

**BELVEDERE PLANNING COMMISSION**

**SPECIAL MEETING AGENDA**

**NOVEMBER 15, 2022, 5:30 PM to 6:30 PM**

**REMOTE MEETING**

***COVID-19 ADVISORY NOTICE***

On March 3, 2020, Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow remote meetings at the current time. Members of the Planning Commission and staff will participate in this meeting remotely. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing the Director of Planning and Building at: [iborba@cityofbelvedere.org](mailto:iborba@cityofbelvedere.org) Please write "Public Comment" in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the Planning Commission and included in the public record for the meeting. Those received after this time will be added to the record and shared with Planning Commission member after the meeting.

**City of Belvedere is inviting you to a scheduled Zoom meeting.**

**Topic: Belvedere Planning Commission *Special Meeting***

**Time: November 15, 2022, 5:30 PM to 6:30PM**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87361625885?pwd=UnFKcDFRYy80c1NjdmRgQ2taemJBZz09>

Webinar ID: 873 6162 5885

Passcode: 634980

**888 -788- 0099 (Toll Free)**

**877- 853- 5247 (Toll Free)**

**A. CALL TO ORDER THE SPECIAL MEETING OF THE PLANNING COMMISSION**

**SCHEDULED ITEMS**

1. 6<sup>th</sup> Cycle Draft Housing Element – This is an opportunity for the public to provide comments and/or ask questions pertaining to the draft 6<sup>th</sup> Cycle Housing Element.

Link to 6<sup>th</sup> Cycle Draft Housing Element <https://blueprintforbelvedere.com/>

**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)].

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**Belvedere-Tiburon Library**, 1501 Tiburon Boulevard, Tiburon.

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

**BELVEDERE PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**NOVEMBER 15, 2022, 6:30 PM**  
**REMOTE MEETING**  
***COVID-19 ADVISORY NOTICE***

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**City of Belvedere is inviting you to a scheduled Zoom meeting.**

**Topic: Belvedere Planning Commission Meeting**

**Time: November 15, 2022, 06:30 PM**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87361625885?pwd=UnFKcDFRYy80c1NjdmRgQ2taemJBZz09>

Webinar ID: 873 6162 5885

Passcode: 634980

**888 -788- 0099 (Toll Free)**

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

**HEARING PROCEDURE:**

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

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

**A. CALL TO ORDER OF REGULAR MEETING**

**B. OPEN FORUM**

This is an opportunity for any citizen to briefly address the Planning Commission on any matter that does not appear on this agenda. Upon being recognized by the Chair, please state your name, 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](mailto: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. Motion to **Approve Meeting by Remote Teleconference** and adopt the following findings:
  - a. On March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence;
  - b. State or local officials continue to impose or recommend measures to promote social distancing; and
  - c. The State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Commission members, staff, and the public to meet safely indoors in person; and
  - d. The Belvedere City Council has directed all legislative bodies within the City to meet by Teleconference until further notice.
2. Draft **Minutes of the October 18, 2022**, regular meeting of the Planning Commission.
3. Exception to Total Floor Area for modifications to approved plans for additional floor area (approx., 210 SF) on the lower level of the existing residence beneath the garage at **431 Golden Gate Avenue**. Property Owners: Marshall Miller & Linda Applewhite. Applicant: Chuck Bond (Architect). *Staff recommends approval of the proposed project. Staff recommends that the project is Exempt from CEQA. Recusals: None*

**E. PUBLIC HEARINGS**

4. Design Review and Exception to Total Floor Area application for an addition, interior remodeling, and exterior improvements. The project proposes an 86-sf and 82-sf addition on the main and upper floors respectively, internal remodeling, new doors and windows on the southwest/southeast elevations, removal of a second-story deck, and replacement of a glass roof with asphalt shingles to match existing. Other exterior improvements include installation of an aluminum and glass awning at the entrance with on new exterior light. The proposed project is for the property at **148 Bayview Avenue**. Property Owners: Maryam Rabbanifard & Fabien Vives. Applicant: Holscher Architects. *Staff recommends approval of the proposed project. Staff recommends that the project is Exempt from CEQA. Recusals: None*
5. Design Review, Exception to Total Floor Area, and Revocable License applications for the property located at **7 Golden Gate Avenue** (APN 060-111-15). The project proposes to convert an existing 480 square-foot carport into a 464 square-foot two-car garage and add 139 square feet to the residence for bathroom, closet, and kitchen additions. The project would include landscape and hardscape improvements, new fencing, and roof replacement. Four trees would be removed, including a 20-inch diameter at breast height (DBH) Eucalyptus. A Revocable License is requested for driveway and landscaping improvements on the Tamalpais Avenue public right-of-way. An Exception to Total Floor Area is requested to exceed allowable floor area per Belvedere Municipal Code Section 19.52.115, where 2,706 square feet are proposed, and 2,248 square feet are permitted. Retroactive Design Review is required for improvements made without prior Planning Approval (removal of three trees in the left side yard). Project Applicant: David Thompson; Property Owner: Shahla Davoudi & Shahrou Tavakoli. *Staff recommends approval of the proposed project. Staff recommends that the project is Exempt from CEQA. Commissioner Johnson recused.*
6. Public hearing to consider recommending City Council approval of an Ordinance **Amending the Belvedere Municipal Code**, Chapters 18.27 Urban Lot Splits and Chapters 19.77 Two Lot Developments. *Staff recommends that the Commission recommend approval to the City Council. And that the project is Exempt from CEQA.*

**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)].

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**City of Belvedere  
Regular Planning Commission  
Meeting**

**November 15, 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.

**7 Golden Gate Avenue**

Johnson

**148 Bayview Avenue**

None

**431 Golden Gate Avenue**

None

**BELVEDERE PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**October 18, 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. in the Belvedere Council Chambers. Commissioners present: Pat Carapiet, Ashley Johnson, Marsha Lasky, Larry Stoehr, Kevin Burke, and Claire Slaymaker. Commissioners Absent: Nena Hart.. Staff present: Director of Planning and Building Irene Borba, City Attorney Ann Danforth, Contract Planner Isabelle Loh, Associate Planner Samie Malakiman and Technician Nancy Miller.

**B. OPEN FORUM**

*This is an opportunity for any citizen to briefly address the Planning Commission on any matter that does not appear on this agenda. Upon being recognized by the Chair, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more-lengthy presentation or Commission consideration will be agendized for further discussion at a later meeting.*

No one wished to speak.

**C. REPORTS**

There were no reports.

**D. CONSENT CALENDAR**

MOTION: To approve the Consent Calendar as agendized below.

MOVED BY: Marsha Lasky seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Marsha Lasky, Ashley Johnson, Kevin Burke,  
 Claire Slaymaker, Larry Stoehr  
 ABSENT: Nena Hart  
 RECUSED: None

1. Motion to Approve **Meeting by Remote Teleconference** and adopt the following findings:
  - a. On March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence.
  - b. State or local officials continue to impose or recommend measures to promote social distancing; and
  - c. The State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Commission members, staff, and the public to meet safely indoors in person; and
  - d. The Belvedere City Council has directed all legislative bodies within the City to meet by Teleconference until further notice.
2. Draft **Minutes of the September 20, 2022**, regular meeting of the Planning Commission.
3. Planning Commission consideration for an Extension of Design Review & associated entitlements for the property located at **345 Golden Gate Avenue** for the modifications to approved plans for an addition/remodel including the demolition of the existing detached pool house, existing pool and pool terrace and alterations to approved site stairs & planting areas and the addition of a new greenhouse. A new pool house, pool terrace and new



pergola are included as part of the proposal as well as modifications to the main residence. Applicant: Carl Baker, Architect: Ike Kligerman Barkley. Property Owners: 345 Golden Gate LLC. *Staff recommends approval of the requested extension for design review. **No Recusals.***

## E. PUBLIC HEARINGS

4. Design Review (portions of which are Retroactive) for the property located at **312 Beach Road**. Revocable licenses are also required for improvements (existing & proposed) in the city right-of-way along Beach Road and on city property, commonly known as “The Strip”. The project includes landscaping and other site improvements. Applicant/Property Owner: Scott Robertson. Staff recommends approval of the proposed project. **Recusals: None**

Director Borba presented the staff report. A slide show accompanied her remarks.<sup>1</sup>

Commissioner Stoehr asked what is required when the property line is in the roadway.

Chair Carapiet responded that she measured the 20-foot required roadway width and because this is located inside the property line; the wall cannot be built up to the property line.

Scott Robertson, 312 Beach Road, owner, and his team responded to questions from the Commission. There will be a small sitting area at the landing at the bottom of the stairs. Four laurel trees will be planted after the sewer line is replaced.

Open Public Hearing.

Steve Wisenbaker, 322 Beach Road, requested replacement for the removed Eugenia trees. They requested a different species from the Strawberry tree for the space such as a Magnolia, Pittosporum or Privet.

Mr. Robertson replied that he would agree to plant 4 Laurels in the area after the sewer line is replaced.

Close public hearing.

Commissioner Lasky can approve the complete landscaping plan for the property and The Strip. She like the Arbutus tree in Belvedere climate and soil, but she suggests that there be a condition that the final tree species be approved by the Chair and the Planning Director and add the condition for the 4 Laurels on the side after the sewer line goes in. She can make the findings for Design Review and Revocable Licenses.

Commissioner Slaymaker approves of the planting plan for the City property and the new hedge and low curb, and new Magnolias. She can agree to make the findings for Design Review and Revocable Licenses as amended tonight.

Commissioner Burke can make the findings for Design Review and Revocable Licenses. He would agree that the 3 tree choices offered by the applicant can be determined in discussion with the neighbors as a condition of the approvals.

Commissioner Stoehr stated that the pavers on the roadway create confusion and should be deleted and replaced with regular street paving to extend to at least the 20-foot width as a part of the Design Review approval. In addition, there is a condition to maintain the hedge at 6 feet in height. He

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<sup>1</sup> The presentation is archived with the record of the meeting.

would add language to clarify that the height is to be measured from the lower side. He is unsure as to how the delay in planting will affect the finaling of the permit.

Chair Carapiet stated that the applicant can apply for a 90-day landscaping extension to complete the landscaping after the permit is finalized.

Open public hearing.

Mr. Robertson offered to plant the 4 Laurels now, in advance of the sewer line work.

Close public hearing.

Vice Chair Johnson asked whether the pavers create an illusion of private parking. The design is great without that. She can support the revised applications, the additional trees, the hedge at the front instead of a wall.

Chair Carapiet can make the findings for Design Review and Revocable Licenses. She believes that the Resolution would be amended to add the 4 Laurels as replacements for the Eugenias. Additionally, a condition would be added to provide for the agreement between the two neighbors, to plant either Arbutus or Podocarpus as replacement trees between properties. If agreement cannot be reached the Planning Director and Chair of the Planning Commission will decide.

