San Rafael & Leeward has become a bit 'noisy' lately. This last Sunday @ 8:15am, we heard the 'pinging' of metal as the 'batting cages' were 'open'.

Then @ 7:15pm, Sunday, more 'pinging' of baseballs were heard.

During the week, we've seen kids over at the house having 'batting practice'. Are they charging a fee for this service and paying taxes for the business? We've seen 4-5 kids there for batting practice.

We LOVE kids playing sports... LOVE Them! We have young kids of our own and they play sports. But they do that @ Bel Aire, Del Mar, Strawberry Rec, Belvedere Park...or *private lessons*.

We will be putting in a golf driving range/simulator in our front yard over the next few weeks. My husband likes to 'warm up' around 6:30am before playing his round of golf, so I hope the pinging of golf balls doesn't bother anybody that early.

Respectfully... San Rafael road resident.

SCOPE OF WORK

Add new ADU with roof deck, on top of existing patio, below lowest existing floor elevation. Remodel upper level Master Suite and enlarge existing exterior balcony. Enclose 41 sq. ft. of area under existing garage for storage. Extend existing deck at Main Level. Remodel existing lower level to provide access to ADU & roof deck. New revocable license for stair access to existing dock at the bay shoreline.

ZONING & PROJECT DATA

AP# 060-233-07
 Zoning: R-15
 Lot Size (Gross): 6,858.1 sq. ft.
 Percent Slope: 57.74
 WUI: No
 Flood Zone: X

GROSS FLOOR AREA IN SQUARE FEET:

	EXISTING	PROPOSED
New ADU	-	795
Lower Floor	1385.4	1403.8*
Main Floor	1260.5*	1260.5*
Upper Floor	782	754.2
Garage	596.9	596.9
TOTAL	4024.8	4015.4
FAR	58.7%	58.6%
COVERAGE	23.8%	35.4%

IMPERVIOUS SURFACE
 (See Sheet C1 "Preliminary Grading and Drainage Plan" for details)

CUT AND FILL (See Sheet C1 for details)

total cut	cu yds
total fill	cu yds
NET OFFHAUL	0 cu yds

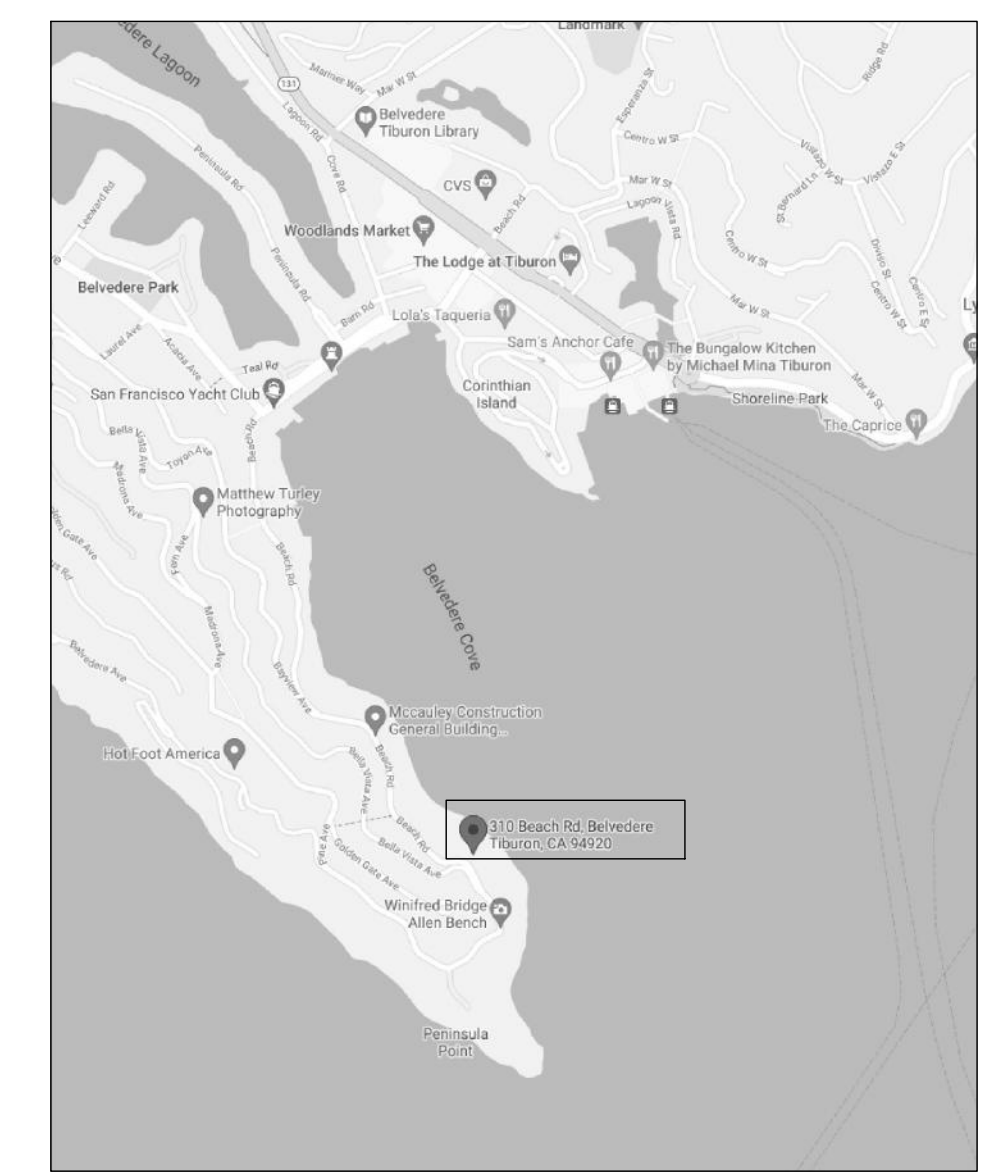
HEIGHT
 Garage: 24'-7" (28' max.) 24'-7"
 Main house: 34'-3 1/2" (36' max.) 34'-3 1/2"
 Main House Average Ht: 25'-8 1/2" (28' max.) 25'-8 1/2"

PARKING SPACES 3 3

*Includes small areas above 15' ceiling height

INDEX TO DRAWINGS

1. Site Plan, Project information
2. ADU and Lower Terrace Plan
3. Lower and Main Level Floor Plans
4. Upper Level Floor Plan, Fence Detail, Window Schedule
5. Elevations - Existing South & East
6. Elevations - East
7. Elevations - Existing North
8. Elevations - North
9. Elevations - Existing West
10. Elevations - West
11. Section
12. Landscape Plan
- C1 Grading & Drainage Plan

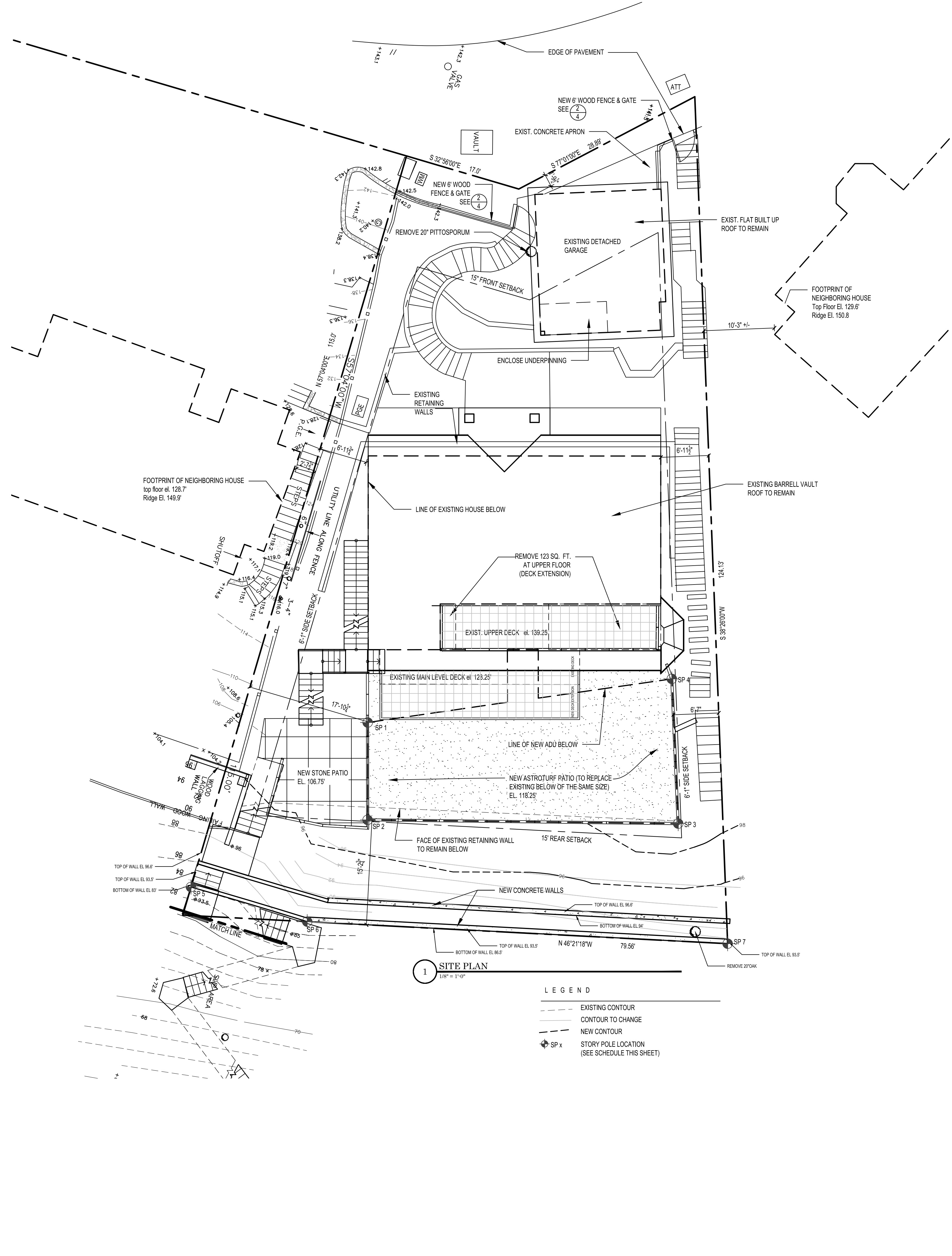
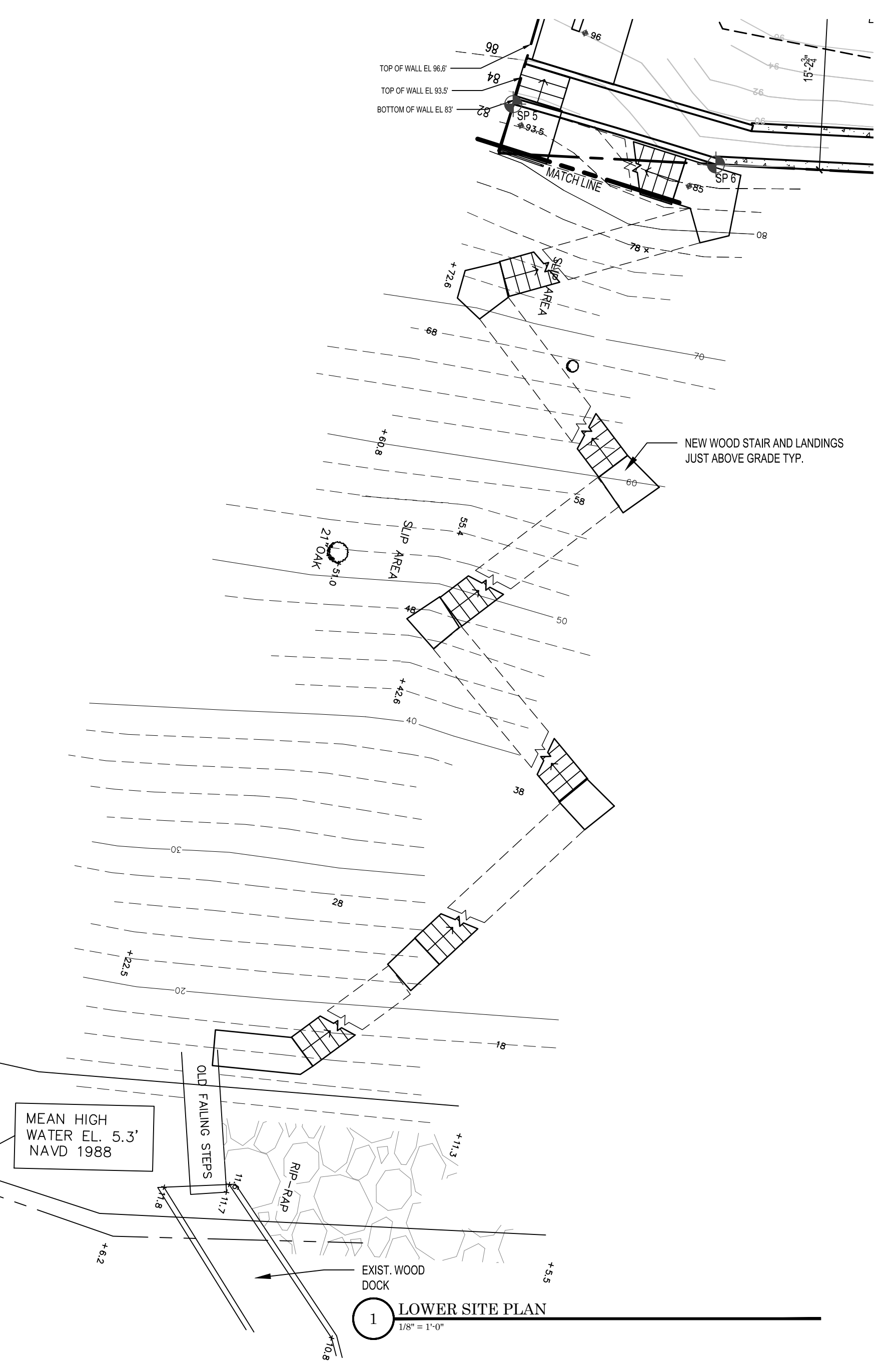


VICINITY MAP
 NO SCALE

STORY POLES

Pole No.	Bottom of Pole	Top of Pole	Length
1-4	+107.0	+118.25	11'-3"
5	+83.0	+93.5	10'-6"
6	+88.0	+93.5	5'-6"
7	+92.0	+93.5	1'-6"

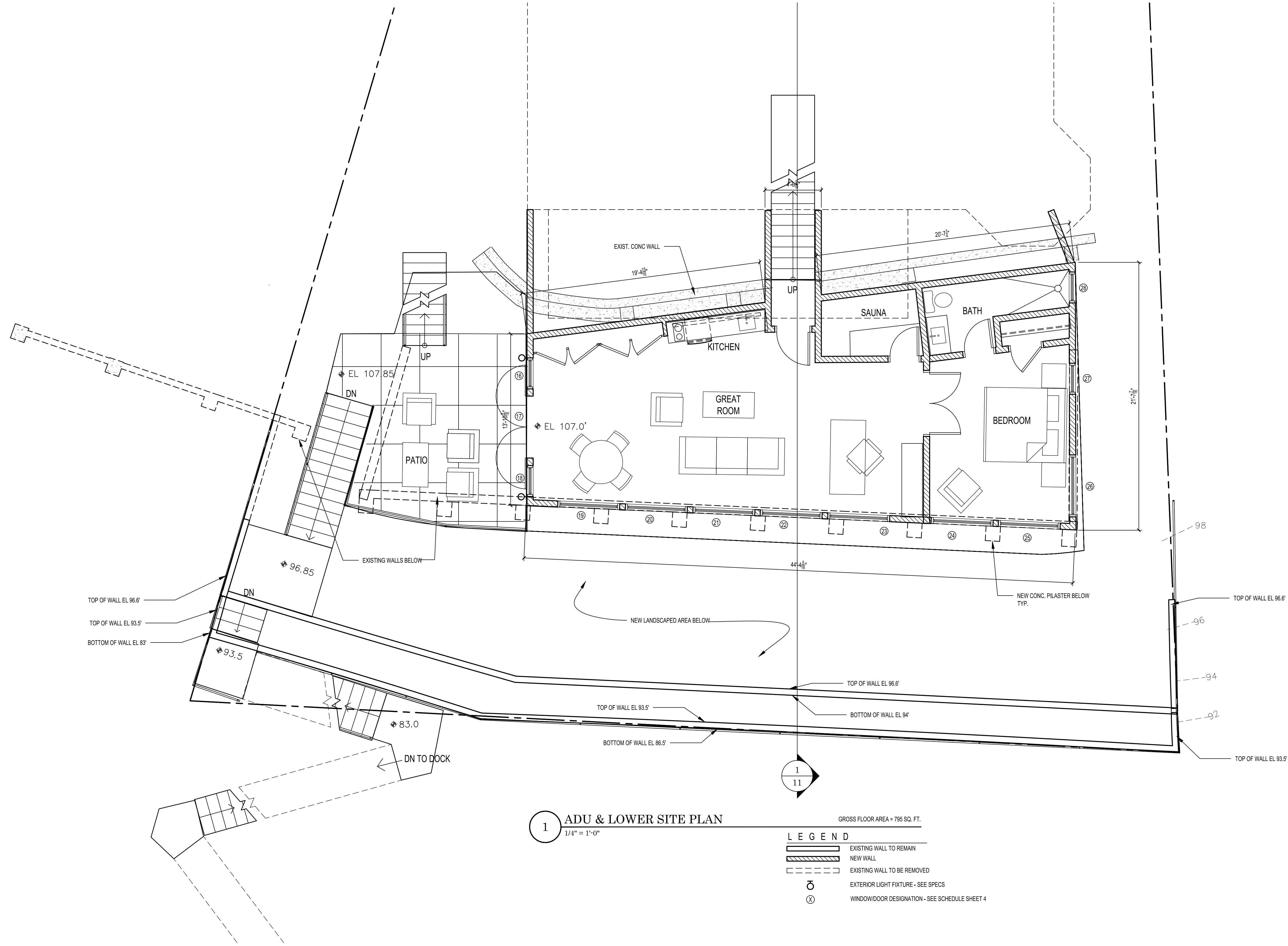
Also run yellow tape along the tops of poles 1-4 and a second line across poles 5-7.



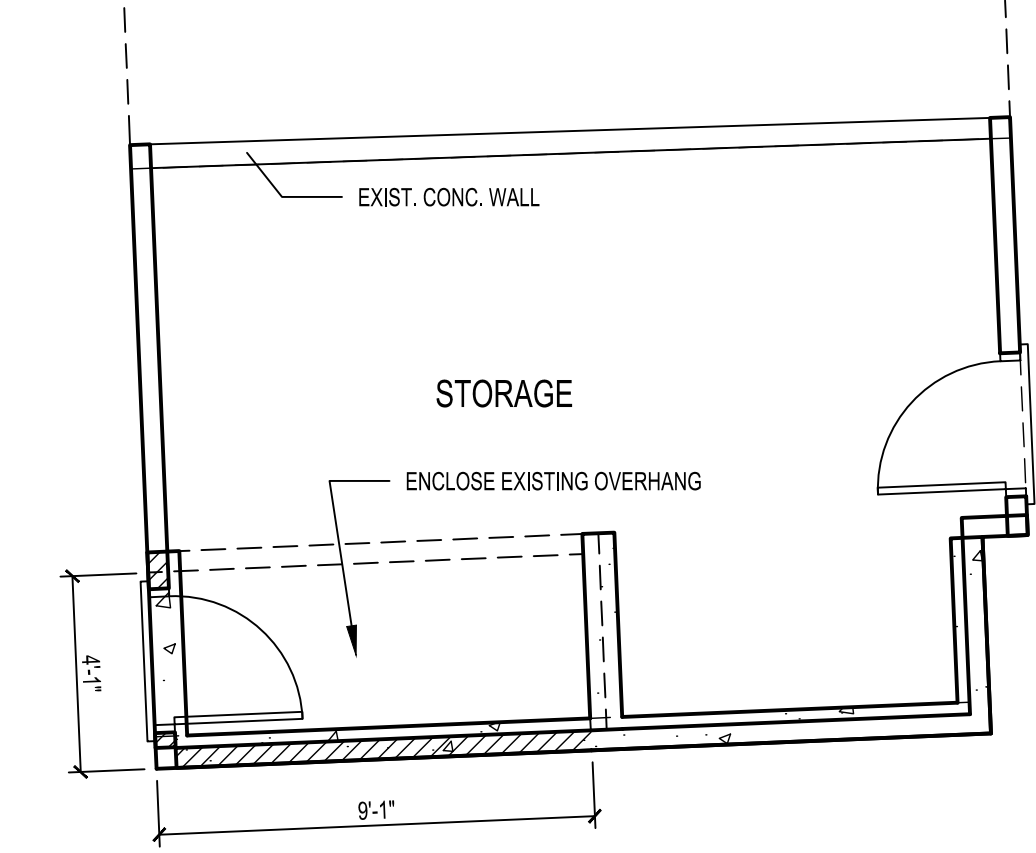
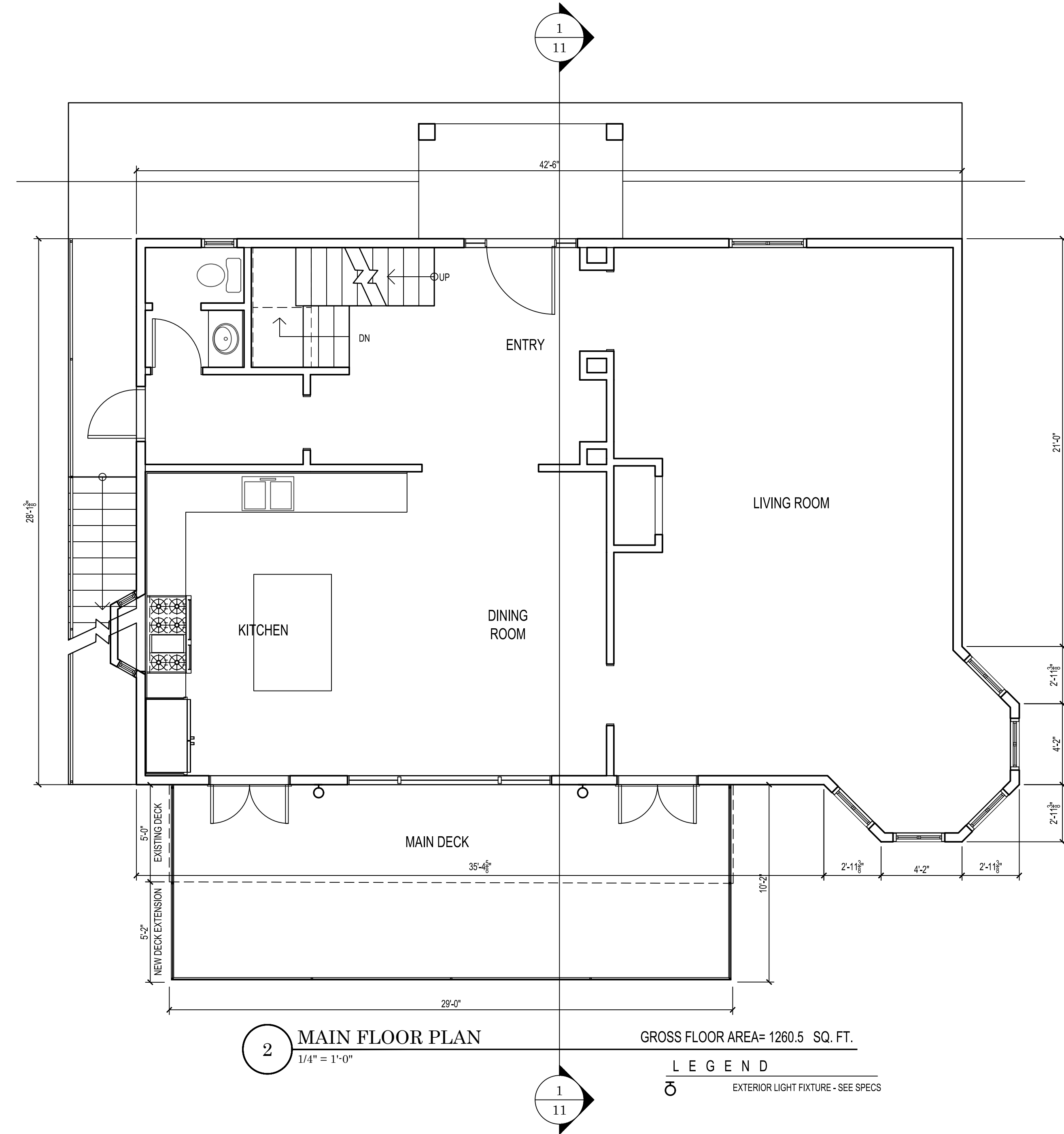
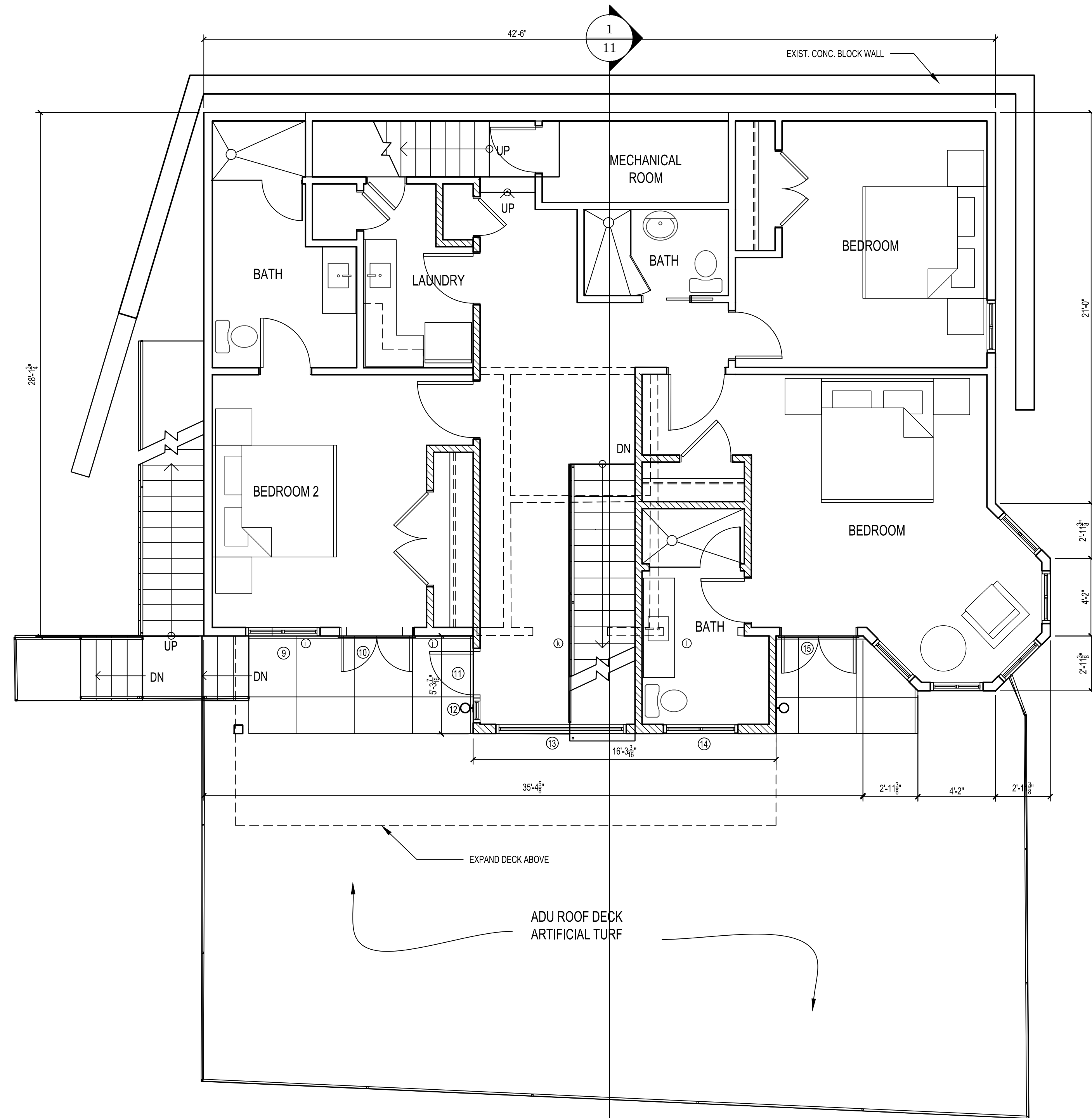
LEGEND

- EXISTING CONTOUR
- CONTOUR TO CHANGE
- NEW CONTOUR
- STORY POLE LOCATION (SEE SCHEDULE THIS SHEET)

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STEVE WISENBAKER AIA
ARCHITECTS & PLANNERS
 300 TAMM PLAZA SUITE 200 CORTE MADRA CA 94025 415-924-1020

CONROE RESIDENCE
 310 Beach Road, Belvedere CA

Feb. 21, 2022

Scale
 0 4 8 20
 Feet

North

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WINDOW SCHEDULE (no changes to Garage)

UPPER LEVEL

new		to be removed	
1.	3'-0" x 4'-6" casement	a.	2'-6" x 6'-8" sgl. lite door
2.	3'-0" x 6'-8" sgl. lite door	b.	2'-4" x 6'-8" fixed
3.	6'-0" x 6'-8" fixed	c.	2'-4" x 6'-8" fixed
4.	3'-0" x 6'-8" sgl. lite door	d.	2'-4" x 6'-8" fixed
5.	3'-0" x 4'-6" casement	e.	2'-6" x 6'-8" sgl. lite door
6.	3'-0" x 6'-8" sgl. lite door	f.	2'-6" x 5'-0" casement
7.	5'-0" x 4'-6" fixed	g.	2'-6" x 5'-0" casement
8.	5'-0" x 4'-6" dbl. casement	h.	5'-0" x 5'-0" dbl. casement