MOTION: To adopt the Resolution for Design Review (portions of which are retroactive) as conditioned per the meeting discussion tonight for landscaping and site improvements at **312 Beach Road**.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Marsha Lasky, Ashley Johnson, Claire Slaymaker, Kevin Burke

NOES: Larry Stoehr

RECUSED: None

ABSENT: Nena Hart

MOTION: To make a recommendation to City Council for approval of Revocable Licenses for the private improvements at the **312 Beach Road** right of way, and for the City Property commonly known as The Strip as conditioned.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Marsha Lasky, Ashley Johnson, Claire Slaymaker, Kevin Burke, Larry Stoehr

NOES: None

RECUSED: None

ABSENT: Nena Hart

5. Design Review application for a second-floor roof deck and exterior improvements for the property located at **30 Windward Road**. The project proposes an 86.17 square-foot lagoon-facing roof deck on the existing two-story residence. Other exterior improvements include installation of a new window and 12" tall retaining wall, and replacement of existing garage door, entry gate, and fence. Applicant: Albert DeLima at WA Associates, Inc.; Property Owner: Lisa Hook. Staff recommends approval of the proposed project. ***No Recusals***

Contract Planner Loh presented the staff report. A slide show presentation accompanied her remarks.<sup>2</sup>

Albert DiLima, project architect, described the project.

Vice Chair Johnson asked why the originally approved balcony built.

Mr. DiLima replied that was because of cost considerations. Now they are interested in doing this.

Close public hearing.

Commissioners discussed the project. Several felt that the proposed balcony would not have any significant impact on privacy and is consistent with many similar balconies in the neighborhood. Some felt that the size of the balcony might be smaller. Discussion was held as to whether the proposed balcony lights are necessary. Some Commissioners believed that the lighting may be required by the building department as they are next to a door. If not required, reduction in the lighting was requested as a condition of approval for the project.

Reopen public hearing.

Donna Motluk, 10 Maybridge Road, lives across the Lagoon from this property. She is concerned about the proposed lighting. She requested that the lighting would be as discrete as possible.

Close public hearing.

Chair Carapiet stated that the Commission can provide approval of the Design Review motion as conditioned that the exterior lighting be reviewed prior to issuance of the Building Permit.

MOTION: To adopt the Resolution for Design Review for **30 Windward Road** as conditioned.

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

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

6. Design Review for modifications to approved plans for an addition/remodel of the existing residence which is currently under construction at **431 Golden Gate Avenue**. The modifications to approved plans includes some of the following: changes to the garage (shifting location and change in roofline), window and door modifications, the addition of trellises, a new elevator and landscape changes. Property Owners: Marshall Miller & Linda Applewhite. Applicant: Chuck Bond (Architect). Staff recommends approval of the proposed project. No Recusals.

Director Irene Borba presented the staff report. A slide show accompanied her remarks.<sup>3</sup> She clarified there was an administrative approval for additional Demolition of the existing garage due to extensive dry-rot conditions. The applicant has stated that the final calculation of Demolition was 47.5%. When asked, the according to the architect there will be no off-haul of materials from the site. Excess materials will be used to support the new driveway.

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<sup>2</sup> The slide show presentation is archived with the record of the meeting.

<sup>3</sup> The slide show presentation is archived with the record of the meeting.

Commissioner Stoehr requested clarification of the Construction Time Limit for the project.

Director Borba stated that there is a current request for a 6 – month extension to the existing 18-month permit totaling 24 months.

Commissioner Stoehr asked whether the Demolition of the garage conflicts with the original approval of a Variance that was contingent on the garage to remain.

Director Borba stated that there is allowance in the Code for replacement of facilities when they cannot be retained. This garage was not able to be repaired.

Open public hearing.

Marshall Miller, and Linda Applewhite, owners, presented the requested modifications to the project.

Chair Carapiet asked whether, on Plan A4 there is a utility and laundry room being added. Was the square footage included in the total.

Mr. Bond replied those rooms at 6’8” height were approved but not included in the original square footage.

Director Borba replied that the Belvedere criteria is for areas 6 feet and greater to be included in the total floor area. This additional floor area would need to be approved as an increase to the currently approved Floor Area. Alternatively, the applicant could consider reducing the height to less than 6 feet.

Commissioners and the applicants discussed the locations of where cut came from and where fill is, and will be used, on the project.

Open public hearing.

No one wished to speak.

Close public hearing.

Commissioners discussed the project and most supported the requested garage and driveway modifications and added elevator. Design and architectural modifications were applauded including the new entry, roof tiles, and overhang at the ADU and the landscape and hardscape elements of the design.

Commissioner Stoehr does not support the project because the demolition of the garage creates a need to now move the garage out of the setback.

Chair Carapiet asked how to handle the additional 108 SF floor area for the laundry and mechanical room.

Director Borba replied that the applicant can either reduce the room height or come back to request an increase in the Exception to Floor Area.

Mr. Miller agreed.

Chair Carapiet cautioned the applicants about the remaining time in their Construction Time Limit.

Mr. Miller replied that they are very aware of this.

Ms. Applewhite responded that the requirements of the Fire Marshal to remove many trees on the downslope created a need to construct all the downslope retaining walls to prevent landslides. They will be diligently seeking to complete the project in time.

MOTION: To approve Design Review for the project modifications at **431 Golden Gate Avenue**, as conditioned per the discussion at the meeting..

MOVED BY: Marsha Lasky, seconded by Claire Slaymaker

VOTE: AYES: Pat Carapiet, Marsha Lasky, Ashley Johnson, Kevin Burke,  
Claire Slaymaker

NOES: Larry Stoehr

ABSENT: Nena Hart

Meeting was adjourned at 8:45 PM.

**PASSED AND APPROVED** at a regular meeting of the Belvedere Planning Commission on November 15, 2022, by the following vote:

VOTE: AYES:

NOES:

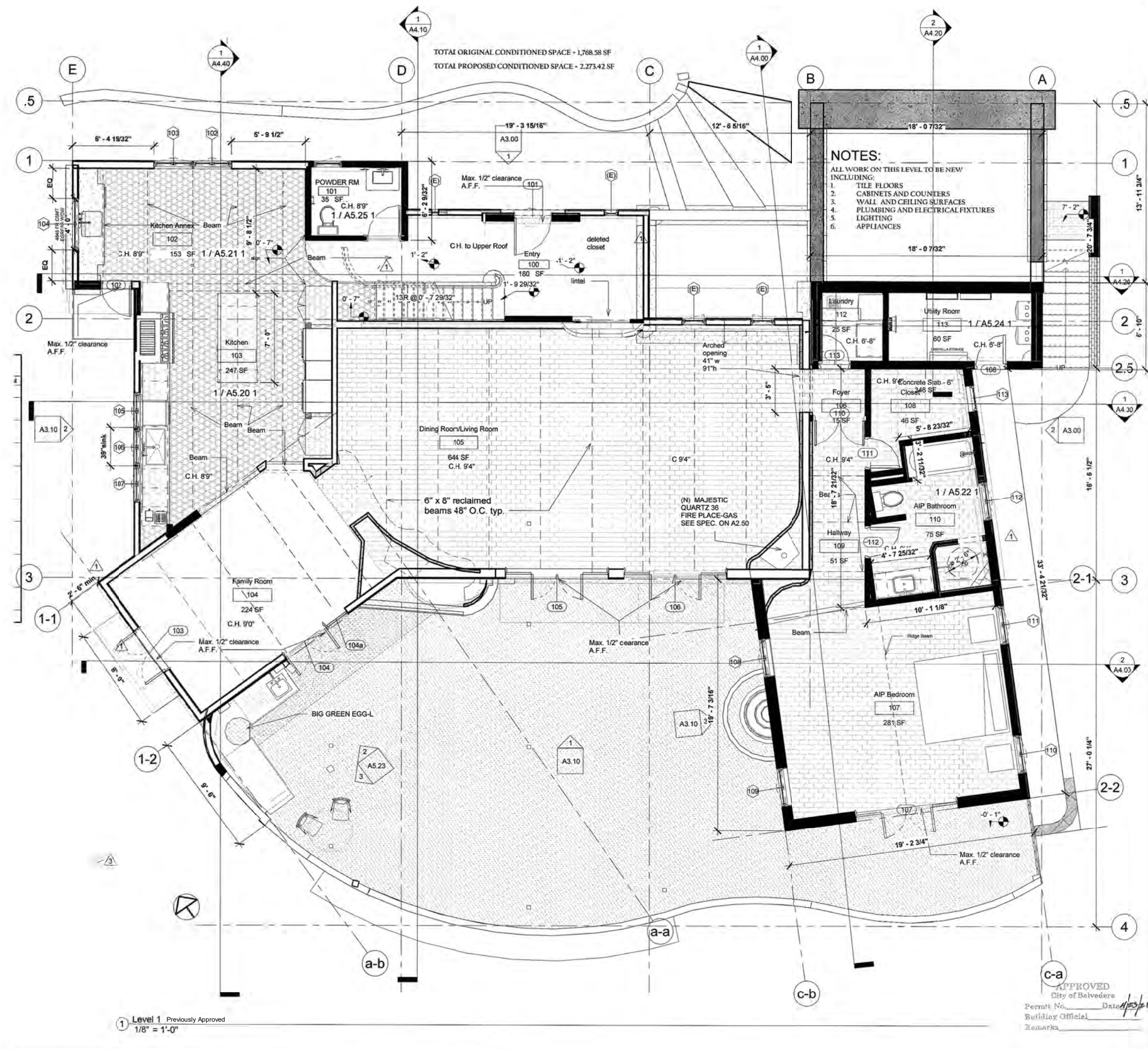
ABSTAIN:

ABSENT:

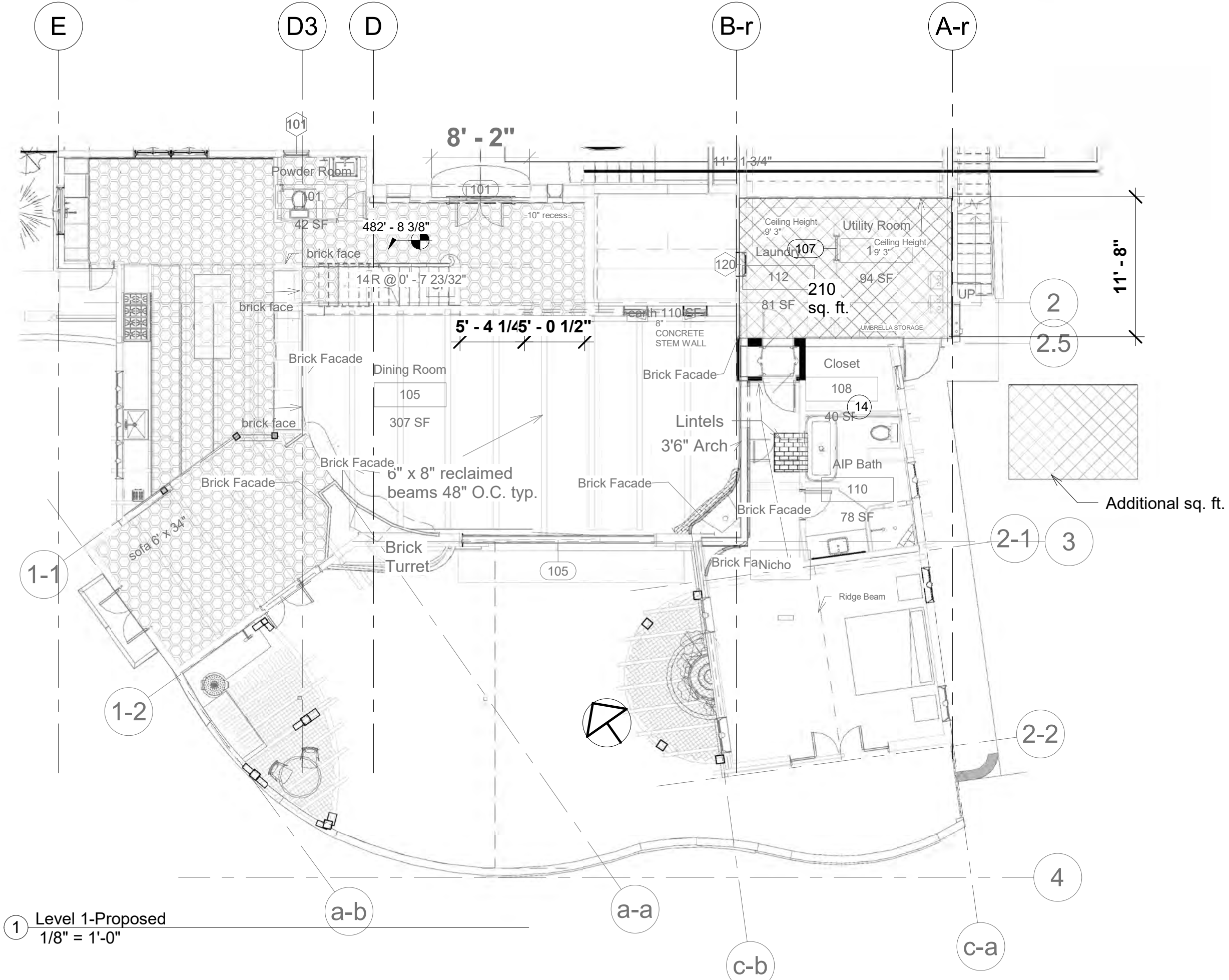
**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
City Clerk

# APPLICATION FOR EXCEPTION TO TOTAL FLOOR AREA



Zoning Parameters				
ELEMENT	PRESCRIBED	APPROVED	PROPOSED	NET CHANGE
Lot Area	15,000 SF	17,711 SQ. FT.	No Change	No Change
Total Floor Area	4,850 SF	6,646.69 sf	6,646.69 sf	No Change
Additional Area Level-1			210 sf	210 sf
Conditioned Area		6,275	6,275	No Change
Total U Occupancy		495 SF	495 SF	No Change
Lot Coverage	With Decks 50%	4048.5 SQ. FT. 23%	4,106.5 SF 23.18%	0.18%
Side Yard Setback East	10	11'1" TO (E) GARAGE	27" garage	
Side Yard Setback West	10	15'2"	15'2"	No Change
Rear Yard Setback	15	85' +	85' +	No Change
Front Yard Setback	15	40'-0"	40'-0"	No Change
Building Height (average)	28'	23'-4"	23'-4"	No Change
Maximum	36'	31'7"	31'7"	No Change
Parking Spaces	2	3	3	No Change



**LINDA APPLEWHITE**  
 ARCHITECTURAL DESIGNER  
 LINDA@LINDAAPPLEWHITE.COM

Linda Applewhite

**ARCHITECTURAL DRAFTING & PROJECT COORDINATION:**  
 Charles G. Bond  
 10 Skylark Dr. #70  
 Larkspur, CA 94939  
 (415) 847-2637  
 cgbond3.cb@gmail.com

**STRUCTURAL ENGINEER:**  
 ONE-Design  
 2845 California Street  
 San Francisco, CA 94115  
 (415) 828-4412  
 info@onedesignsf.com

**CIVIL ENGINEER:**  
 Design Everest  
 365 Flower Lane  
 Mountain View, CA 94043  
 (888) 311-3015  
 Josh@designeverest.com

**SURVEYOR:**  
 Heritage Land Surveyors  
 PO Box 95 Windsor, CA 95492  
 (707) 583-4066  
 boone@heritagelandsurveys.com

**LANDSCAPE ARCHITECT:**  
 Regina Design  
 Regina Rollin  
 (707) 694-7922  
 info@rollinlandscape.com

**ENERGY ANALYST :**  
 Energy Consultant LLC  
 411 Harbor Blvd. Ste 205  
 San Pedro, CA 90731  
 (424) 247-7658  
 energy@Title 24ez.com

**OWNERS:**  
 Linda Applewhite and Marshall Miller  
 431 Golden Gate Ave  
 Belvedere, CA 94043  
 (626) 825-1690  
 marshall.miller@sbcglobal.net

**APN: 060-232-15**

No.	Description	Date

**M&L**  
**431 GOLDEN GATE**  
**MAIN LEVEL ADDITIONAL**  
**FLOOR AREA REQUEST**

Project number \_\_\_\_\_ 070117  
 Date \_\_\_\_\_ 9/10/22  
 Drawn by \_\_\_\_\_ Author  
 Checked by \_\_\_\_\_ Checker

**A 0.01**

Scale \_\_\_\_\_ 1/8" = 1'-0"



**CITY OF BELVEDERE PLANNING COMMISSION  
STAFF REPORT**

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**REPORT DATE:** 11/02/2022 **AGENDA ITEM: 3**  
**MEETING DATE:** 11/15/2022 CONSENT CALENDAR  
**TO:** City of Belvedere Planning Commission  
**FROM:** Irene Borba, Director of Planning and Building  
**REVIEWED BY:** Ann Danforth, Assistant City Attorney  
**SUBJECT:** **Exception to Total Floor Area for the existing residence for the property located at 431 Golden Gate Avenue**

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**RECOMMENDATION**

The applicant requests an Exception to Total Floor Area for modifications to approved plans for the project currently under construction at 431 Golden Gate Avenue (described in more detail below). Application is included as **Attachment 2** and project plans are included as **Attachment 3**.

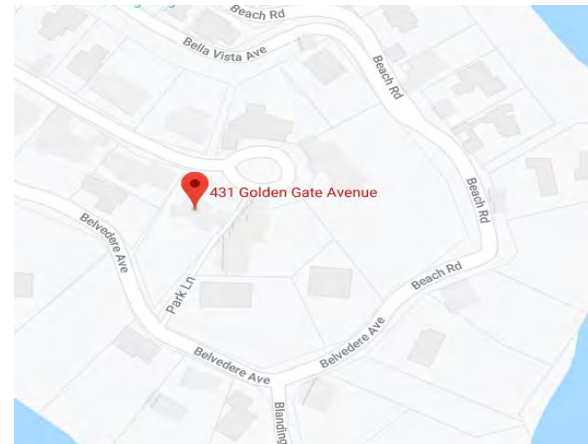
Staff recommends that the Planning Commission conduct the required public hearing and take the following actions:

**MOTION 1**      Adopt the Resolution granting an Exception to Total Floor Area for modifications to approved plans for the property located at **431 Golden Gate Avenue (Attachment 1)** and finding a CEQA exemption for the proposed Exception.

**PROPERTY SUMMARY**

**Project Address:** 431 Golden Gate Avenue  
**APN:** 060-232-07  
**Project Applicant:** Chuck Bond  
**Property Owner:** Miller & Applewhite Revocable Trust DTD  
**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 & Accessory Dwelling Unit (above garage).

**Site Characteristics:** The subject property is a large 20,615-square-foot parcel with a steeply sloping topography from the front of the property downward to Belvedere Avenue. The site is adjacent to single-family homes and one of the developed city lanes, Park Lane (left side of subject property). The property is developed with an existing single-family residence and garage. The site is developed with mature vegetation.



### **ZONING PARAMETERS**

The applicant's only proposed change to the zoning parameters is to the Floor Area. The proposal concerns a property in the R-15 Zoning District, for which the zoning ordinance allows for a maximum floor area of 4,850 SF for development on the subject property. (Belvedere Municipal Code § 19.26.040.) The project was approved in 2019 and allowed for 6,646 SF with a Floor Area Exception. The applicant requests an additional 210 SF, for a total of 6,856 SF. A Floor Area Exception is required for the additional/new square footage (described in more detail below).

### **BACKGROUND**

The applicant is constructing an addition below the garage of the existing structure at 431 Golden Gate Avenue, as approved in 2019 with a Floor Area Exception of 6,646 SF. The applicant now seeks to modify the square footage with an additional 210 SF. Last month at the October Planning Commission meeting, the Commission considered and *approved* Design Review for modifications to approved plans regarding the residence and the site at the subject property. Last month's staff report can be found here:

[https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/\\_10182022-680?html=true](https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/_10182022-680?html=true)

The Planning Commission determined that the application omitted some additional square footage from the revisions and that an Exception to Total Floor Area was required. The applicant has submitted the required application and is seeking an Exception to Total floor Area for an additional 210 SF. The additional square footage would be located under the garage area. The application does not seek any changes to the previously approved design and exterior of the structure; therefore, design review is not required. Additionally, the proposal would not expand the footprint of the structure.

### **PROJECT ANALYSIS - EXCEPTION TO TOTAL FLOOR AREA**

The maximum permitted FAR in the R-15 Zoning District for lots 14,700 square feet in area or greater, is 4,850 SF. The lot at issue is 20,615 SF. The Planning Commissions approved the project 2019, with a Floor Area Exception allowing 6,646 SF. The applicant requests an additional 210 SF. This would bring the total FAR for the property to 6,856 SF (which is 2,006 SF over the maximum allowed for a property of this size).

For information purposes, Staff has provided the Commission with a chart that shows the floor area for other properties in the vicinity of the subject property (**Attachment 4**). The proposed FAR of 6,856 SF is comparable to the average home size in the neighborhood based on the homes



in the FAR chart. In addition, the lot size is larger than the minimum lot size requirement for its zoning district and the proposed project is well within the allowable lot coverage for a property of this size. Thus, the existing residence and the proposed additional floor area are appropriate for the neighborhood and the property.

**Findings:** Pursuant to Section 19.52.120(A)(1) of the Belvedere Municipal Code, in order to grant an Exception to Total Floor Area, the Planning Commission must make each of the following findings:

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

In addition, Section 19.52.120(A)(2) of the Belvedere Municipal Code provides the following guidelines to the Planning Commission when determining whether to grant a floor area exception under this section:

- a. A floor area exception is generally disfavored where the application proposes to create a new or expand an existing nonconformity on the property. For purposes of this Section, floor area in the existing structure that is in excess of the requirements of this Chapter shall not be considered to be an “existing nonconformity” on the property and the grant of a floor area exception hereunder shall not be deemed to create a “new nonconformity.”
- b. A floor area exception is generally disfavored where the proposed new construction is a continuation, expansion, or subsequent phase of a project for which one or more variances were granted, which the project was completed within two years prior to the floor area exception application.