MAIN LEVEL

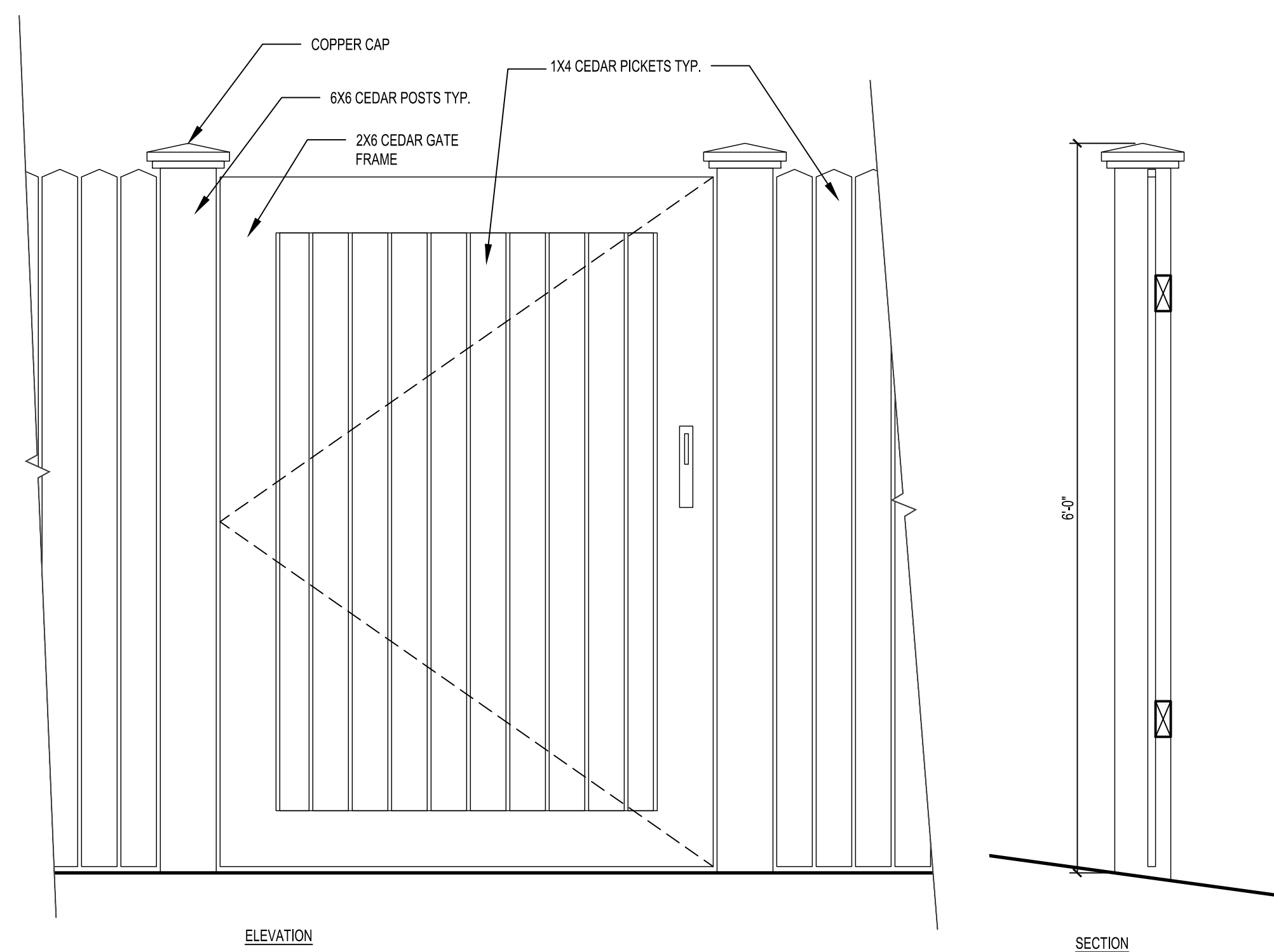
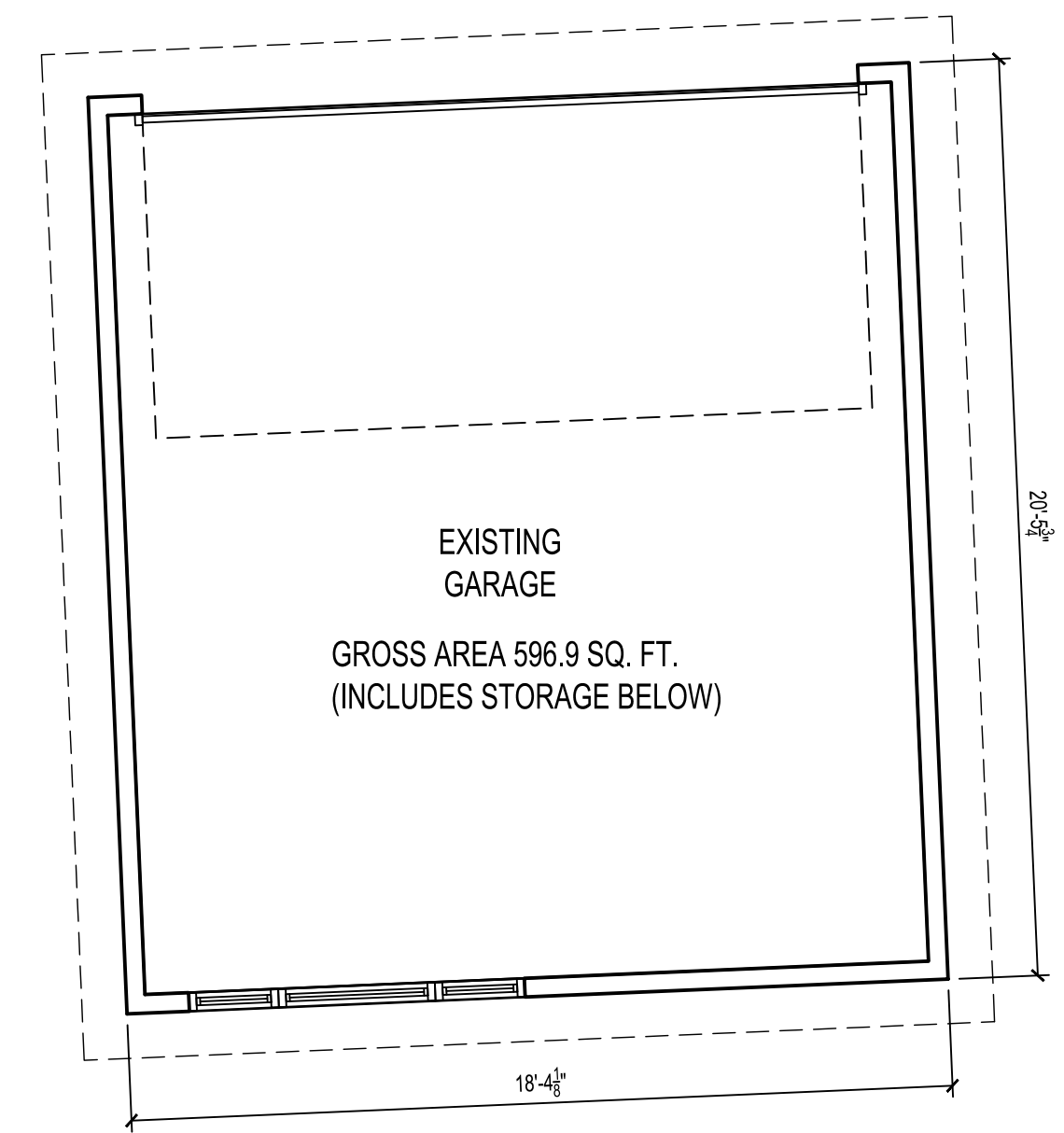
No Changes

LOWER LEVEL

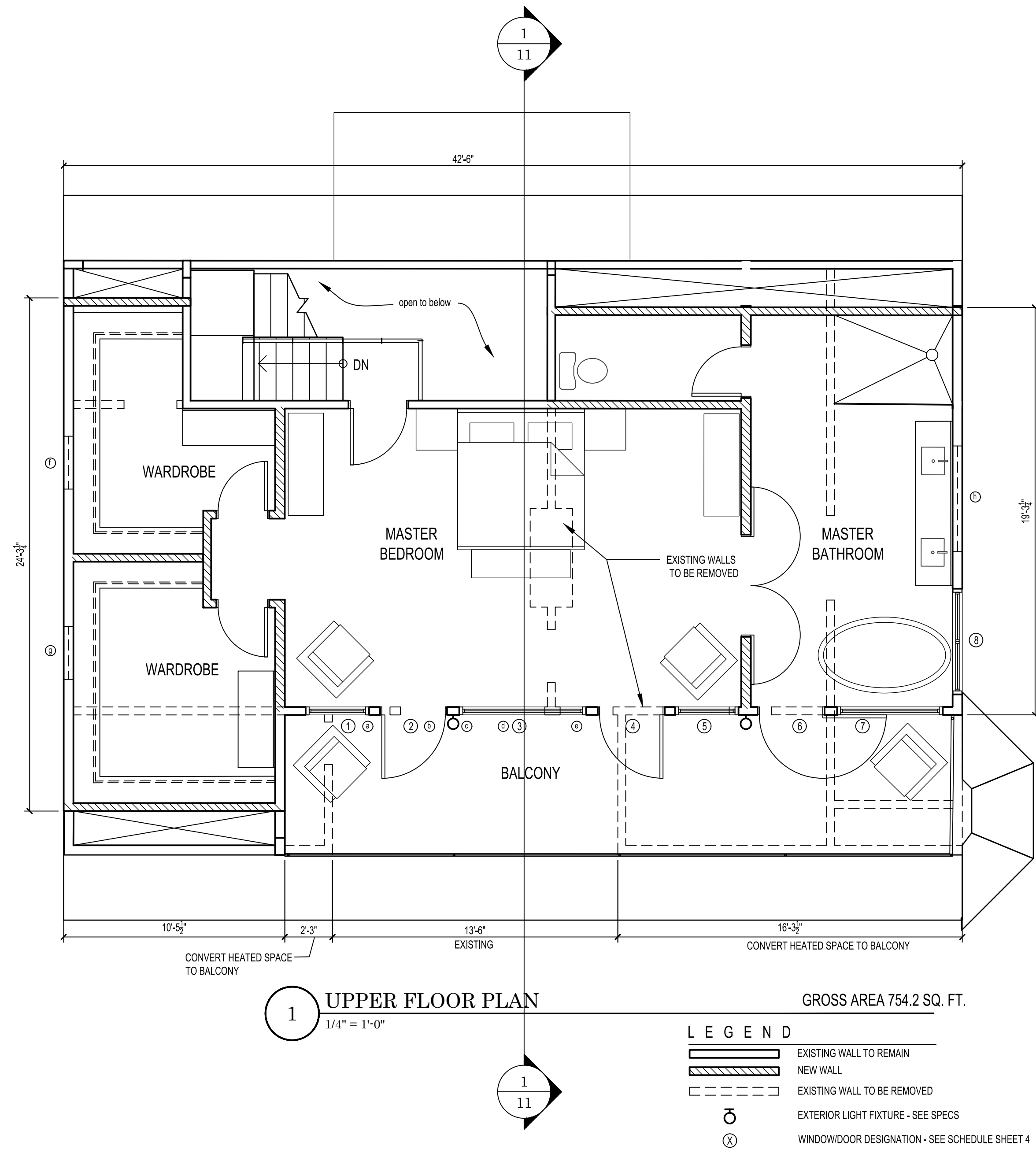
9.	4'-0" x 4'-6" dbl. casement	i.	4'-0" x 7'-0" sgl. lite doors
10.	4'-0" x 7'-0" sgl. lite doors	j.	4'-0" x 7'-0" sgl. lite doors
11.	2'-8" x 7'-0" sgl. lite door	k.	4'-0" x 7'-0" sgl. lite doors
12.	1'-4" x 7'-0" fixed	l.	4'-0" x 7'-0" sgl. lite doors
13.	7'-0" x 6'-6" fixed		
14.	4'-0" x 4'-6" dbl. casement		
15.	4'-0" x 7'-0" sgl. lite doors		

ADU LEVEL

16. 2'-6" x 7'-6" fixed
17. 5'-0" x 8'-0" sgl. lite doors
18. 2'-6" x 7'-6" fixed
19. 5'-0" x 7'-6" fixed
19. 5'-0" x 7'-6" fixed
19. 5'-0" x 7'-6" fixed
19. 5'-0" x 7'-6" fixed
19. 5'-0" x 7'-6" fixed
19. 5'-0" x 5'-0" fixed
20. 5'-0" x 5'-0" fixed
21. 5'-0" x 5'-0" fixed
22. 2'-6" x 5'-6" casement
23. 2'-6" x 2'-0" casement



2 FENCE DETAIL (SIMILAR TO EXISTING FENCE AT STREET)
1/8" = 1'-0"



STEVE WISENBAKER AIA
ARCHITECTS & PLANNERS
300 TANK PLAZA SUITE 200 CORTE MADRA CA 94025 415-924-1020

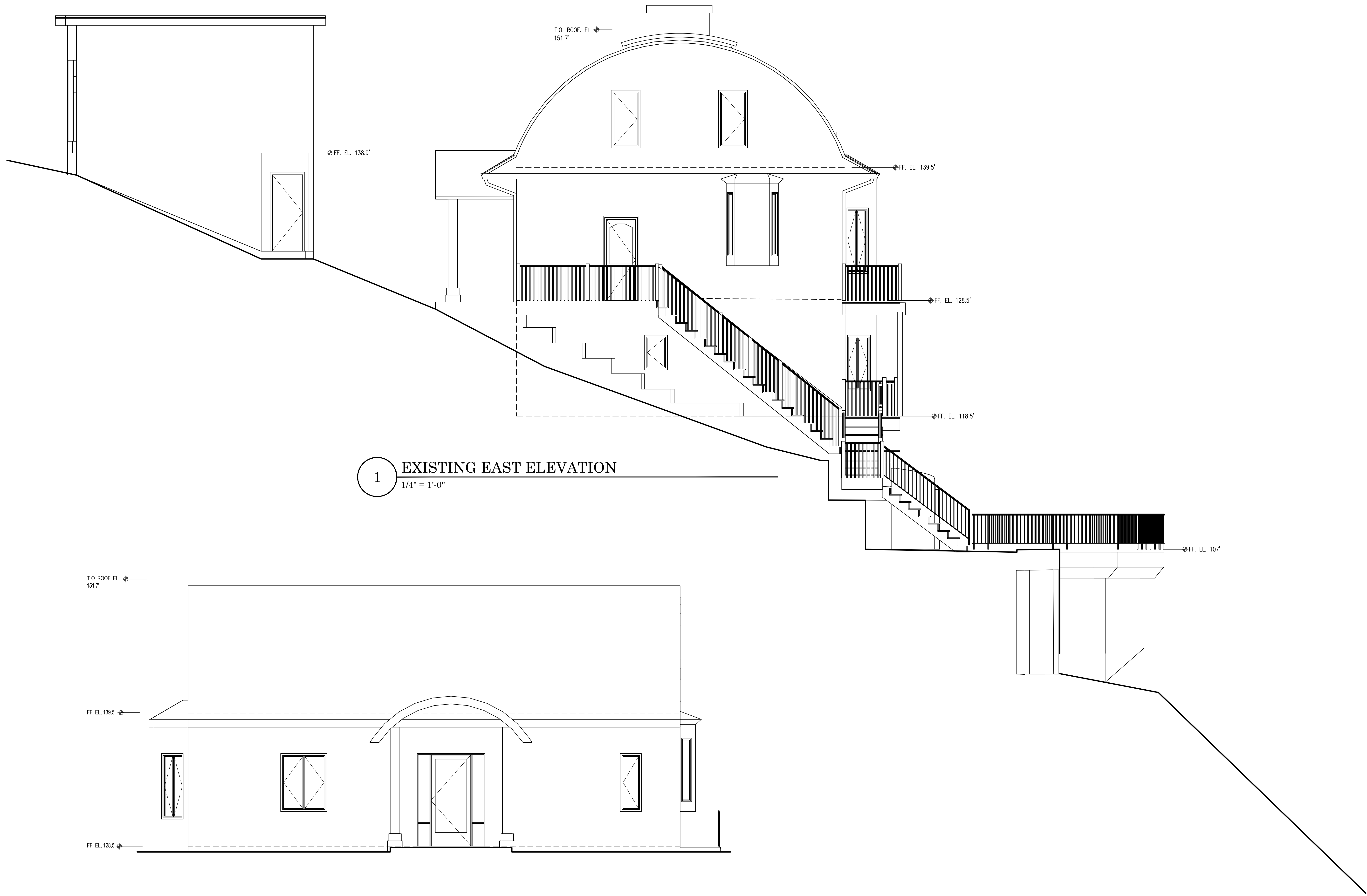
Feb 21, 2022

CONROE RESIDENCE
310 Beach Road, Belvedere CA

Scale: 1" = 20'-0"