In staff’s opinion, the required findings for a Floor Area Exception can be made. First, primary views from adjacent properties, as well as from the street, would not be significantly impaired by the additional square footage because it would be under the garage and downslope of the property. The applicant proposes the additional floor area at the rear of the residence and on the lower floors of the structure and flows with the slope of the property. The proposed project as designed will not impact views from adjacent properties due to the siting of the existing residence, the topography of the subject property and the location of the new additions.

Second, there are unusual characteristics of the parcel that minimize the impact of the greater floor area in that the home is located on a steep lot, and the additional floor area is created by filling an area at the rear of the property and on the lower level of the residence. The project as designed follows the slope of the property which slopes down from the street. The proposal therefore does not add visual mass or bulk from the street.

Third, the additional floor area is appropriate in mass, bulk, and character for the parcel, neighborhood, and zoning district, and satisfies all Design Review criteria. The project will not be visually out of place within the context of the neighborhood.

Fourth, the project does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the placement of a large portion of the addition in the underfloor of the residence, and the thoughtful design of the addition in relation to the adjacent neighbors and the surrounding neighborhood, the site, and the existing residence. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area (**Attachment 2**).

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines at Title 14 of the California Code of Regulations. The proposed project is exempt from CEQA by the Common Sense Exemption because it can be seen with certainty that it does not have the “potential for causing a significant effect on the environment.” (CEQA Guidelines, § 15061(b)(3).) On **November 3, 2022**, the proposed project was also determined to be categorically exempt from CEQA pursuant to 14 Cal. Code Regs. Section 15301 - Existing Facilities, because the proposed project includes the construction of an addition/remodel “involving negligible or no expansion of existing or former use” of an existing facility. The project is proposed on previously disturbed soil and will be infilling areas under the house.

CEQA provides certain exceptions where categorical exemptions may not be used, but those exceptions are not present here. Under one exception, a CEQA categorical exemption may not be used if the project “may cause a substantial adverse change in the significance of a historical resource.” (14 Cal. Code Regs. § 15300.2(f).) Here, there is no potential that the project would cause such a substantial adverse change on any historical resource. Although the subject property is categorized as a Medium Sensitivity site for Tribal Cultural Resources in the Belvedere 2030 General Plan Historical Resources Map, a Cultural Resources Evaluation prepared by Evans & De Shazo Archaeology & Historic Preservation concluded that no cultural resources were found within the study area and therefore no resource-specific recommendations are warranted. Additionally, there are no other unusual circumstances applicable to the project that would prevent approval of a categorical exemption from CEQA. Thus, a categorical exemption is appropriate here.

### **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 written correspondence at the time of writing this staff report.

### **CONCLUSION**

Staff determines that all the findings can be made for the Exception to Total Floor Area. As stated in the summary above, staff finds that the proposed modifications are compatible with the architecture, the site and the neighborhood. The proposed additional square footage is designed to integrate into the site. Accordingly, staff has prepared a Resolution that would approve the Exception to Total Floor Area.

## **RECOMMENDATION**

**MOTION 1**      Adopt the Resolution granting an Exception to Total Floor Area for modifications to approved plans for the property located at **431 Golden Gate Avenue (Attachment 1)** and finding a CEQA exemption for the proposed Exception.

## **ATTACHMENTS**

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

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING AN EXCEPTION  
PURSUANT TO SECTION 19.52.120 OF THE BELVEDERE MUNICIPAL CODE &  
APPROVAL OF A CEQA EXEMPTION FOR THE PROJECT FOR THE PROPERTY  
LOCATED AT 431 GOLDEN GATE AVENUE**

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**WHEREAS**, a proper application has been submitted for an Exception to Total Floor Area at 431 Golden Gate Avenue under section 19.26.040 of the Belvedere Municipal Code to permit a maximum floor area of 6,856 square feet where 6,646 square feet was approved through an Exception to Total Floor Area by the Planning Commission in 2019 and 4,850 square feet is permitted under section 19.26.040; and

**WHEREAS**, the Exception to Total Floor Area has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to section 15301 of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the requested Floor Area Exception on November 15, 2022; and

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

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

Primary views from adjacent properties and the street will not be significantly impaired by the additional square footage. The project proposes additional square footage is at the rear of the property and under the garage. The proposed project as designed will not significantly impact primary views due to the siting of the existing residence and the topography of the subject property; the property slopes downward from the street and the residence slopes with the topography of the site. The existing homes in the neighborhood are oriented in such a way that the primary views will not be blocked from the street.

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

There are unusual characteristics of the parcel that minimize the impact of the greater floor area in that the home is located on a steep lot, and some of the additional floor area is created by filling in area under the garage. Additionally, the subject parcel exceeds the maximum lot area for parcels in this zoning district and can accommodate the additional square footage. As designed, the project, therefore, does not add visual mass or bulk. The project follows the slope of the existing topography.

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

The project meets all Design Review criteria and fits the size, scale, and mix of classic and modern-style homes in the R-15 Zoning District. The proposed addition fits in well with the character of the existing neighborhood. As designed, the proposal includes the use of area under the garage and is at the rear of the existing structure. The project as designed will follow the slope of the property.

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

The project as designed does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the thoughtful design of the addition in relation to the adjacent neighbors and the surrounding neighborhood, the site, and the existing residence. Given that the additional square footage is proposed to be under the garage and the rear of the existing structure, the existing privacy available to the adjacent neighbors will not be impacted.

**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 6,856SF square feet at 431 Golden Gate Avenue where 6,646 SF square feet was approved through an Exception to Total Floor Area by the Planning Commission in 2019 and 4,850 square feet is permitted under section 19.26.040 of the Belvedere Municipal Code.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on November 15, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
RECUSED:  
ABSENT:

**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Irene Borba, Director of Planning and Building

Project Address: 431 GOLDEN GATE AVE



# APPLICATION FOR EXCEPTION TO TOTAL FLOOR AREA

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

## FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Assessors Parcel No: \_\_\_\_\_ Zone: \_\_\_\_\_

## TO BE COMPLETED BY APPLICANT

Address of Property: 431 GOLDEN GATE AVE

Type of Property: R3 RESIDENTIAL SFD

Record Owner of Property: MILLER & APPLEWHITE REVOCABLE TRUST DATED 7/10/15

Mailing 431 GOLDEN GATE AVE Daytime Phone: 626-825-1690

Address: BELVEDERE, CA 94920 Fax: \_\_\_\_\_

Email: MARSHALL.MILLER@SBCGLOBAL.NET

Owner's Representative: CHUCK BOND

Mailing 10 SKYLARK DR #70 Daytime Phone: 415-847-2637

Address: LARKSPUR, CA 94939 Fax: \_\_\_\_\_

Email: CFBOND3.CB@GMAIL.COM

**ORDINANCE REQUIRES:** 4850 sq. ft. **PREVIOUSLY APPROVED** 6649 sq. ft. **YOUR APPLICATION HAS:** 210 sq. ft.

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

1. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage, because: THE REQUESTED ADDITIONAL SQUARE FEET IS UNDER THE GARAGE AND ALMOST ENTIRELY UNDERGROUND. NO IMPACT TO NEIGHBOR VIEWS OR VIEWS FROM THE STREET.

2. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area, because: WE HAVE A SLOPING LOT THAT RESULTS IN THE ADDITIONAL SQUARE FOOTAGE TO BE NEARLY ALL UNDERGROUND.

3. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all Design Review criteria, because: THE ADDITIONAL SQUARE FOOTAGE HAS NO IMPACT ON BULK, MASS OR CHARACTER BECAUSE THE EXTERIOR WALLS (EAST AND WEST) ARE REQUIRED TO SUPPORT THE GARAGE REGARDLESS.

4. That the additional square-footage will not substantially reduce the privacy otherwise available to residents of adjoining properties, because: THE SINGLE WEST-FACING WINDOW IN THE LAUNDRY ROOM HAS BEEN APPROVED AND WILL NOT CHANGE REGARDLESS THE CEILING HEIGHT OF THE LAUNDRY ROOM.

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

5. That the proposed new construction would not create a new or expand on existing nonconformity on the property, because: ACCORDING TO THIS CHAPTER/SECTION IN THE BMC, WE ARE NOT PROPOSING TO CREATE OR EXPAND AN EXISTING NONCONFORMITY ON THE PROPERTY. THE EXISTING FLOOR AREA EXCEPTION ON THE PROPERTY IS NOT CONSIDERED TO BE AN EXISTING NONCONFORMITY.

Project Address: 431 GOLDEN GATE AVE

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

6. That the proposed new construction is not a continuation, expansion, or subsequent phase of a project for which one or more variances were granted, which project was completed within two years prior to the floor area exception application, because: WE HAVE NO COMPLETED PROJECTS WITHIN TWO YEARS OF THIS APPLICATION.

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

Signature: Marshall Miller

Name: MARSHALL MILLER

Date: 10/19/22



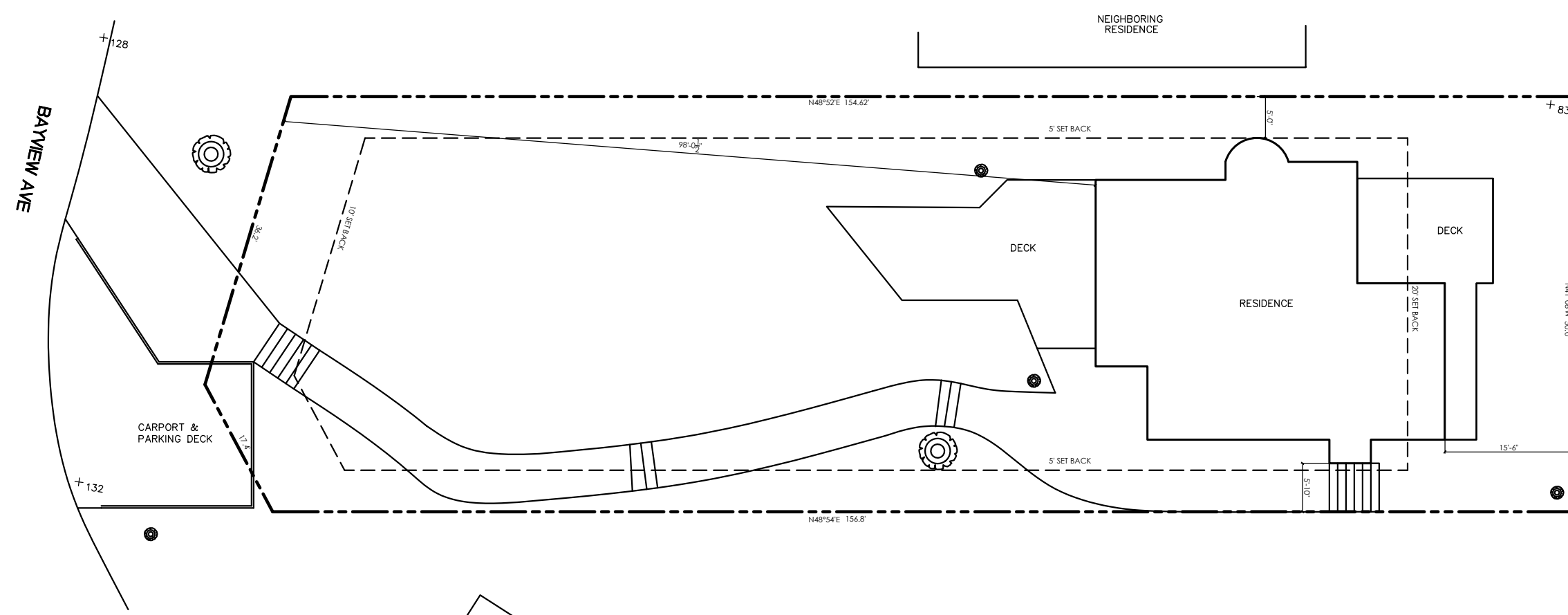
## 431 GOLDEN GATE AVENUE VICINITY FAR CHART

ADDRESS	LOT SIZE	FLOOR AREA	FAR%	Notes*
416 GOLDEN GATE AVE	12,500	6,488	51.9%	2018
421 GOLDEN GATE AVE	22,781	5,473	24.0%	1995
424 GOLDEN GATE AVE	12,621	5,712	45.3%	2012
425 BELVEDERE AVE	49,700	14,192	28.6%	MM
425 GOLDEN GATE AVE	13,200	5,134	38.9%	MM
428 GOLDEN GATE AVE	11,466	3,503	30.6%	MM
429 GOLDEN GATE AVE	7,543	4,474	59.3%	2013
430 BELVEDERE AVE	8,820	2,414	27.4%	MM
430 BELVEDERE AVE	8,820	2,414	27.4%	MM
431 GOLDEN GATE AVE	20,615	6,856	33.3%	Proposed
431 GOLDEN GATE AVE	20,615	6,646	32.2%	Approved
432 GOLDEN GATE AVE	13,500	4,351	32.2%	2016
433 GOLDEN GATE AVE	15,617	7,867	50.4%	2019
440 GOLDEN GATE AVE	40,800	8,903	21.8%	MM
443 BELVEDERE AVE	24,396	3,756	15.4%	MM
445 BELVEDERE AVE	29,095	8,131	27.9%	MM
450 BELVEDERE AVE	21,507	7,317	34.0%	MM
456 BELVEDERE AVE	12,416	5,230	42.1%	MM

*MM= MarinMap/Co Assessor info			
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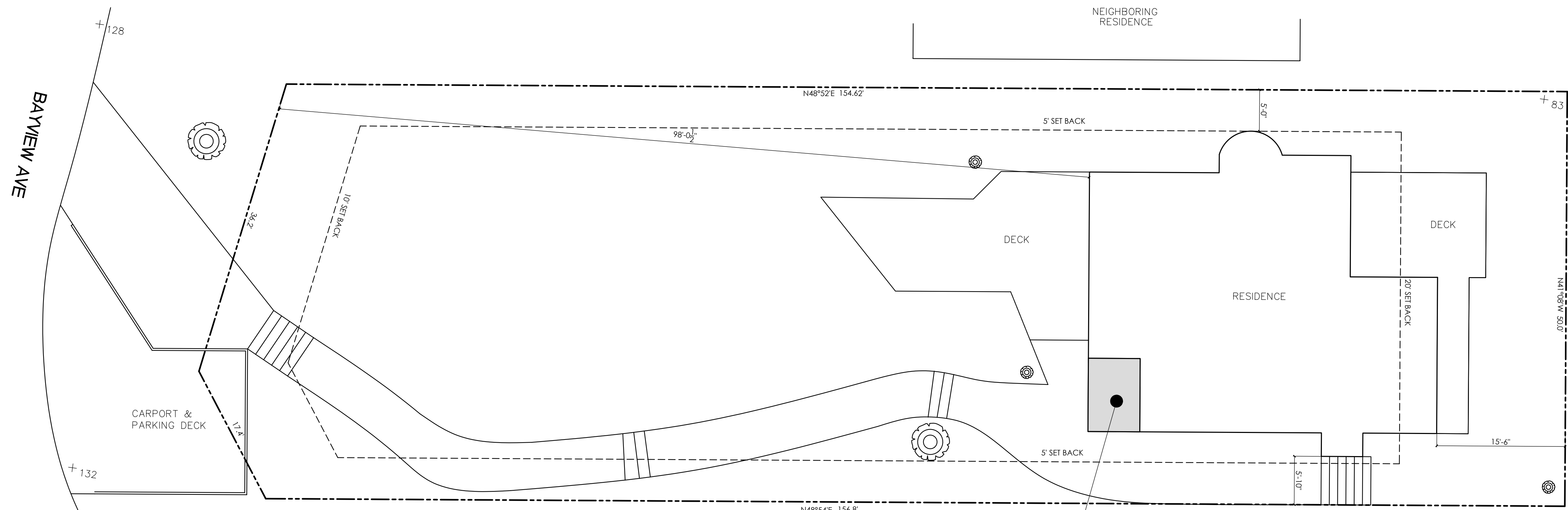
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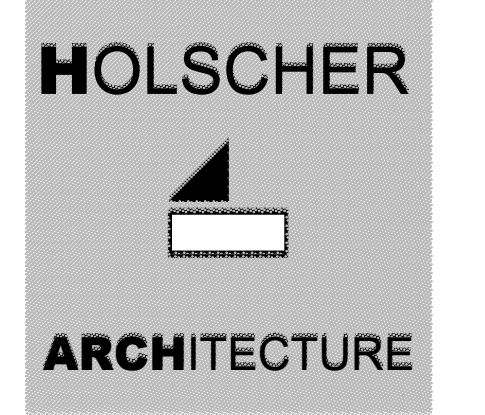
LOT COVERAGE  
STRUCTURE 1158  
DECK 321

1 EXISTING SITE PLAN  
A0.1 SCALE: 1/16" = 1'-0"  
TRUE NORTH



NEW LOT COVERAGE

2 PROPOSED SITE PLAN  
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TRUE NORTH

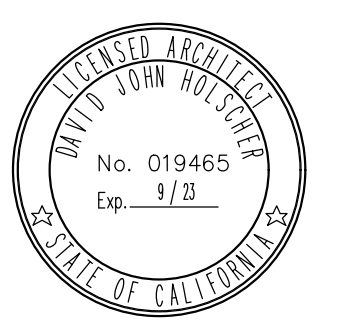


83B Beach Road  
Belvedere, California 94920  
www. harch. com  
phone 415. 435. 5219  
fax 415. 435. 0312