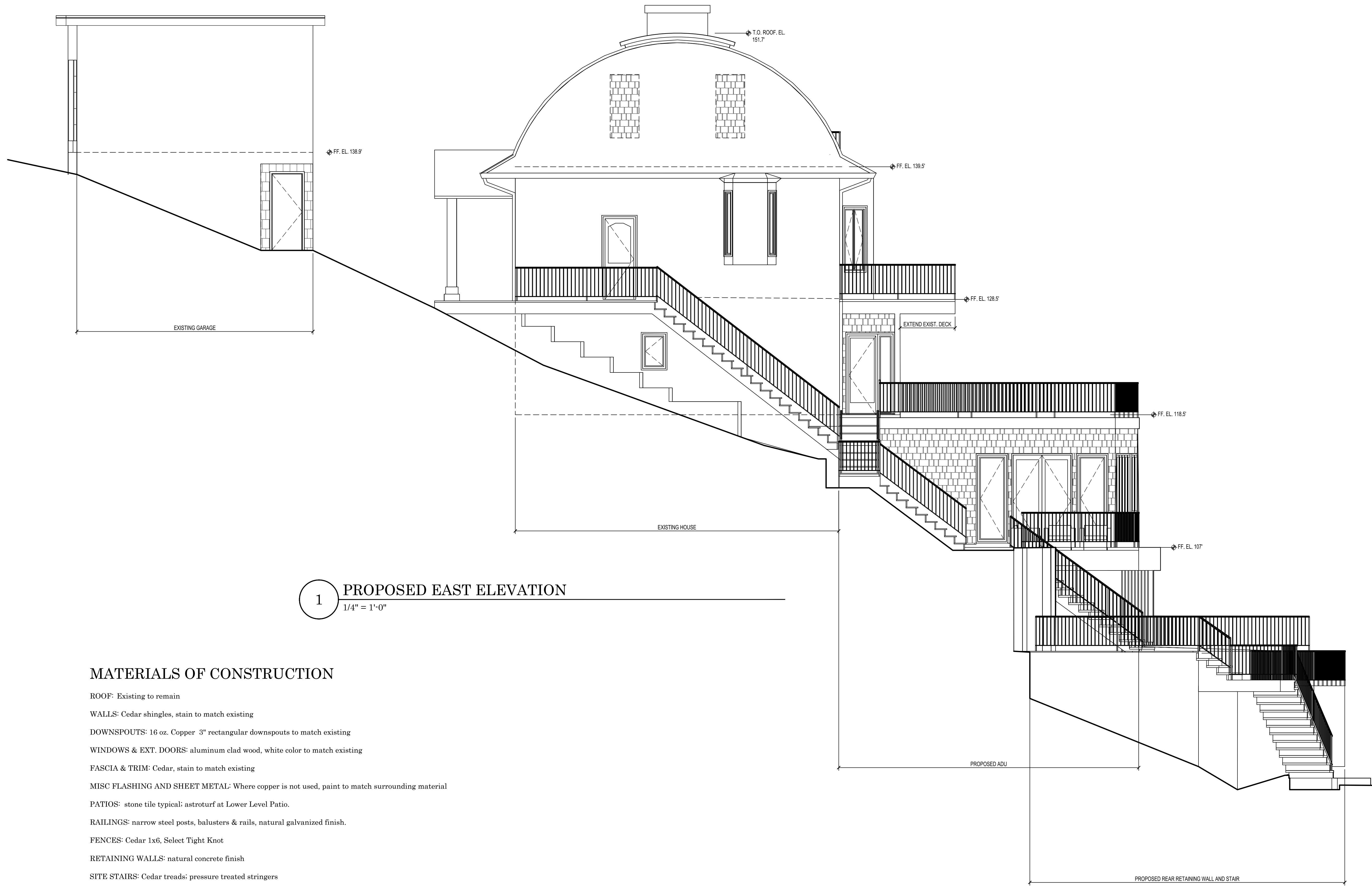
North

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

2 EXISTING SOUTH ELEVATION - NO CHANGES
1/4" = 1'-0"

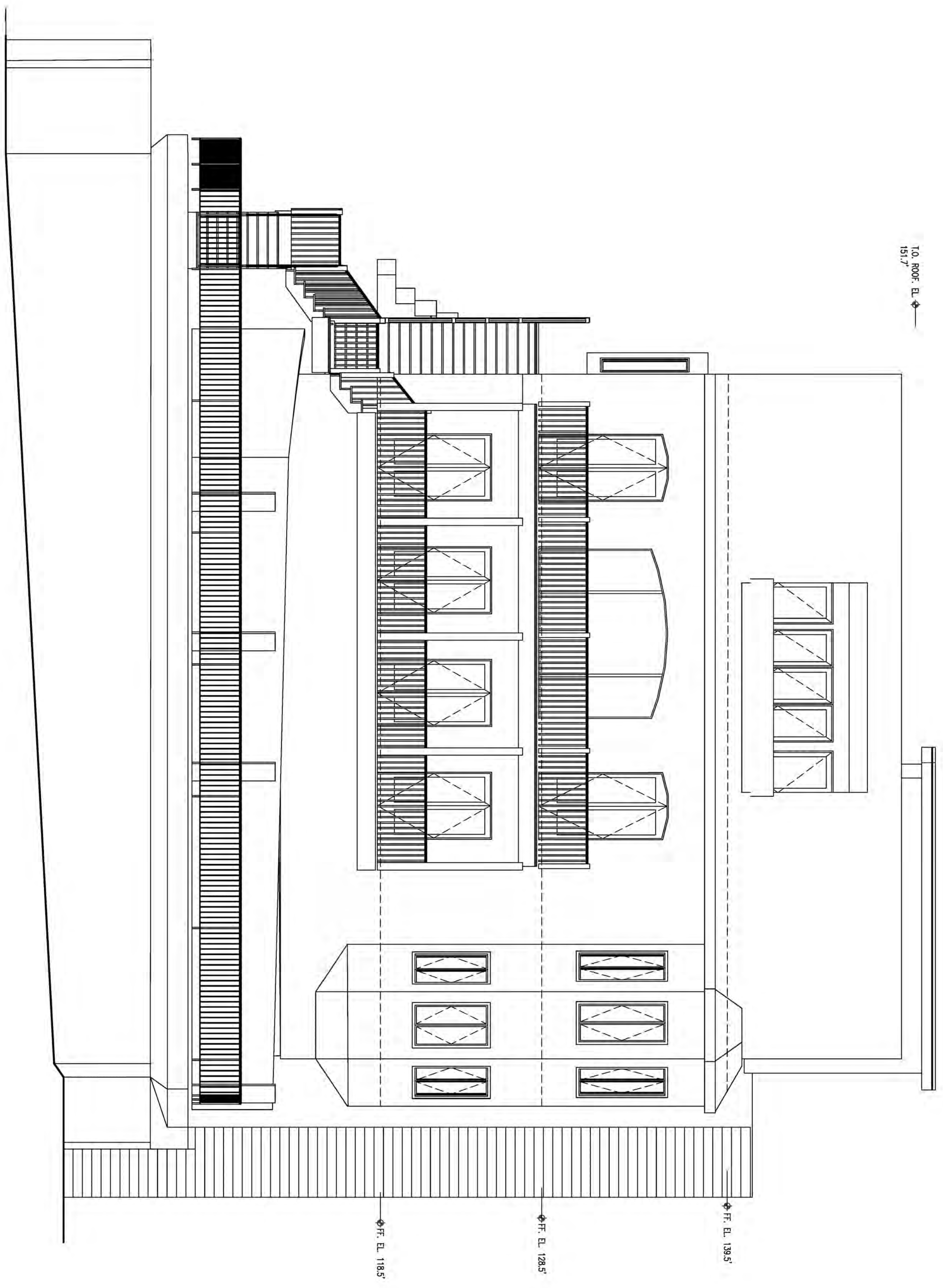


1 PROPOSED EAST ELEVATION
1/4" = 1'-0"

MATERIALS OF CONSTRUCTION

- ROOF: Existing to remain
- WALLS: Cedar shingles, stain to match existing
- DOWNSPOUTS: 16 oz. Copper 3" rectangular downspouts to match existing
- WINDOWS & EXT. DOORS: aluminum clad wood, white color to match existing
- FASCIA & TRIM: Cedar, stain to match existing
- MISC FLASHING AND SHEET METAL: Where copper is not used, paint to match surrounding material
- PATIOS: stone tile typical; astroturf at Lower Level Patio.
- RAILINGS: narrow steel posts, balusters & rails, natural galvanized finish.
- FENCES: Cedar 1x6, Select Tight Knot
- RETAINING WALLS: natural concrete finish
- SITE STAIRS: Cedar treads; pressure treated stringers

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



CONROE RESIDENCE
310 BEACH ROAD, BELVEDERE, CA.

Feb. 21, 2022

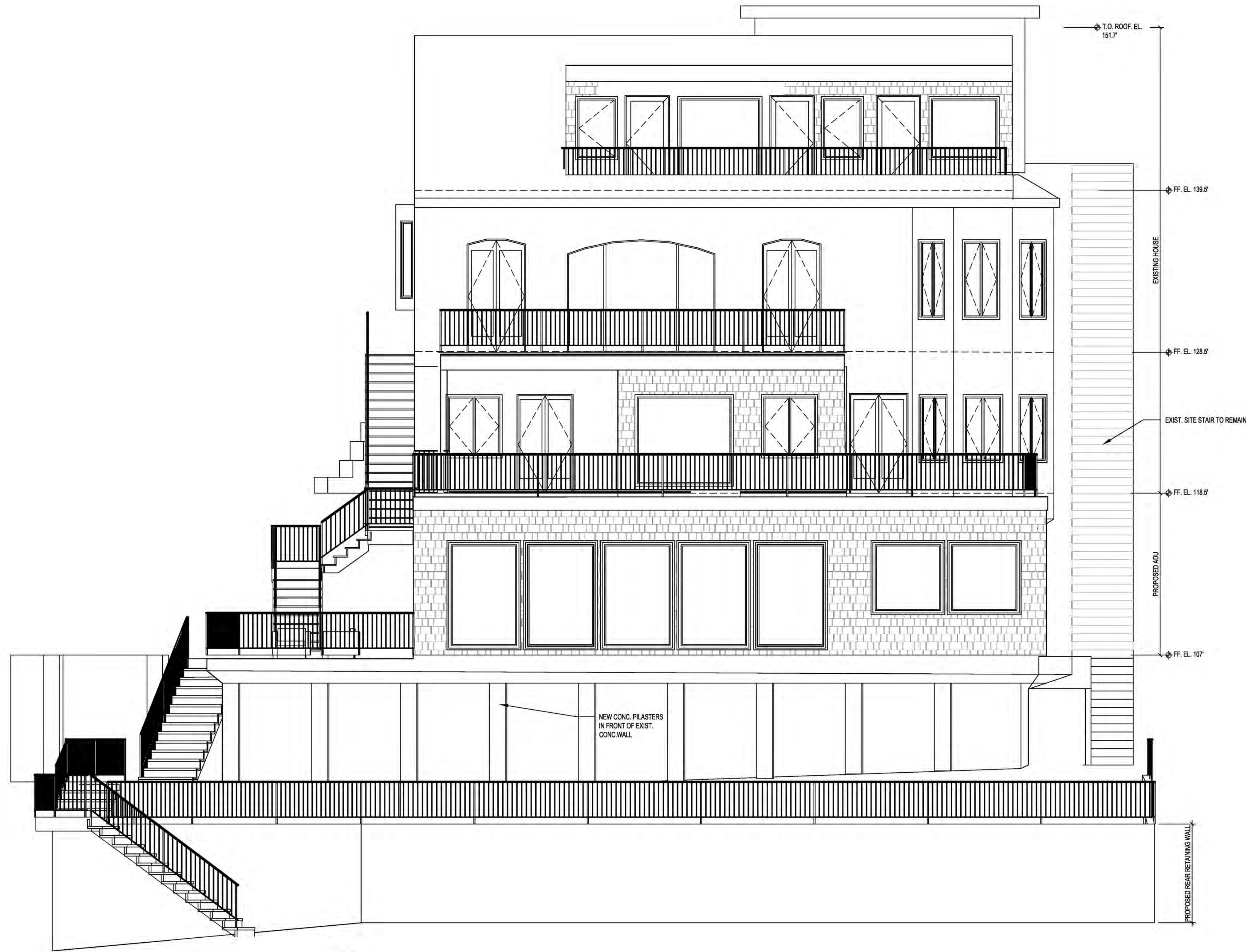
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ARCHITECTS & PLANNERS

300 TAMAL PLAZA SUITE 200 CORTE MADERA CA 94925 415-924-1020



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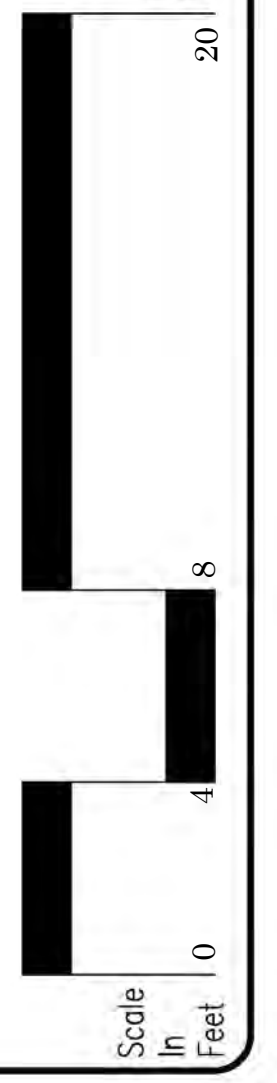
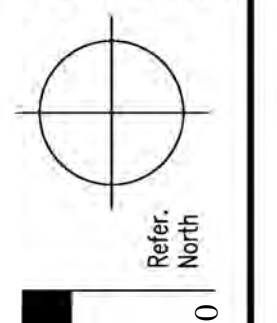


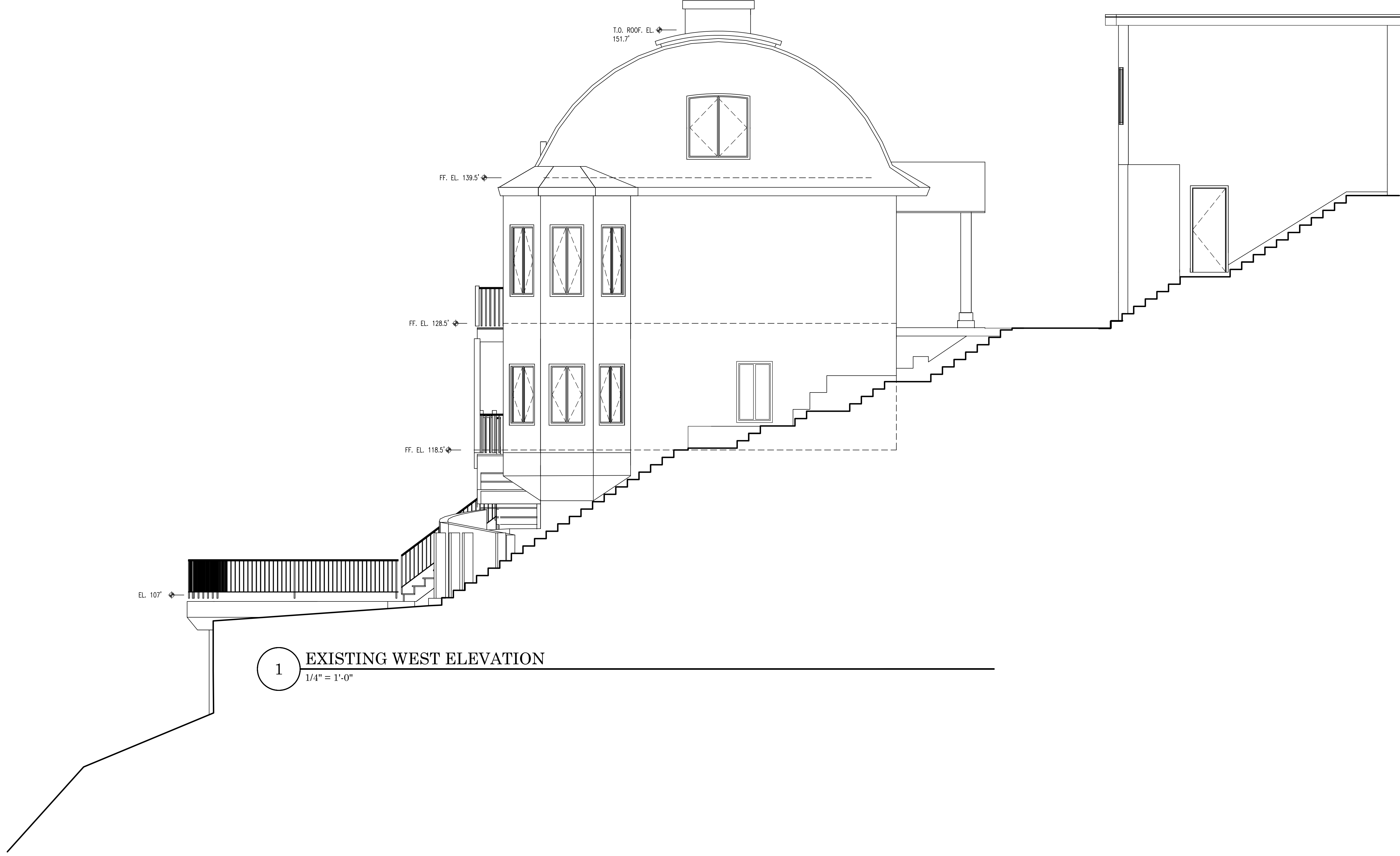
1 PROPOSED NORTH ELEVATION
 1/4" = 1'-0"

Feb. 21, 2022

CONROE RESIDENCE
 310 Beach Road Belvedere, CA.