# Vives Rabbanifard Residence Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

## Existing & Proposed Site Plan Scale 1/8" = 1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

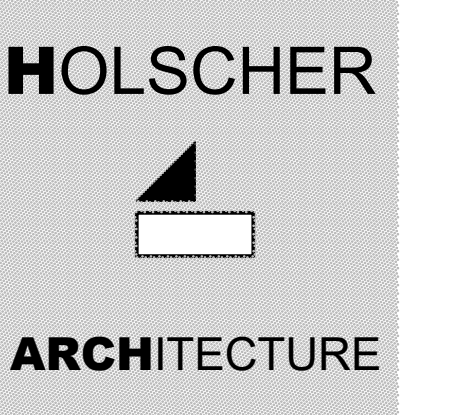
drawn by: NL checked by: DH

job#: 10150-2022

drawing number

# A0.1

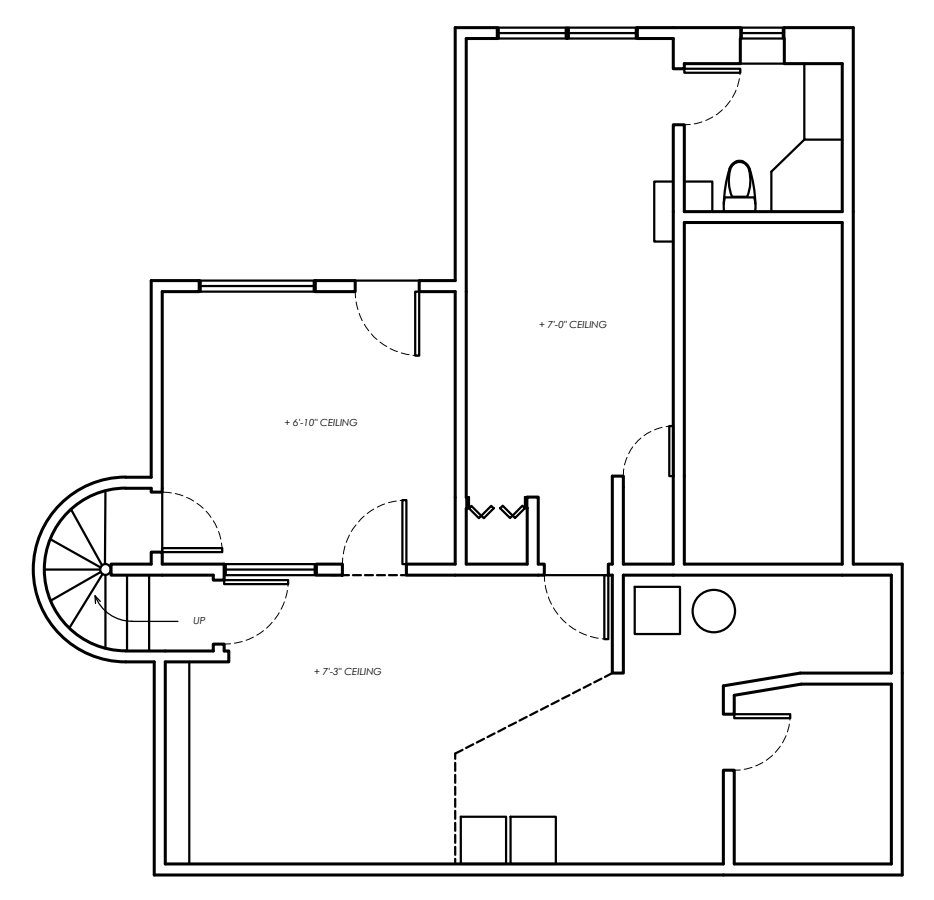
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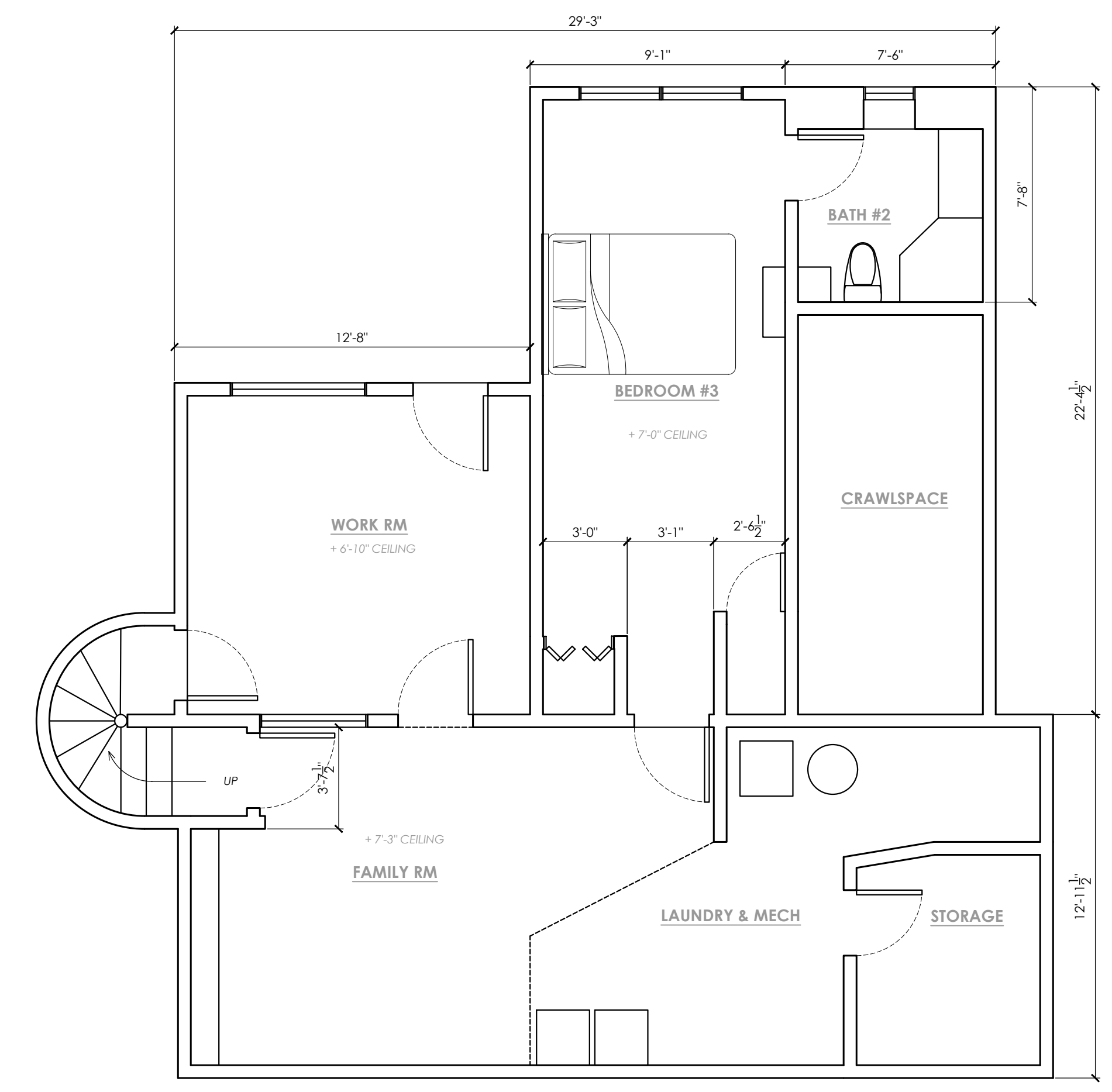
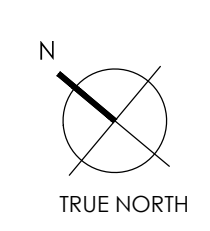
83B Beach Road  
 Belvedere, California 94920  
 www. harch. com  
 phone 415. 435. 5219  
 fax 415. 435. 0312

**LEGEND**

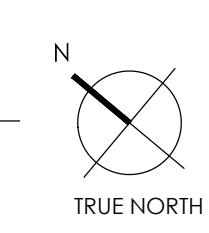
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- INDICATES (N) WALL



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 A1.1 EXISTING LOWER FLOOR PLAN  
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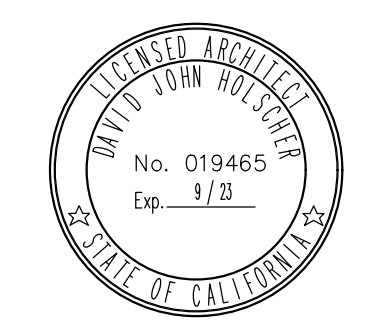
**2**  
 A1.1 PROPOSED LOWER FLOOR PLAN - NO CHANGE  
 SCALE: 1/4" = 1'-0"



**Vives  
 Rabbanifard  
 Residence  
 Renovation**

148 Bayview Ave  
 Belvedere, CA. 94920  
 APN: **060-173-16**

**Existing &  
 Proposed  
 Lower  
 Floor Plan**  
 Scale 1/4" = 1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

drawing number

**A1.1**

of sheets

Vives  
Rabbanifard  
Residence  
Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

Existing &  
Proposed  
Main  
Floor Plan  
Scale 1/4" = 1'-0"



no.	revisions	date
	PROCESS	08/12/2022
	DESIGN REVIEW	09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

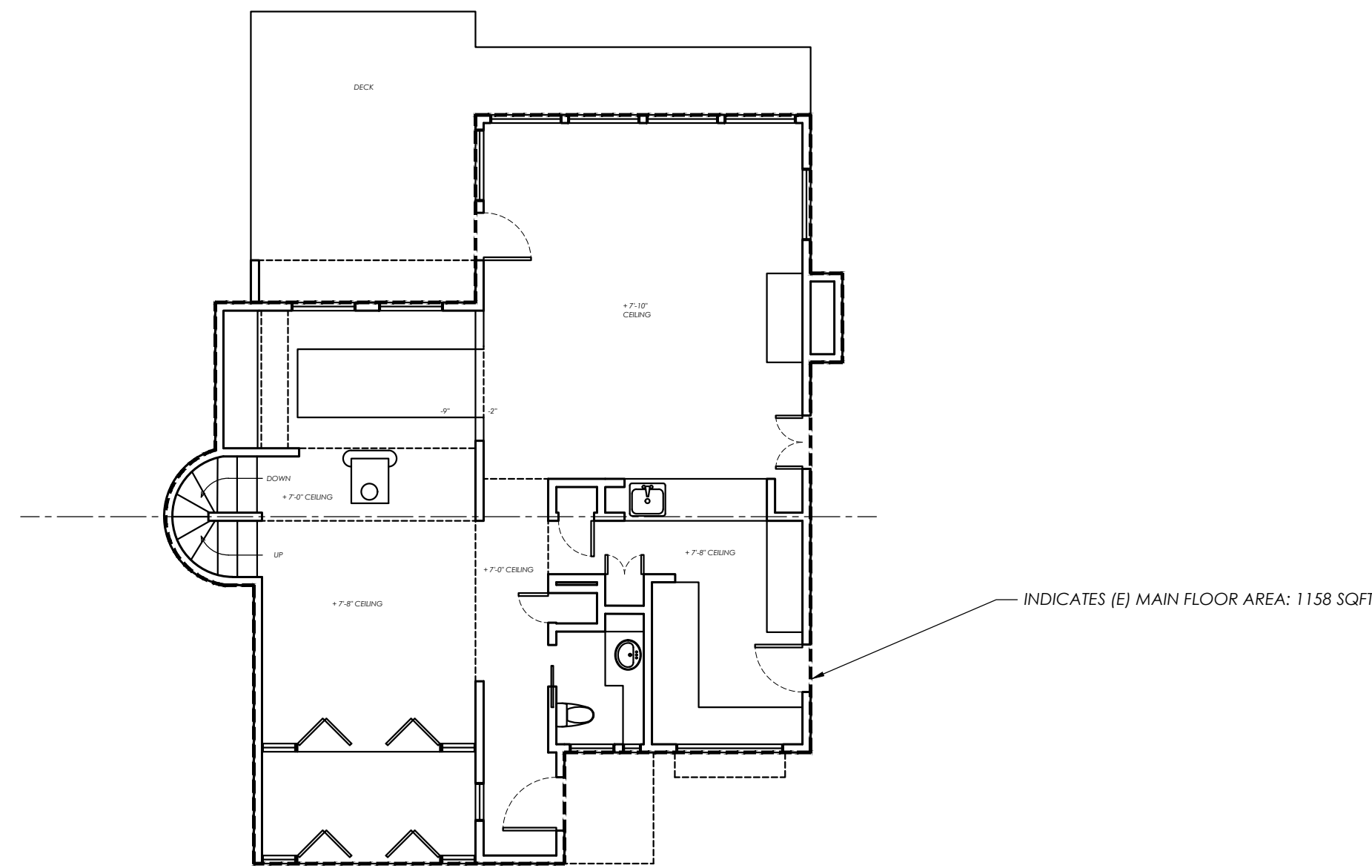
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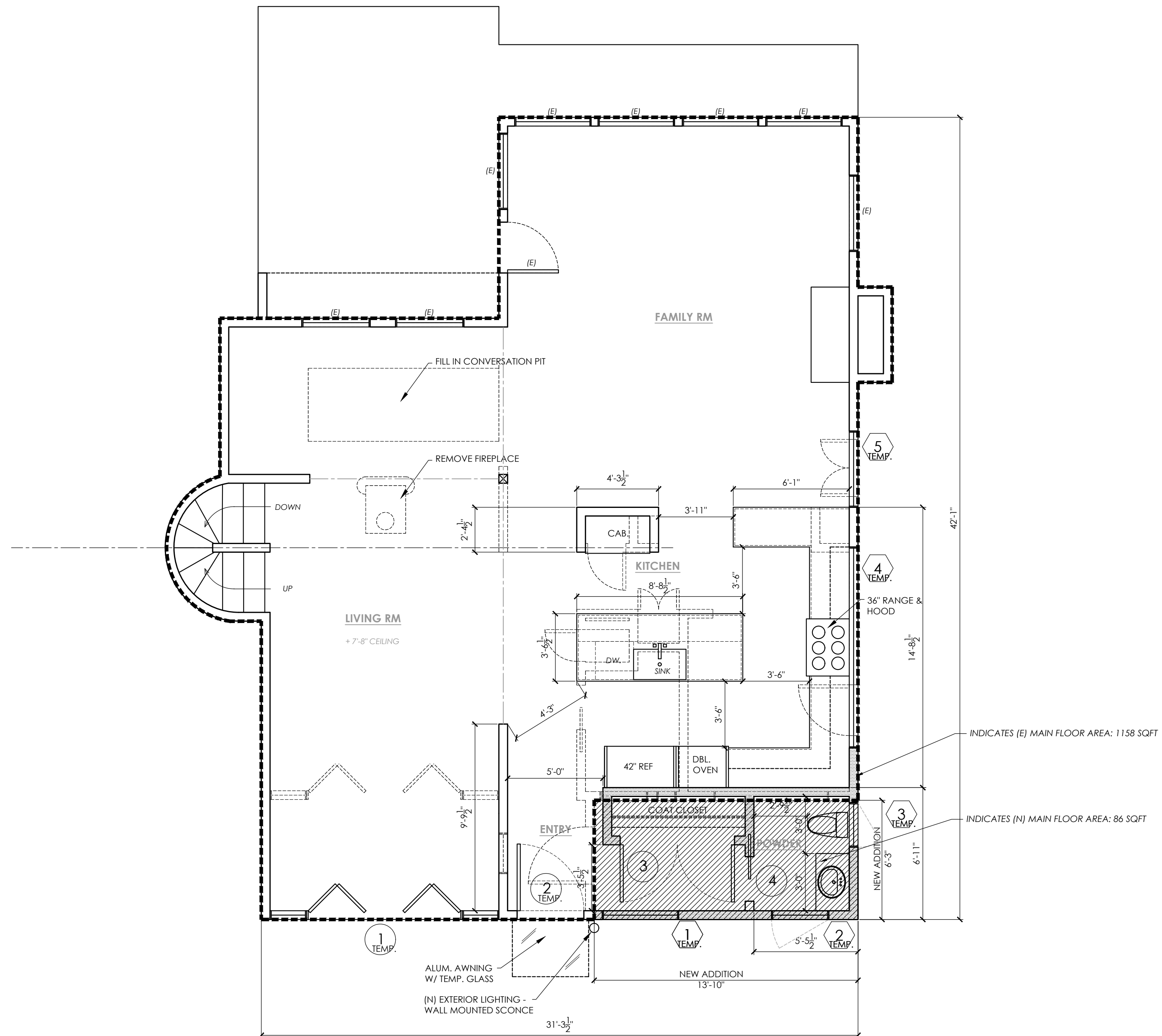
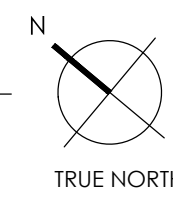
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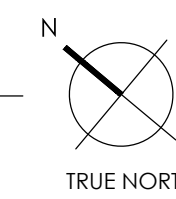
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- INDICATES (N) WALL
- INDICATES (N) ADDITION: 86 SQFT