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

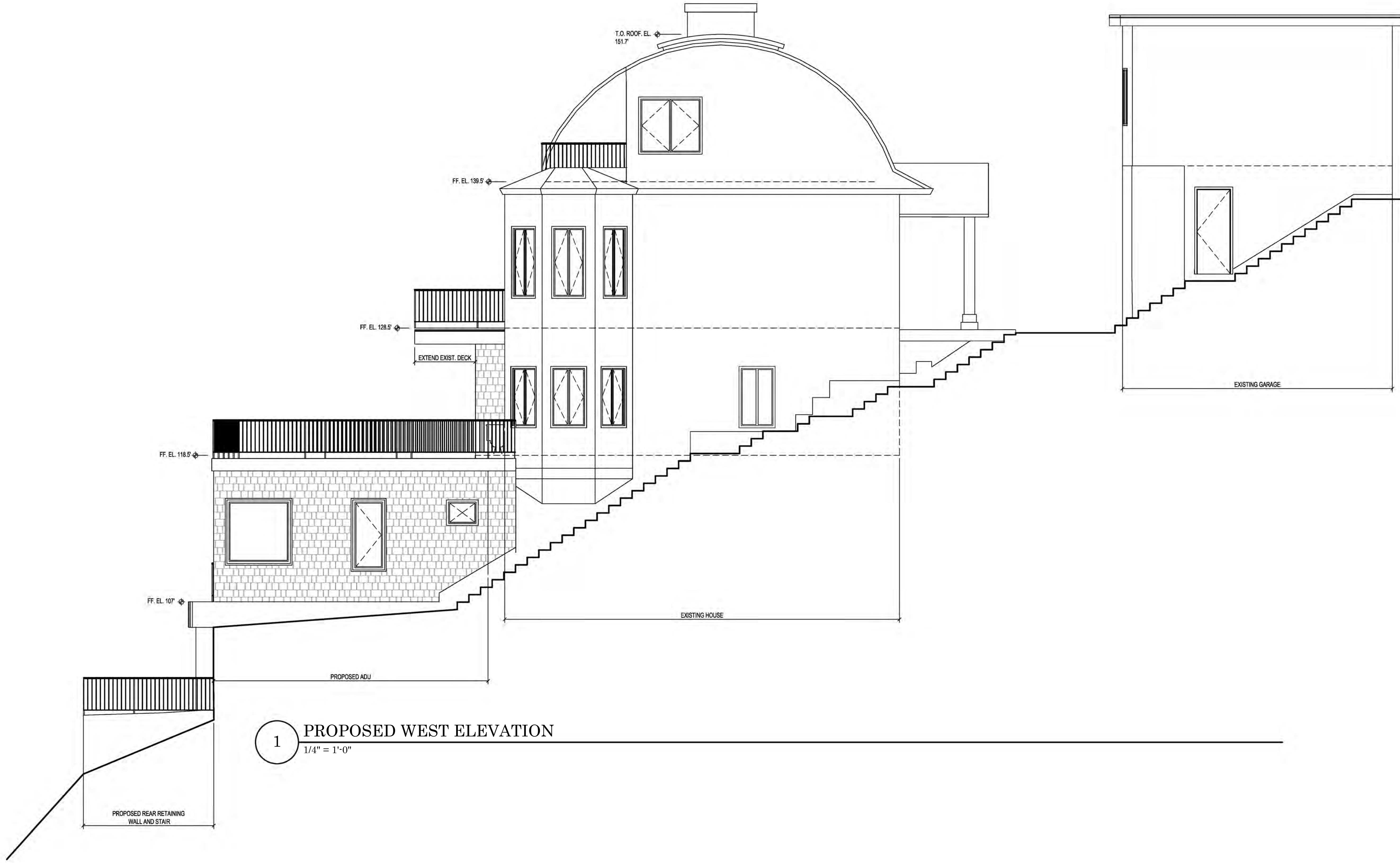
CONROE RESIDENCE
310 Beach Road Belvedere, CA.



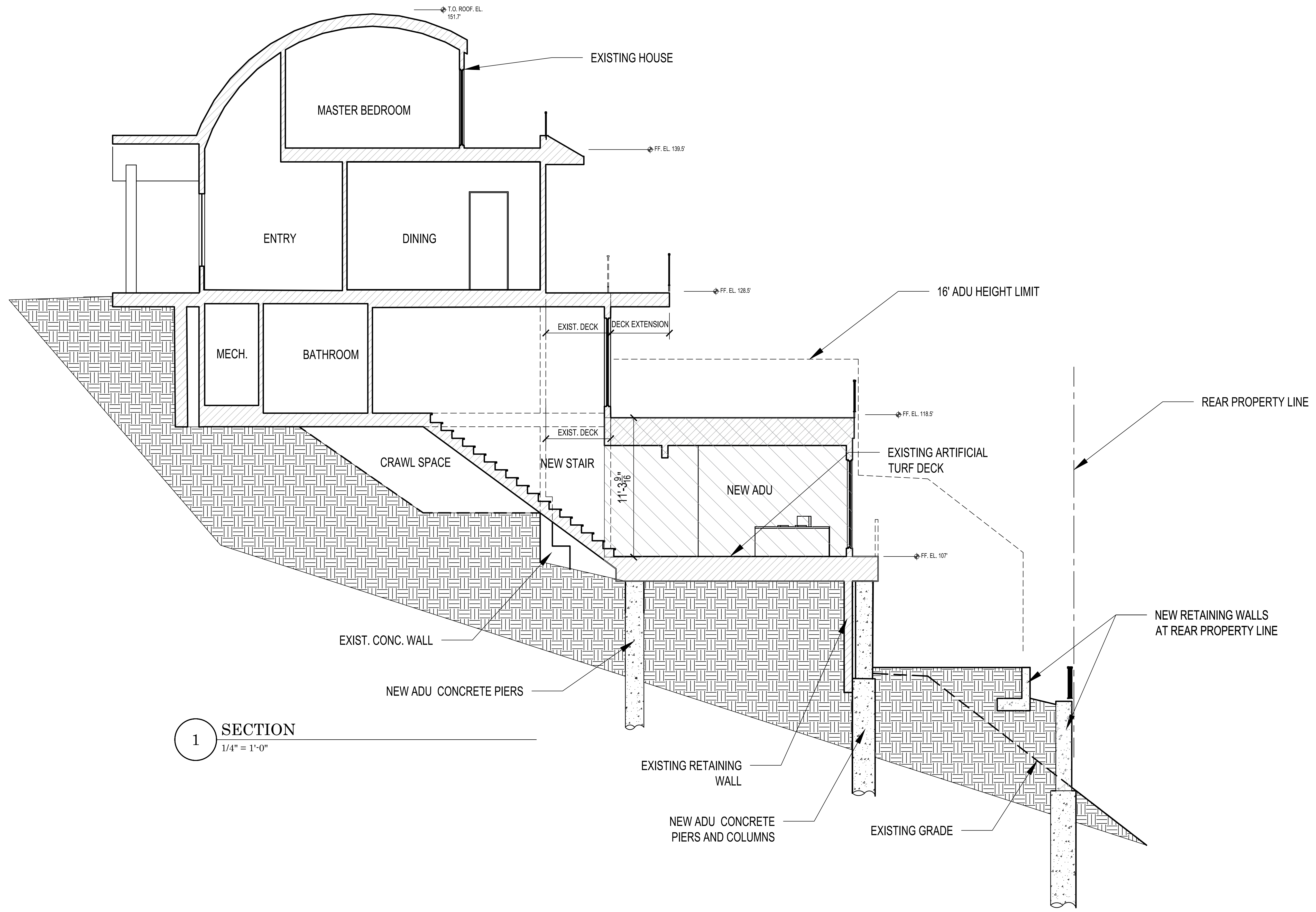
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Feb. 21, 2022

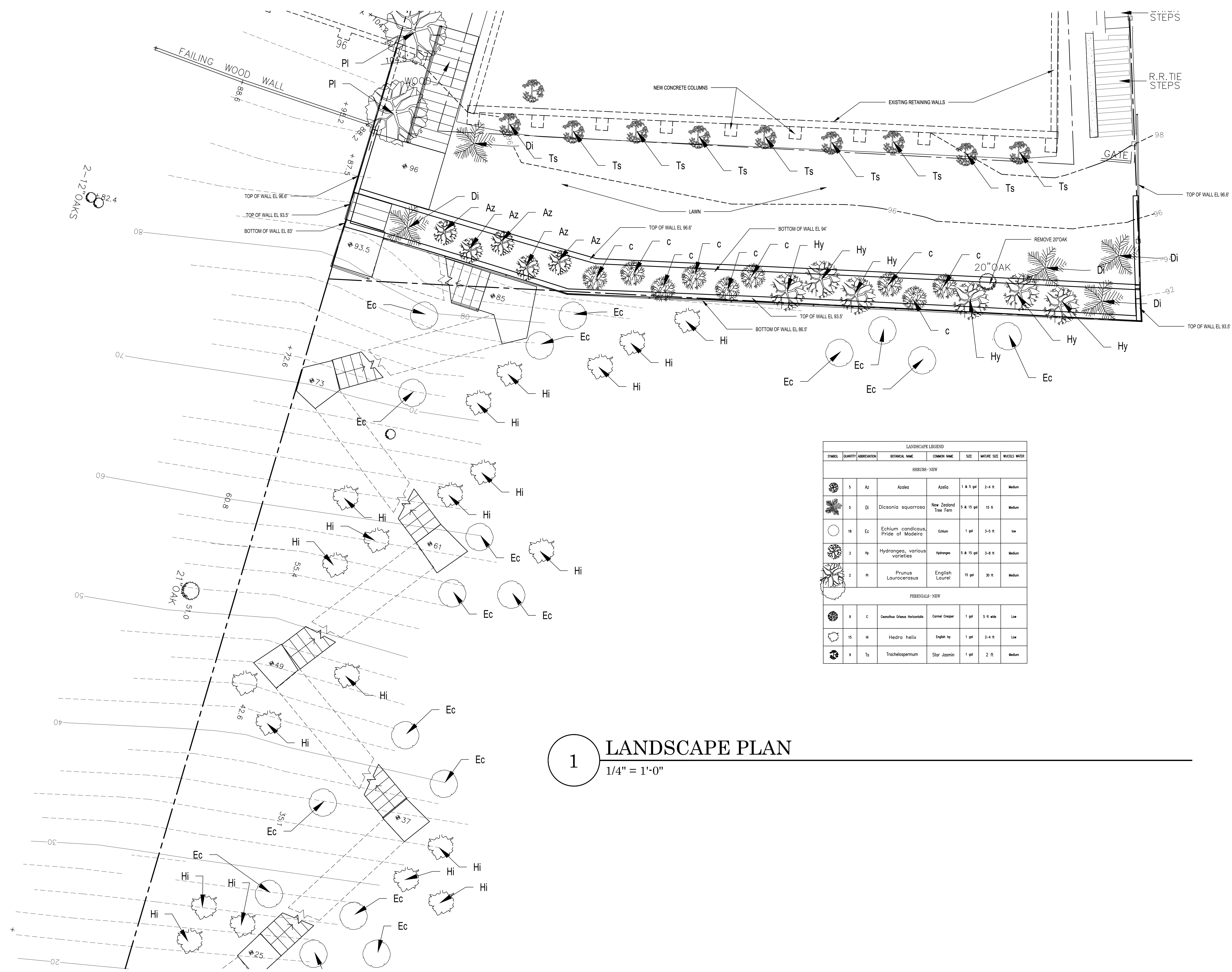
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ARCHITECTS & PLANNERS
300 TANK PLAZA SUITE 200 CORTE MADRA CA 94025 415-924-1020



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



1 SECTION
1/4" = 1'-0"



1 LANDSCAPE PLAN
1/4" = 1'-0"

LANDSCAPE LEGEND							
SYMBOL	QUANTITY	ABBREVIATION	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE	WATERS
SHRUBS - NEW							
	5	Az	Azalea	Azalea	1 & 5 gal	2-4 ft	Medium
	5	Di	Dioscorea squarrosa	New Zealand Tree Fern	5 & 15 gal	15 ft	Medium
	18	Ec	Echium condicaus, Pride of Madeira	Echium	1 gal	3-5 ft	Low
	3	Hy	Hydrangea, various varieties	Hydrangea	5 & 15 gal	3-8 ft	Medium
	2	Pl	Prunus Laurocerasus	English Laurel	15 gal	30 ft	Medium
PERENNIALS - NEW							
	9	C	Ceanothus Griseus Horizontalis	Carmel Creeper	1 gal	5 ft wide	Low
	15	H	Hedra helix	English Ivy	1 gal	2-4 ft	Low
	9	Ts	Trachelospermum	Star Jasmine	1 gal	2 ft	Medium

STEVE WISEDAKER AIA
ARCHITECTS & PLANNERS
 900 TAMM PLAZA SUITE 200 CORTE MADRA CA 94025 415-924-1020

February 21, 2022

CONROE RESIDENCE
 310 Beach Road Belvedere, CA.

Scale
 In Feet 0 4 8 20

North

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EL CAPITAN LED

DATE: PROJECT: TYPE:

CATALOG NUMBER LOGIC:



*Requires magnetic low voltage dimmer.

**Please see Adjust-e-Lume photometry to determine desired intensity.

CATALOG NUMBER LOGIC

Example: B - EC - LED - e66 - SP - A6 - MAC - 12 - 11 - B

MATERIAL

(Blank) - Aluminum B - Brass S - Stainless Steel

SERIES

EC - El Capitan

SOURCE

LED - with Integral Dimming Driver (25W min. load when dimmed)*

LED TYPE

e64 - 7W LED/2700K e66 - 7W LED/4000K

e65 - 7W LED/3000K e74 - 7W LED/Amber

OPTICS

NSP - Narrow Spot (13°) MFL - Medium Flood (23°)

Spot (16°) WFL - Wide Flood (31°)

ADJUST-E-LUME OUTPUT INTENSITY**

A9 (Standard), A8, A7, A6, A5, A4, A3, A2, A1

FINISH (See page 2 for full-color swatches)

Standard Finishes (BZP, BZW, BLP, BLW, WHP, WHW, SAP, VER)

Premium Finish (ABP, AMG, AQW, BCM, BGE, BPP, CAP, CMG, CRI, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TXF, WCP, WIR)

Also available in RAL Finishes

Brass Finishes (MAC, POL, MIT)

Stainless Steel Finishes (MAC, POL)

LENS TYPE

12 - Soft Focus 13 - Rectilinear

SHIELDING

11 - Honeycomb Baffle

CAP STYLE

A - 45°

B - 90°

C - Flush

D - 45° Less Weephole (Interior use only)

E - 90° Less Weephole (Interior use only)

F - 90° with Flush Lens

B-K LIGHTING

MADE IN THE USA

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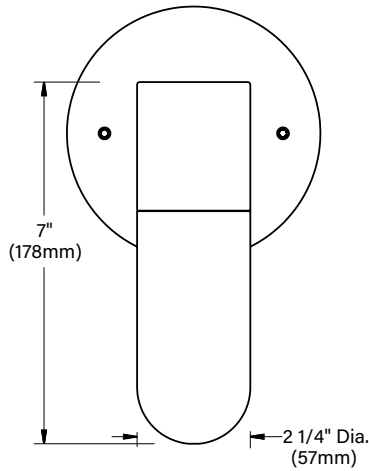
02/21/2020 SKU-776
SUB000942

EL CAPITAN LED

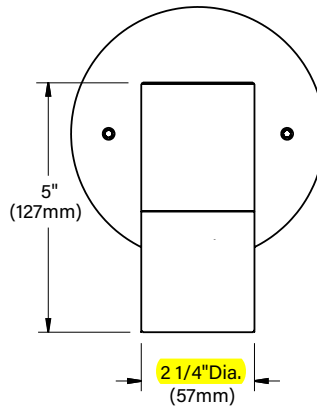
DATE:

PROJECT:

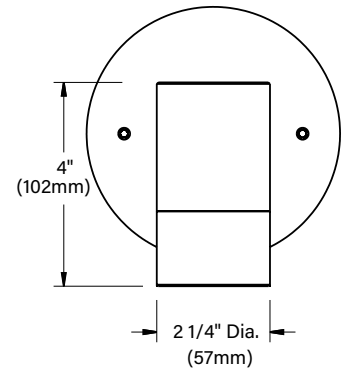
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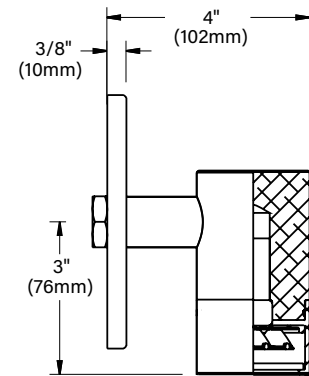
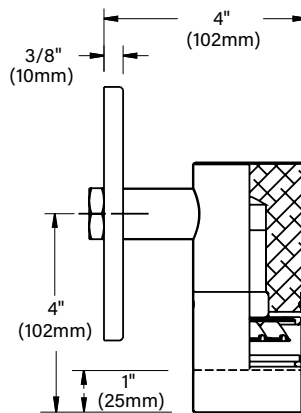
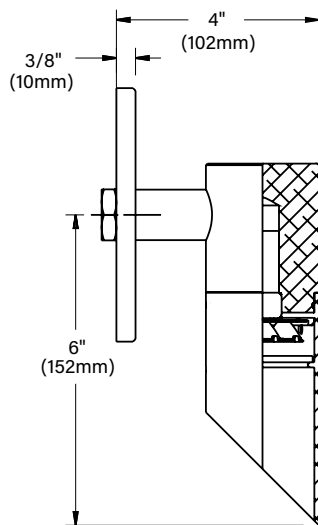
"A/D" CAP



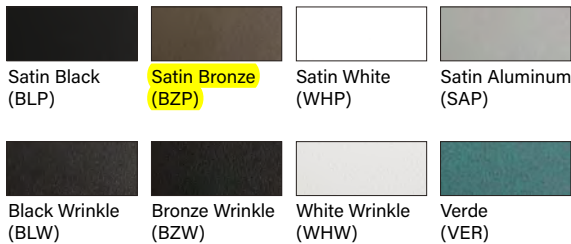
"B/E/F" CAP



"C" CAP



STANDARD FINISHES



PREMIUM FINISHES



[Click Here](#) to view larger, full-color swatches of all available finishes on our website.