1  
A1.2 EXISTING MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"



2  
A1.2 PROPOSED MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"



Vives  
Rabbanifard  
Residence  
Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

Existing &  
Proposed  
Upper  
Floor Plan

Scale 1/4" = 1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

drawing number

**A1.3**

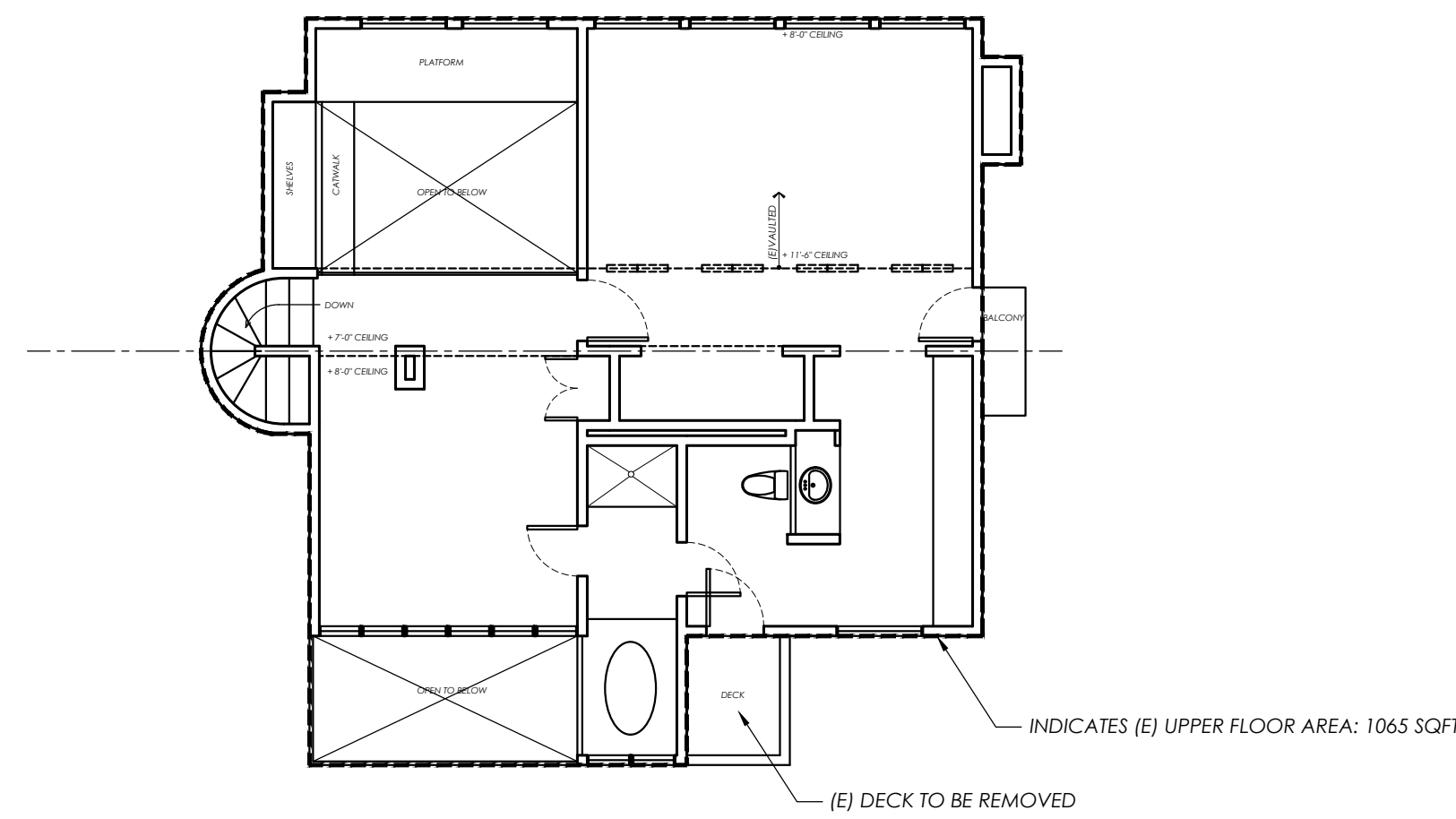
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LEGEND

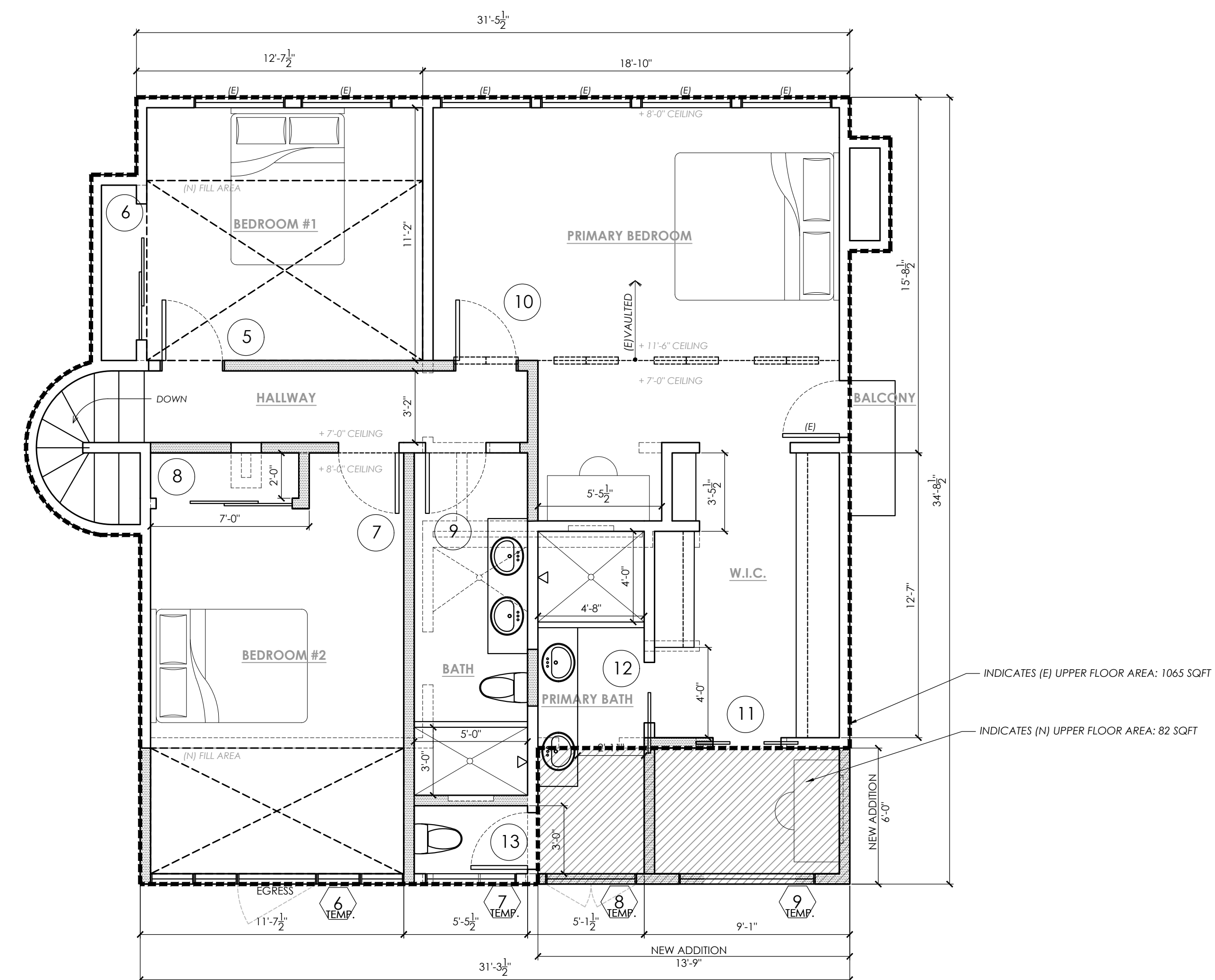
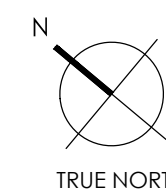
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▨ INDICATES (N) WALL