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EL CAPITAN LED

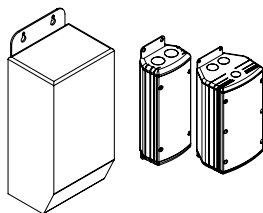
DATE:

PROJECT:

TYPE:

ACCESSORIES (Configure separately)




Drivers (Configure separately)



TR Series

UPMRM

SPECIFICATIONS

ELECTRICAL	WATTAGE	7W
	ADJUST-E-LUME	Integral electronics allow for dynamic lumen response at the individual fixture. Indexed (100% to 25% nom.) lumen output. Maintains output at desired level or may be changed. Specify factory preset output intensity.
	WIRING	XLPE, 18GA,150C, 600V, rated and certified to UL3321.
	REMOTE TRANSFORMER	For use with 12VAC remote transformer or magnetic transformers only. B-K Lighting cannot guarantee performance with third party manufacturers' transformers.
PHYSICAL	MATERIALS	Furnished in copper-free aluminum (6061-T6), brass (360) or stainless steel (304).
	BODY	Unibody design with enclosed, water-proof wireway and integral heat sink is fully machined from solid billet.
	CAP	Fully machined and accommodates one (1) lens or louver media.
	LENS	Shock-resistant, tempered glass lens is factory adhered to fixture cap and provides hermetically sealed optical compartment.
	LED	Integrated solid state system and modular design with electrical disconnects allow for easy field upgrade and maintenance. High power, forward throw source complies with ANSI C78.377 binning requirements and exceeds ENERGY STAR® lumen maintenance requirements. LM-80 certified components. Integral, constant current driver. 12VAC/VDC input. 50/60Hz. Proprietary input control scheme achieves power factor correction and eliminates inrush current (limited to <250mA non-dimming). Output, overvoltage, open-circuit, and short circuit protected. Conforms to Safety Std. C22.2 No. 250.13-12.
	DIMMING	Line voltage dimmable via magnetic low voltage dimmer with dedicated neutral conductor. Remote magnetic transformer with LED loads should be loaded to 25% of the transformer VA (watts) rated value.
	OPTICS	Interchangeable OPTIKIT modules permit optical field changes. Color-code: Narrow Spot (NSP) = red; Spot (SP) = green; Medium Flood (MFL) = yellow; Wide Flood (WFL) = blue.
	INSTALLATION	5" dia., machined canopy with stainless steel universal mounting ring permits mounting to 4" octagonal junction box (by others). Suitable for uplight or downlight installation.
	HARDWARE	Tamper-resistant, stainless steel hardware. Canopy mounting screws are black oxide treated for additional corrosion resistance.
	FINISH	StarGuard, our 15-stage chromate-free process cleans and conversion coats aluminum components prior to application of Class 'A' TGIC polyester powder coating and is RoHS compliant. Powder coat or metal finish options available for brass material and metal finish option only for stainless steel material.
WARRANTY	5-year limited warranty.	
CERTIFICATION & LISTING	ITL tested to IESNA LM-79. UL Listed. Certified to CAN/CSA/ ANSI Standards. RoHS compliant. Suitable for indoor or outdoor use and in wet locations. Made in the USA with sustainable processes.	
  		

B-K LIGHTING

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LAMP & DRIVER DATA (e64, e65, e66, e74)

DATE:

PROJECT:

TYPE:

CATALOG NUMBER LOGIC:

DRIVER DATA	Input Volts	InRush Current	Operating	Dimmable	Operation Ambient Temperature
	12VAC/DC 50/60Hz	<250mA (non-dimmed)	700mA	Magnetic Low Voltage Dimmer	-22°F-194°F (-30°C - 90°C)

LM79 DATA

BK No.	CCT (Typ.)	CRI (Typ.)	Input Watts (Typ.)
e64	2700K	80	7
	2700K	80	7
	2700K	80	7
	2700K	80	7
e65	3000K	80	7
	3000K	80	7
	3000K	80	7
	3000K	80	7
e66	4000K	80	7
	4000K	80	7
	4000K	80	7
	4000K	80	7
e74	Amber	80	7
	Amber	80	7
	Amber	80	7
	Amber	80	7

L70 DATA

Minimum Rated Life (hrs.) 70% of initial lumens (L ₇₀)
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000

OPTICAL DATA

Angle	CBCP	Delivered Lumens	Multiplier
13°	5993	456	0.87
16°	4546	445	0.87
23°	1726	397	0.87
31°	1131	399	0.87
13°	6131	466	0.89
16°	4650	455	0.89
23	1766	406	0.89
31°	1157	409	0.89
13°	6889	524	
16°	5225	511	
23°	1984	456	
31°	1300	459	
13°	3,927	299	0.57
16°	2,978	291	0.57
23°	1,131	260	0.57
31°	741	262	0.57

OPTICS

Optic	Angle
NSP - Narrow Spot	13°
SP - Spot	16°
MFL - Medium Flood	23°
WFL - Wide Flood	31°

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**CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: 6/13/2022 **AGENDA ITEM: 3**
MEETING DATE: 6/21/2022
TO: City of Belvedere Planning Commission
FROM: Samie Malakiman, Planning Consultant
REVIEWED BY: Irene Borba, Director of Planning and Building
Ann Danforth, Assistant City Attorney
SUBJECT: Design Review, ADU, two Variances, and Revocable License applications for exterior alterations, retaining wall, and stairway at 310 Beach Road.

RECOMMENDATION

The applicant requests Design Review, two (2) Variances, and Revocable License for the property located at **310 Beach Road**. The proposal includes a new staircase and two deck extensions. The project would convert a rear portion of the upper floor into a 123 square foot deck as well. The front fence would be raised to 6' and 41 square feet would be enclosed underneath the garage. Two (2) Variances are requested; the first for a new staircase in the right side yard setback, the second for a 10' retaining wall within the rear yard setback. The project includes a Revocable License application to relocate a staircase that leads to an existing private dock. The same applicant has also applied for a ministerial permit for a 795 square foot ADU; the ADU application is not before the Commission. The application for Design review is included as **Attachment 1** and project plans are included as **Attachment 2**.

As detailed further below in the Staff Report, Staff has concerns regarding both Variance and Revocable License requests. Staff recommends that the Planning Commission conduct the public meeting/discussion to hear from the applicants, allow members of the public to provide comments, and have the commissioners discuss, give feedback, and provide direction to the applicant and property owner for possible revisions and continue the item to a future meeting.

PROPERTY SUMMARY

Project Address: 310 Beach Road
APN: 060-233-07
Project Applicant: Steve Wisenbaker
Property Owner: Lovebird 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 steeply sloped 6,858 square-foot lot atop Belvedere Island. The property is located on Beach Road and is developed with a three-story home and detached garage. The site is adjacent to single-family homes and City owned Open Space.



ZONING PARAMETERS

ELEMENT	PRESCRIBED	EXISTING	PROPOSED
Lot Area	15,000 SF	6,858 SF	No Change
Total Floor Area	3,109 SF	4,024 SF	4,015 SF ⁽¹⁾⁽²⁾
Lot Coverage*	30% for structures	25.6%	27.6% 1,893 SF ⁽²⁾
	50% structures and decks	27.9%	42.4% 2,908 SF ⁽³⁾
Left Side Yard Setback	6'-1"	6'-11 ½ "	6'-7"
Right Side Yard Setback	6'-1"	6'-11- ¾ "	3'
Rear Yard Setback	15'	39'-11"	15'-2 ¾"
Front Yard Setback	15'	1'-9 ½ "	No Change
Building Height	36'	34'-3 ½"	No Change
Parking Spaces	2	3	No Change

- (1) The project would alter the existing structure, which currently exceeds the maximum permitted floor area for the R-15 zone. This is a legal, non-conforming condition. The applicant is proposing to decrease net floor area nine (9) square feet and would not be required to obtain a floor area ratio exception per BMC Section 19.52.120.B.
- (2) Proposed lot coverage and floor area does not include the 795 square feet ADU. Lot coverage or floor area ratio limits do not apply to either an attached or detached accessory dwelling unit that does not permit at least an 800 square feet ADU per BMC Section 19.79.050.D.
- (3) The 795 square foot roof deck atop the ADU is included to determine maximum lot coverage for decks as the roof deck requires discretionary review. Underlying zoning standards would apply per Government Code Section 65852.2(4) and BMC Section 19.79.050.D.

PROPERTY HISTORY

1976- Design Review approval to build carport overhang.

1978- Revocable License jointly issued to 310 Beach and 312 Beach Road for the existing private dock.

2006- Slide Repair due to storm damage.

1981 through 2017- Multiple building permits issued for window replacement, kitchen remodels, miscellaneous repairs, re-roof, and concrete replacement at garage.

PROJECT DESCRIPTION/ANALYSIS

The applicant requests Design Review to enlarge two rear decks at the main and lower levels of the home. The lower-level deck would sit atop a new 795 square foot Accessory Dwelling Unit. 123 square feet of floor area would be converted into a new rear deck at the upper level of the home as well. The application includes two Variances; one to add a 10' retaining wall at the rear property line and another to place new stairs in the right-side yard setback. A new Revocable License is requested for stair access to an existing private dock as well. The project would include a new fireplace and stone patio at the rear, and a new 6' fence and entry gate at the front of the home. 41 square feet of area underneath the existing detached garage would be enclosed for storage as well. The project would remove two mature trees and install a variety of new landscaping throughout.

The proposed ADU meets development standards consistent with BMC Chapter 19.79 and Government Code Sections 65852.2 and 65852.22 and the Director of Planning and Building will approve it ministerially as required by law. The ADU is mentioned here only to demonstrate its relationship to the roof deck, staircase, and other design features proposed with the application.

The home was constructed in 1969, prior to the City's adopted zoning ordinance for residential development standards. As a result, the project site is on a nonconforming lot and does not meet R-15 zoning district standards for floor area. The project would not increase this nonconformity. The project would reduce total floor area nine (9) square feet by converting portions of the upper level into a new deck; all other development standards in the R-15 zoning district would be met.

The applications are included as **Attachment 1** and project plans are included as **Attachment 2**.

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.

The ADU and associated roof deck would be 11'-3" tall and setback 15'-2" from the rear property line. Being attached to the 34'-3" tall home, the ADU and deck would blend into the existing home and minimize the project's perceived mass. The main level deck will extend 5'-2" towards Belvedere Cove and 123 square feet of floor area at the upper level would be converted into a new

deck. The decks will be located entirely within the existing building footprint and appropriately stepped back at each level, providing a terraced appearance from adjacent properties.

The project will incorporate a variety of horizontal and vertical elements to break up building planes. Railings will be made with narrow steel posts with a natural galvanized finish and stairways would be made of cedar tread. The upper and main level decks would be finished with cedar wood to match. Four (4) windows and three (3) doors with aluminum clad wood and white trim would replace existing windows and doors at the lower level of the home. The upper level would receive three (3) doors and five (5) windows. Most of the windows and doors are oriented toward the rear to overlook Belvedere Cove. Siding at all levels of the home will consist of stained cedar wood shingles. Eight (8) exterior light fixtures are proposed; two at each level of the home's rear facing walls, and two at the entry of the ADU. These wall mounted fixtures will be 2 ¼" in diameter and have a satin bronze finish. The proposed lights will be downward casting to reduce glare from adjacent residential and waterfront views. The materials and colors of the ADU will match the existing home.

Two trees are proposed for removal; a 20' Oak, which will be removed to install new retaining walls on soil with a moderate to high landslide susceptibility, and a 20' Pittosporum will be removed that is growing into the existing garage. 65 cubic yards of cut and 47 cubic yards of fill is proposed, with most excavation occurring beneath the patio for the new ADU. Proposed landscaping will include an assortment of low to medium water use shrubs and perennials including five Azalea, three Hydrangea, nine Carmel Creeper, nine Star Jasmine, 18 Echimium and 15 English Ivy. Additionally, five New Zealand Fern with a mature height of 15' and two English Laurel with a mature height of 30' will be planted. All landscaping will be planted at the rear of the home.

Staff believes that the evidence supports that all required Design Review findings. The project minimizes building mass and bulk by stepping the decks into the hillside. The new deck and stairway will allow the owner to better utilize the home's space while enhancing views of Belvedere Cove. The improvements will blend into the existing home by using existing colors and materials. While two trees are proposed for removal, 66 new perennials and shrubs will be added to screen the existing site conditions. The project is designed to complement the existing single-family homes found on Belvedere Island.

VARIANCE REQUESTS

The applicant requests Planning Commission consideration of a Variance from Section 19.26.040 of the Belvedere Municipal Code (BMC) to add a staircase within the right-side yard setback to gain access to the residences private dock. Although most of the staircase will be below 4' from grade, portions of the steps (64 square feet of area) near the right and rear property line boundary will be above 4'.

Additionally, the applicant requests Planning Commission consideration for a second Variance from Section 19.26.040 of the Belvedere Municipal Code (BMC) to add a 10' retaining wall within the rear yard setback to improve soil stability and support a new Accessory Dwelling Unit. Although the retaining wall will be less than 4' from existing grade at its northern most end, it raises to 10' above grade at the southern end.

Section 19.84.010 of the Belvedere Municipal Code requires the Planning Commission to make the following findings before granting a Variance:

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.

In addition, Section 65906 of the California Government Code provides the following in pertinent part:

Variations from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Discussion – Retaining Wall

In 2006, storms caused the subject property to incur a slide with approximately two-thirds of the property below the home being damaged. According to City records, adjacent properties have not incurred slide damage. The proposed retaining walls would provide general soil stability as well as structural support for the proposed Accessory Dwelling Unit. The applicant believes developing two 4' retaining walls would cause a greater visual impact and disturbance to existing soils. Due to the site's topography, two 4' retaining walls would appear 8' tall from Belvedere Cove. Additionally, building two retaining walls would double the amount of earthwork necessary to stabilize the soils. As currently proposed, the wall would be one foot above grade at the northern most end and raise to a maximum of 10' at the southern end. The retaining wall would follow the existing contours and be heavily screened by existing and proposed vegetation. The proposed retaining wall would not be visible from adjacent properties but would be visible from Belvedere Cove. Staff asks the Commission to consider whether the 2006 slide constitutes a special circumstance, and if granting the Variance would constitute a special privilege to the owner.

Discussion - Staircase

When the south adjacent property (312 Beach Road) was constructed, a retaining wall was built in its rear yard. The retaining wall extends 6' into the subject property and has steel rods underneath which tie back to 312 Beach Road. Due to this retaining wall, the proposed staircase would need to be above 4' from grade at certain portions to step over and down the retaining wall to access the private dock. The applicant considered locating the staircase on the northern side of the home and have it step down with the existing grade but wanted to avoid disrupting the slide improvements that were made on the northern side after the 2006 storm. This includes mesh wiring currently on

the northern portion of the yard. Staff asks the Commission to consider whether the encroaching retaining wall at the southern side of the home constitutes a special circumstance, and if granting the Variance would constitute a special privilege to the owner.

REVOCABLE LICENSE

Background

In the 1960s, 312 Beach Road was subdivided to construct 310 Beach Road. The owners of both properties entered into an agreement (**Attachment 3**) to share the existing dock and equally pay the annual Revocable License fee and required maintenance costs. The owner of 312 Beach Road sought to replace the pilings from the original dock in 1978, and while it was assumed a Revocable License was created, no record of the License was on file. To make the necessary improvements to the rotting dock, the owners submitted a joint Revocable License application. Staff has record of the Revocable License application and Staff Report (**Attachment 4**) but it is unclear if the License includes ancillary structures, such as the existing staircase leading to the home at 310 Beach Road.

Revocable License

The applicant requests Planning Commission consideration of a Revocable License to add a staircase and landscaping in publicly owned Open Space. Due to age and lack of maintenance, the existing staircase has rotted. The landslide in 2006 altered the topography where the existing staircase sits as well. The applicant proposes to remove the staircase and determine a stable path along the hillside to construct a new code compliant staircase. Allowing the Revocable License would provide the following benefits to the public.

1. Constructing a new staircase would provide additional soil stability to publicly owned land that has been prone to landslides in the past.
2. Constructing a new staircase would allow for landscaping improvements on publicly owned land to beautify the hillside and enhance views from Belvedere Cove. It's not possible to reach the hillside in its existing state.
3. Constructing a new staircase would allow any member of the public safe return from the publicly owned land beneath 310 Beach Road. This can be accomplished by conditioning the project to provide openings on both sides (north and south) of the staircase.

In accordance with Section 11.7 the City's Administrative Procedures Manual, a Revocable License for private use of excess street right-of-way may be granted in the discretion of the City Council when there is some benefit to the public, provided any proposed encroachment into the right-of-way complies with the Design Review requirements of Title 20 of the Belvedere Municipal Code. Staff suggests the factors may be satisfied, as explained above and in the italicized language, but suggest the commission discuss whether the Revocable License is for the public benefit.

- a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;

The project proposes to replace the existing staircase which leads to a private dock at the rear of the home. There are no adjacent public streets to the public property improvements.

- b. Where use of the public right-of-way will permit landscaping and/or related improvements to be installed that the City Council determines will enhance the aesthetic qualities of the

streetscape. Any such landscaping and/or related improvements should not significantly impede public views or views from neighboring properties, or infringe on the privacy of neighboring properties;

The proposed vegetation will be located on the low side of the steeply sloped lot. The surrounding homes are oriented above the proposed improvements. Views from neighboring properties would not be impeded.

- c. Where use of the public right-of-way will permit the creation of an off-street parking area, and will thereby relieve parking or traffic congestion on the adjacent City street;

The project does not propose improvements in the public right-of-way of Beach Road.

- d. Where the public right-of-way will be used to construct retaining walls, drainage structures or other facilities that the City considers necessary to protect or maintain the public infrastructure;

There are no retaining walls proposed in the right of way.

- e. Where appropriate to validate already existing private improvements in the public right-of-way for the purpose of shifting the City's potential liability for injuries and damages to the private property owners using the right of-way for private purposes;

The existing improvements include: Dock, wooden Staircase, landing, and landscaping. A Revocable License is necessary to shift potential liability for injury and damages to the private property owner.

- f. Where necessary to protect or enhance public safety;

The new stairway and landings will be in an area between the waterfront and single-family homes along Beach Road. The improvements will likely be accessed by the property owner only. The project will replace the existing rotting wood and posts to build new stairs. This improvement will allow for slope stabilization which will enhance public safety for anyone needing to use the staircase.

- g. Where use of the public right-of-way will provide an area for street-level refuse and recycling containers on property that would otherwise not have an area for such improvements.

Not applicable as no street-level refuse area is proposed with this project.

Additionally, the Administrative Policy further states that “Where fencing is proposed on City property, with the exception of where said fencing would be located on a very steep slope and would serve as a safety measure for vehicles and pedestrians said fencing should normally be avoided as this effectively turns public property into private property and potentially creates the unwanted image of a “tunnel effect” along our city streets. Fences and other similar barriers, including landscaping, that enclose public property for private use should be avoided.”

No fencing is proposed within the public right-of-way.

Staff recommends that the Planning Commission review and the Revocable License application for consistency with Administrative Policy section 11.7 and provide feedback to the applicant and owner for possible revisions and continue the item at a future meeting.

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 one letter of support from the neighbors (**Attachment 5**).

CONCLUSION AND RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing/discussion, discuss the project as designed, and provide feedback to the applicant and staff.

ATTACHMENTS

Attachment 1:	Project Applications
Attachment 2:	Project Plans
Attachment 3:	1968 Dock Agreement
Attachment 4:	1978 Staff Report for Revocable License
Attachment 5:	Correspondence



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

RECEIVED
FOR STAFF USE ONLY

Date: JUN 09 2022 Rec'd. by: _____ Planning Comm. Approval
City of Belvedere Design Review Exception
Amount: _____ Project Number: _____ 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.: _____
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: 310 Beach Road

Record Owner of Property: Lovebird Family Trust

Mailing 310 Beach Road, Belvedere CA 94920 Daytime Phone: 415 309 1958

Address: _____ Fax: _____
Email: mark@presidiodp.com

Owner's Representative: Steve Wisenbaker AIA

Mailing 300 Tamal Plaza Suite 200 Daytime Phone: _____

Address: Corte Madera CA 94925 Fax: _____
Email: steve@stevewisenbakerarchitects.com

Project Description: _____

Add new ADU with roof deck on top of existing lawn area, including new exterior fireplace. Remodel upper level Master Suite and existing exterior balcony. Extend existing deck at Main Level.

Remodel existing lower level to provide access to ADU. New revocable license for stair access to existing dock at the Bay shoreline

ZONING PARAMETERS:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area		6,858.1 sq. ft.	
Lot Coverage		27.9%	30.8%
Total Floor Area		4024.8 sq. ft.	4,015.4 sq. ft.
Front Yard Setback	15'-0"	1'-9 1/2"	1'-9 1/2"
Left Sideyard Setback	6'-1"	6'-11 1/2"	6'-7"
Right Sideyard Setback. . . .	6'-1"	6'-11 3/4"	6'-11 3/4"
Rear Yard Setback	15'-0"	39'-11"	15'-2 3/4"
Building Height Maximum...	36'-0" max.	34'-3 1/2"	34'-3 1/2"
Building Height Average...	28'-0" max.	25'-8 1/2"	25'-8 1/2"
Parking Spaces		3 (2 covered)	3 (2 covered)

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA*(To Be Completed by Applicant)*

Date Filed: _____

General Information

1. Name and address of developer or project sponsor: Lovebird Family Trust, attn. Mark Conroe
2. Address of project: 310 Beach Road, Belvedere CA
3. Name, address, and telephone number of person to be contacted concerning this project: _____
Steve Wisenbaker AIA 300 Tamal Plaza Suite 200 Corte Madera CA 94925 415 924 1020
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: _____
Revocable License for stair to existing dock on city property, BCDC approval for the same.
6. Existing zoning district: R15
7. Proposed use of site (Project for which this form is filed): SFD
8. Year built: 1969 Original architect: Drosihn & Kassovic Architects

Project Description

9. Site size. 6,858.1 sq. ft.
10. Square footage. 4,015.4 sq. ft.
11. Number of floors of construction. 4
12. Amount of off-street parking provided. 3
13. Plans attached? yes

14. Proposed scheduling. Construction to start summer 2022
15. Associated projects, such as required grading or staging. None
-
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. Existing house to remain. New 795 sq. ft. ADU
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. Variance for ret. wall ht. Cond. Use for deck above ADU.

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Change in dust, ash, smoke, fumes or odors in vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Substantial change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Site on filled land or on slope of 10 percent or more.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28. Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Relationship to a larger project or series of projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Changes to a structure or landscape with architectural or historical value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Changes to a site with archeological or cultural value such as midden soil.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. Existing 3 story SFD with detached garage on steep site adjacent to the bay.
-
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. project is in a residential neighborhood with established similar single family homes and detached garages and accessory structures.
-

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: \$ 1,000,000

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:

Time & Materia for staff time is Hourly Rate below plus 10% overhead) as of June 14, 2021 (subject to change without notice):

Director of Planning & Building	\$ 110.00
Senior Planner	\$ 80.00
City Attorney	\$ 240.00
Building and Planning Technician	\$ 60.00

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: 310 Beach Road

Assessor's Parcel No(s). of subject property: 060-233-07

➤ **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, _____, 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 8th day of June, 2022, at Belvedere, California.

Signature [Handwritten Signature]

Signature _____

Title(s) Trustee

Title(s) _____

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

Name of trust, LLC, corporation, or other entity: Lovebird Family Trust

➤ **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 Steve Wisenbaker 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 finalized or until the designation is rescinded in writing.

Signature of Owner:  Date: 6/8/22

Signature of Representative: _____ Date: _____



Project Address: 310 Beach Road

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

RECEIVED

Date: 11/11/00 2027 Rec'd. by: _____ Amount: _____ Receipt No.: _____

Assessors Parcel No: _____ Zone: _____
City of Belvedere

TO BE COMPLETED BY APPLICANT

Address of Property: 310 Beach Road

Type of Property: Residential (SFD)

Record Owner of Property: Lovebird Family Trust

Mailing 310 Beach Road Daytime Phone: 415 309 1958

Address: Belvedere CA 94920 Fax: _____

_____ Email: mark@presidiop.com

Owner's Representative: Steve Wisenbaker AIA

Mailing 300 Tamal Plaza Suite 200 Daytime Phone: 415 924 1020

Address: Corte Madera CA 94925 Fax: _____

_____ Email: steve@stevewisenbakerarchitects.com

Description of project and variance(s) requested: 61 Square Feet of new exterior site stairs exceeding 4' in height

<u>ORDINANCE §</u>	<u>REQUIREMENT</u>	<u>EXISTING</u>	<u>PROPOSED</u>
_____	<u>4'-0" max.</u>	_____	<u>12-0"</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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:

Many adjacent properties, including this one, have approved stairs & retaining walls greater than 4' in height.

- 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:

Average site slope is 57.75%. This requires stairs greater than 4' in two locations to create usable stairs.

- 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:

Proposed stairs are at the lowest property line, well below the street and not visible from most points of perspective.

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: Mark Conroe

Date: 6/6/22



APPLICATION FOR REVOCABLE LICENSE

CITY OF BELVEDERE

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: _____

City property to be encroached upon: _____

TO BE COMPLETED BY APPLICANT

Address of Property: 310 Beach Road

Type of City Property to Be Encroached Upon (e.g., street right-of-way, view easement, tide lot):
Tide Lot

Record Owner of Property: Lovebird Family Trust

Mailing 310 Beach Road Daytime Phone: 415 309 1958

Address: Belvedere CA 94920 Fax: _____

Email: mark@presidiodp.com

Owner's Representative: Steve Wisenbaker AIA

Mailing 300 Tamal Plaza Suite 200 Daytime Phone: 415 924 1020

Address: Corte madera CA 94925 Fax: _____

Email: steve@stevewisenbakerarchitects.com

Description of Encroachment Requested and Its Purpose (include list of private improvements, both existing and proposed, that will encroach onto public property):

New wood stair down to existing dock at bay shore

- Applicants, please attach a scale diagram showing your property line and the encroachments. FOLLOW INSTRUCTIONS ON PAGE 3

IMPORTANT! This application will first be reviewed by the City Staff and/or Planning Commission. If the application successfully passes this review, a revocable license agreement will be drawn up by City Staff and a formal recommendation will be made to the City Council to approve it. *The property owner(s) will need to sign the agreement document and have the signature(s) acknowledged by a notary public or the Deputy City Clerk before the agreement can be ratified by the City Council.* A specimen copy of the revocable license agreement is attached for your information. **THE OWNER'S FAILURE TO EXECUTE THE AGREEMENT WILL PREVENT THE ISSUANCE OF ANY BUILDING PERMIT ASSOCIATED WITH THE LICENSE.**

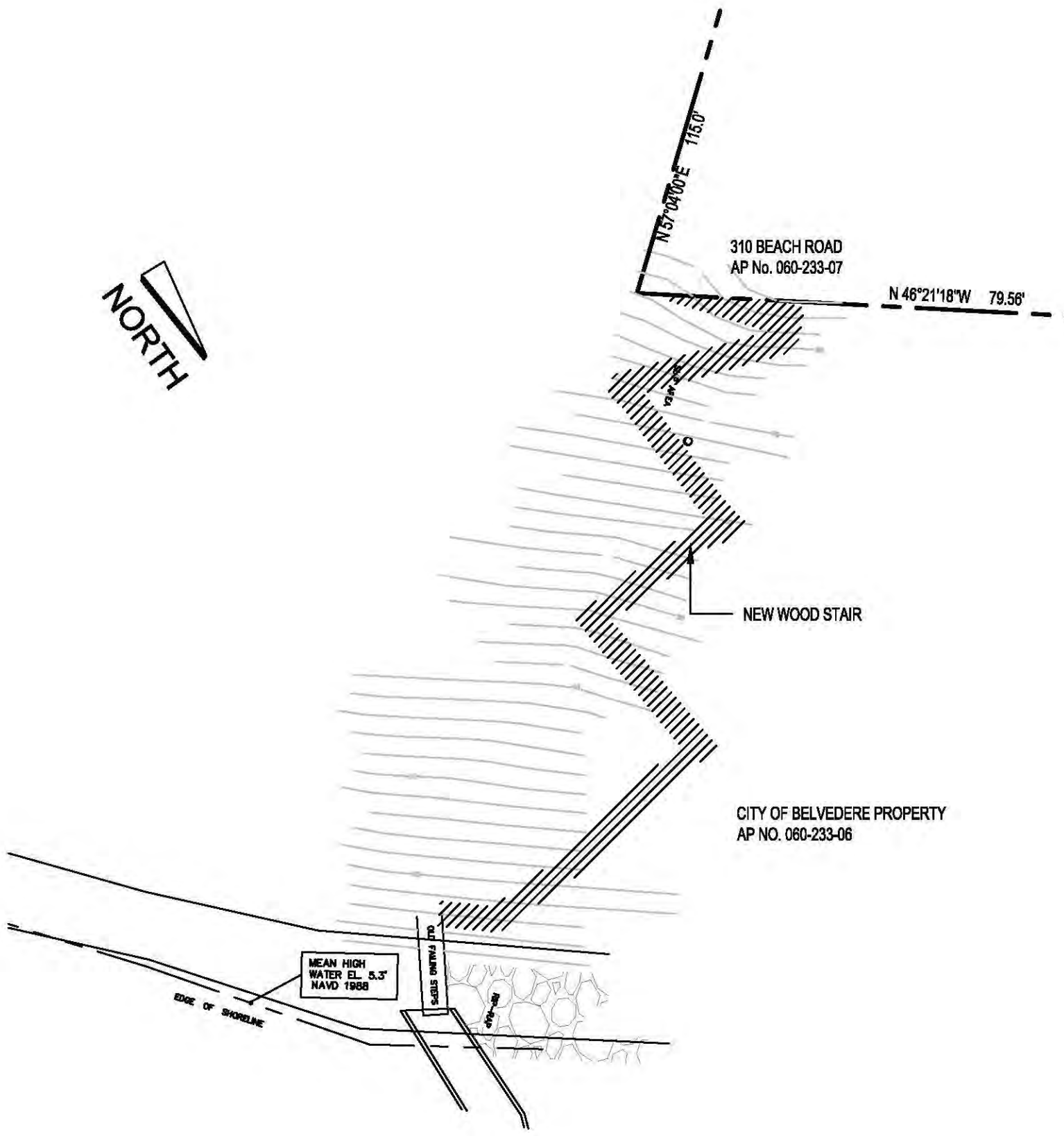
I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for the revocable license requested, and I hereby certify that the facts, statements and information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

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

Signature: _____

Name: _____

Date: _____



REVOCABLE LICENSE EXHIBIT "A"

$\frac{1}{16}'' = 1'-0''$

A.P. NO. 060-233-06 LICENSE AREA SHOWN SHADED

After recording return to:
James W. Meyer
c/o Elva Paske Realtor
1610 Tiburon Blvd.
Tiburon, Calif. 94920

AGREEMENT FOR JOINT USE OF DOCK

16752

THIS AGREEMENT between James W. ZINK and Joanne R. ZINK, his wife, the owners of Lots 5 and 6 of Block 1, as shown on Map No. 2 of Belvedere, Marin County, California and James W. MEYER, the owner of Lot 7 on said Map and adjoining the lands of Zink, shall be recorded as a condition to run with the lands of the undersigned, their successors and assigns.

WHEREAS, there is a boat dock in front of Lot 7 of above described property; and

WHEREAS, there is an unrecorded agreement between previous owners of the subject properties which establishes the right of joint use and maintenance of said boat dock; and

WHEREAS, the parties hereto intend to perpetuate this agreement for the benefit of their successors, heirs and assigns

IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The owner of Lot 7 shall be allowed to construct on ground level an open path, five feet maximum width, at his expense and maintained by him. Said path shall run along the base of the lowest existing wooden retaining wall on Lots 5 and 6 extending from approximately the S.E. corner of Lot 7 to the existing wooden stairway along the S.E. boundry of Lot 5.
2. The cost of the City of Belvedere annual revokable license fee and maintenance and repair of said dock and stairway to the dock shall be borne equally between the owners of the respective parcels. No substantial improvements of said dock and/or stairway shall take place without the consent of the owners of both parcels.
3. The owners of Lots 5 and 6 and the owners of Lot 7 shall have the joint right to use the boat dock fronting on Lot 7 and the wooden stairway leading to the dock and said pathway on Lots 5 and 6. Said owners shall maintain a separate and joint liability insurance policy covering facilities jointly used and in amount satisfactory to the owners of both parcels; the premiums shall be paid by said owners on an equal basis when due.

IN WITNESS WHEREOF said parties have executed this agreement as of the 10th day of June A.D. 1968

BOOK **2220** PAGE **129**
RECORDED AT REQUEST OF
CALIFORNIA
LAND TITLE COMPANY
AT 16 MIN. PAST 10 AM.
JUN 24 1968

Official Records of Marin County, Calif.

N. J. Giacomini
FEE \$ 2.80 RECORDER

James W. Zink
James W. Zink
Joanne R. Zink
Joanne R. Zink
James W. Meyer
James W. Meyer



CITY of BELVEDERE

450 San Rafael Ave. • Belvedere, California 94920

Meeting Date: 6-5-78
Agenda Item: G-5C
File: 310 & 312 Beach Road

STAFF REPORT

SUBJECT: Mr. Ed Cutter, 310 Beach Road and Dick Slolton, 312 Beach Road - Revocable License.

Attachments: Application and Letter.

Cost Implications: None.

Staff Recommendation: Motion to revoke any existing Revocable License for a dock at 310 or 312 Beach Road. And motion to grant a revocable license jointly to owners of 310 and 312 Beach Road, for the existing of one dock.

Staff Report: Mr. Cutter and Mr. Slolton applied for a building permit to repair an existing dock behind their property. Unfortunately, staff has been unable to find any record of a revocable license issued for the dock. A Design Review approval and a Building Permit for an extension to the dock, approved in August of 1974, were found. The approvals were given to the owner of 312 Beach Road.

Mr. Cutter and Mr. Slolton informed staff that some years ago, 312 Beach Road was split to form 310 Beach Road and 312 Beach Road. Neither Mr. Cutter nor Mr. Slolton have any objection to a revocable license being issued jointly. While this solution is somewhat irregular, staff does not foresee any problem with this proposal.

PEH:ml

Police Emergency:
435-2611

Business Phone:
435-3838

Fire Emergency:
435-3323

CITY OF BELVEDERE

450 San Rafael Avenue

435-3838

APPLICATION FOR CONSTRUCTION ACTIVITY

Design Review

Variance

Revocable License

Job Address: Belvedere Cove shoreline in front of
310-312 Beach Road

AP #

Owner's Name: E. A. Cutter 310 Beach Road 435-3428
Richard Slottow 312 Beach Road Phone: 435-9381
Address (If different from above):

Architect or Engineer: Not Applicable
Address:

Phone:
License #:

Contractor: Not Applicable
Address:

Phone:
License #:

Class of Work: (Check One)

New Building

Alteration

Repair

Building Move or Removal

Fence

Landscaping

Other: Structure, a dock constructed circa 1920
already exists

Existing Use: dock

Proposed Use: dock

Describe Work: This application for a revocable license pertains to a dock which already exists. The original revocable license was apparently issued to the owner of 312 Beach Road, but no records exist as to that license. The purpose of this application is to formalize the records as to the joint ownership responsibility for the dock by the owners of 310 and 312 Beach Road. Upon the

granting of this application, the owners will apply for a building permit to allow replacement of rotting piles and stringers. Your application will not be accepted unless you have attached the following:

A plot plan showing the boundaries of your lot; the location of all existing and proposed structures on the lot; the location of the adjacent street, sidewalks, and driveways; the relationship of structures to structures on neighboring lots. (Seven copies) See attached copies from 1974 Army Corps of Engineers permit for improvements to the dock.

If you wish someone other than the owner to sign necessary documents for this project, complete the following:

As legal owner of record of the property described hereinabove, I hereby authorize _____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to be able to complete the above described project and further authorize said person to appear on my behalf before the Belvedere City Planning Commission and/or Belvedere City Council. This authorization expires sixty (60) days from this date.

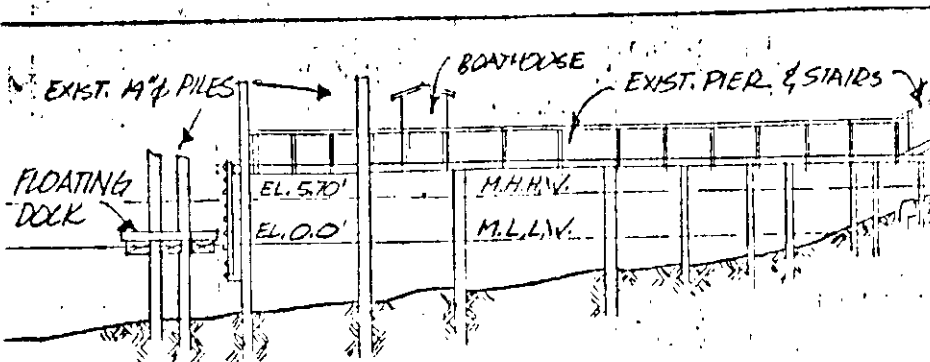
Date: _____ Signature of Owner: _____

Signatures of Applicants: E. A. Cutter, Richard Slottow
MAY 29, 1978

Date of Application (including plans and fees): 50. H 1287

Received by: _____

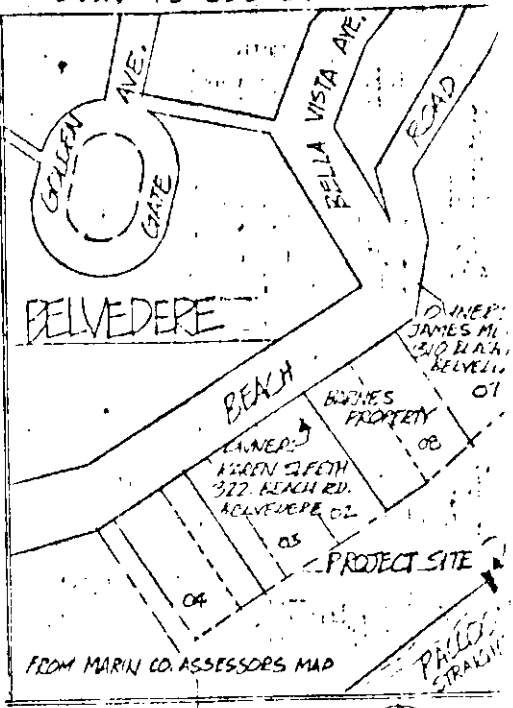
4-5/20/78



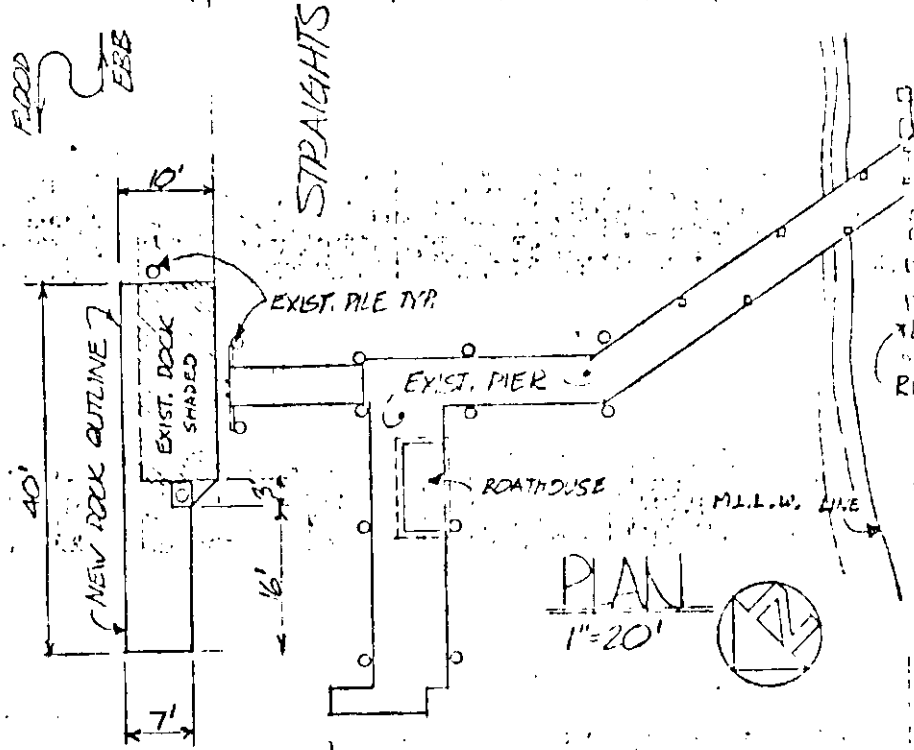
ELEVATION

SCALE: 1"=20'

PROPERTY OWNER:
 KADEN SLEETH
 322 BEACH ROAD
 BELVEDERE

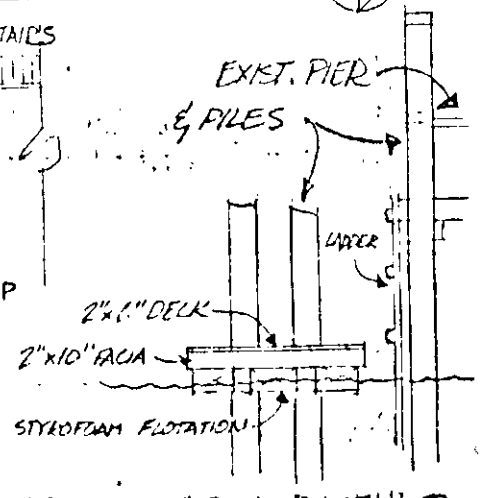


SITE MAP



PLAN

1"=20'



ELEVATION DETAILS

RALCOON

PROPERTY OWNER:
 JAMES MEYER
 310 BEACH ROAD
 BELVEDERE

PROPOSED DOCK IN BELVEDERE COVE
 AT 312 BEACH ROAD, BELVEDERE
 COUNTY OF MARIN, CALIFORNIA
 APPLICATION BY: MR. FREDRICH BAENES
 DATE: 6/21/74 SHEET 1 OF 1

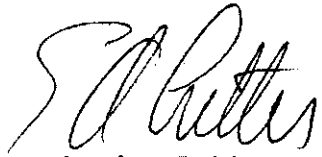
City of Belvedere
450 San Rafael Ave.
Belvedere, CA. 94920

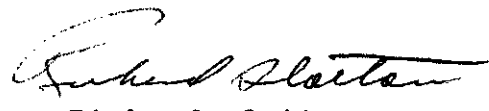
Gentlemen:

Enclosed is an Application for the issuance of a Revocable License to own and maintain a dock in Belvedere Cove in front of our respective homes. The dock was originally constructed around 1920 by the then owner of 312 Beach Road. During the 1960s 312 Beach Road was subdivided and 310 Beach Road was constructed. An agreement was recorded running with both parcels whereby the responsibility for and rights to use the dock would be shared equally by the owners of the two parcels. In all probability a revocable license was issued to an owner of 312 Beach Road before the lot was split. However no record of the license exists. In 1974 the then owner of 312 Beach Road had a single new pile driven and a new float for the dock installed. Appropriate permits from the City, the Corps of Engineers, BCDC, etc. were obtained prior to the commencement of that project.

Most of the piles on the dock are original piles and are severely rotten. One has broken and threatens to cave in causing the collapse of the dock house. The present owners of the dock have sought a building permit to have the piles and any rotten members replaced. However the permit has not been issued because the city has no record of the existence of a revocable permit for the dock. We have been told that we must have the revocable license to get the building permit. For that reason we jointly apply to the city for prompt issuance of a revocable license so that a permit can be issued to permit us to perform emergency repairs to the dock. We request that the permit be issued to us as owners of 310 and 312 Beach Road and that the permit be considered as running with the land and not as a personal permit.

Sincerely,


E. A. Cutter
310 Beach Road


Richard Slottow
312 Beach Road

May 26, 1978

June 15, 2022

Irene Borda
Planning Department
City of Belvedere

RE: Conroe ADU Application
310 Beach Road

Irene,

Nancy and I are writing this letter to you related to our new neighbors at 310 Beach Rd and their application to build an ADU and other improvements. Our other neighbor Steve Wisenbaker has designed this addition for the Conroes, as on the plans dated June 6, 2022, and we have reviewed these plans with Mark and Steve.

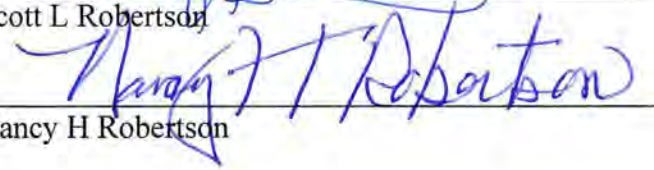
Given that these ADU applications are now a right of use rather than subject to other guidelines we want to speak directly to this application and its specifics:

- 1) First, we are 100% in support of this Plan in its entirety.
- 2) All of it makes perfect sense and is what Nancy and I would do as well in their place, if not also with Steve Wisenbaker.
- 3) We are thrilled with the stairs to the shared dock! And frankly, all of our conversations with the Conroe's about our mutual interests have been cordial, productive and positive.
- 4) We are in agreement to expand their upper floor balcony and related access and stairs facilitating the addition, the window lines and other new and improved access areas.
- 5) Please NOTE: We very much hope that you will approve the roof top deck for the ADU addition. Given the reality of the ADU itself, its dimensions and location - we believe the roof top deck becomes critically important. With deck access the Conroes can install plantings and other cover for our mutual benefit and views. Without deck access the ADU roof will be left barren and less than desirable.
- 6) We have observed the story poles to this Plan and considered this application in full. Our vote, to the extent we have one, is to approve and support this Plan as designed and to further the best outcome for all concerned.

Thank you for your time and consideration,
Scott



Scott L Robertson



Nancy H Robertson