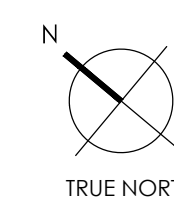
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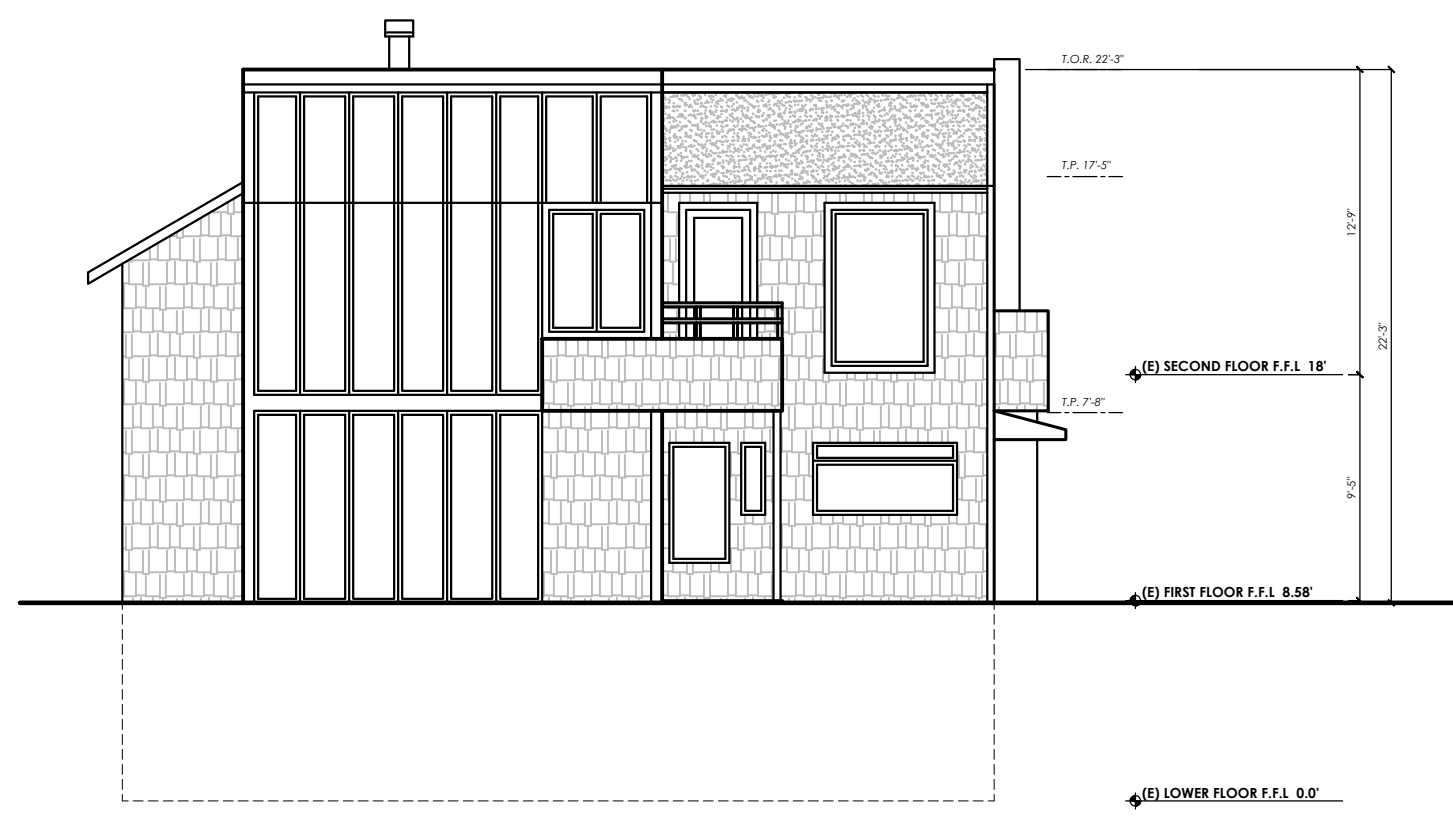


1  
A1.3 EXISTING UPPER FLOOR PLAN  
SCALE: 1/8" = 1'-0"

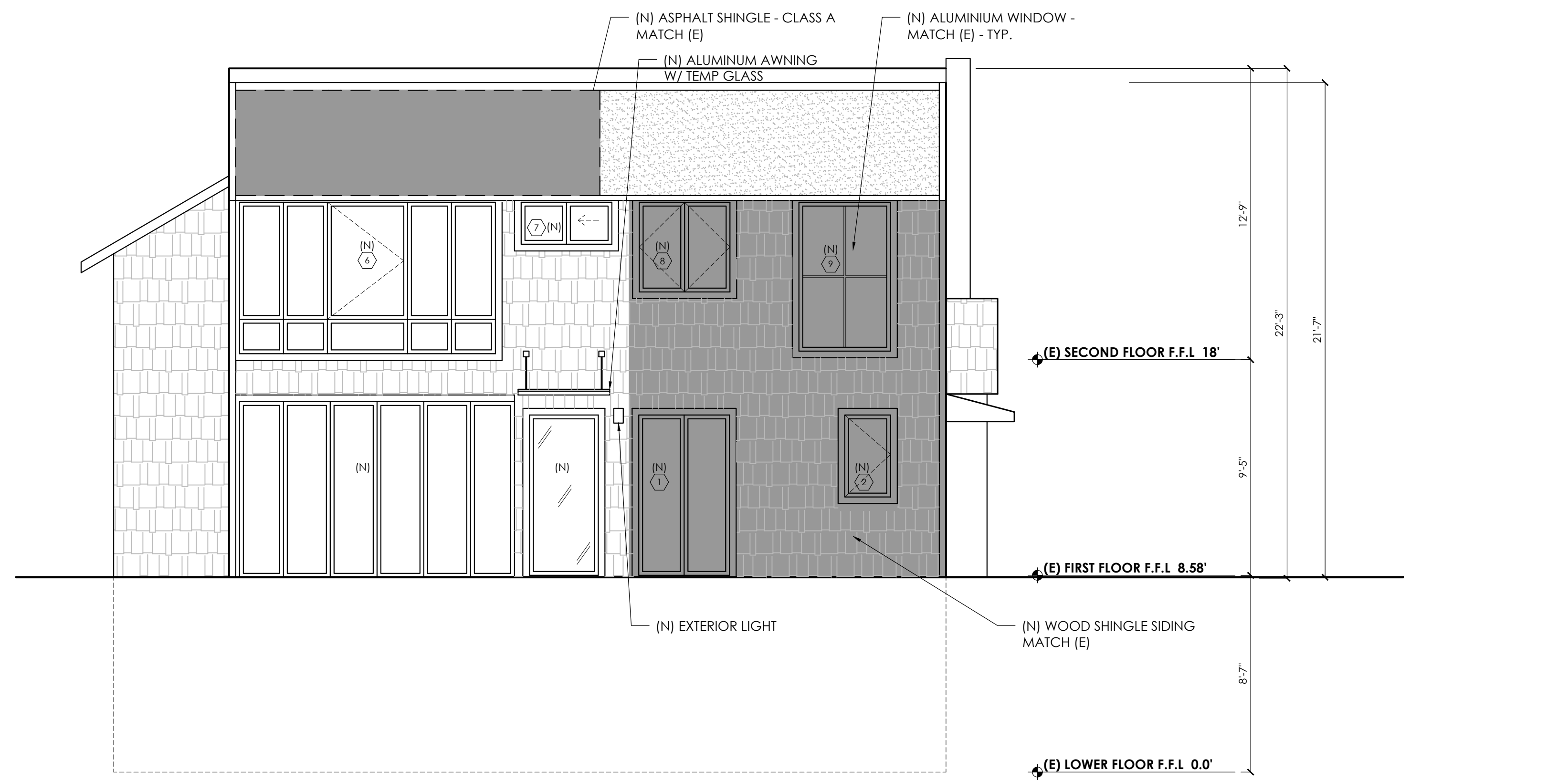


2  
A1.3 PROPOSED UPPER FLOOR PLAN  
SCALE: 1/4" = 1'-0"

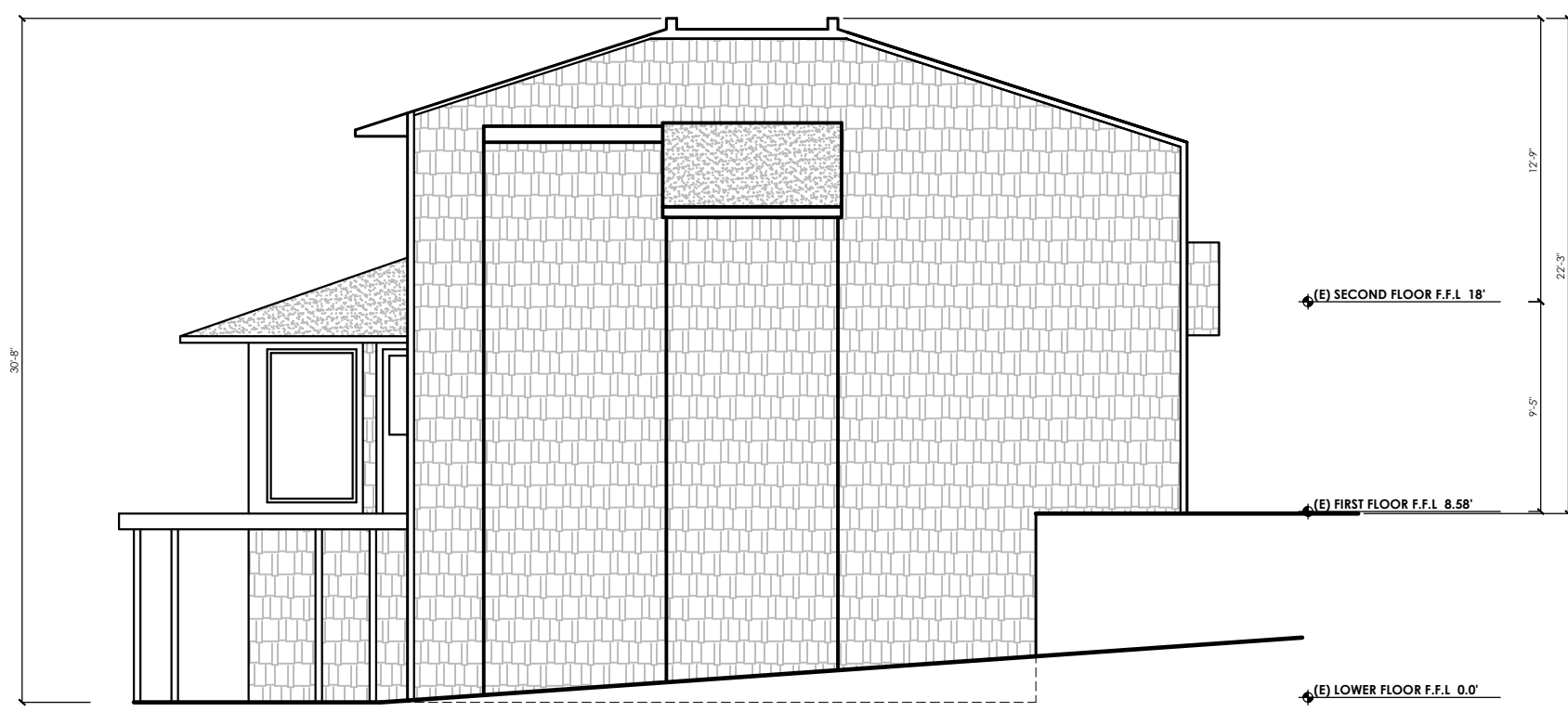




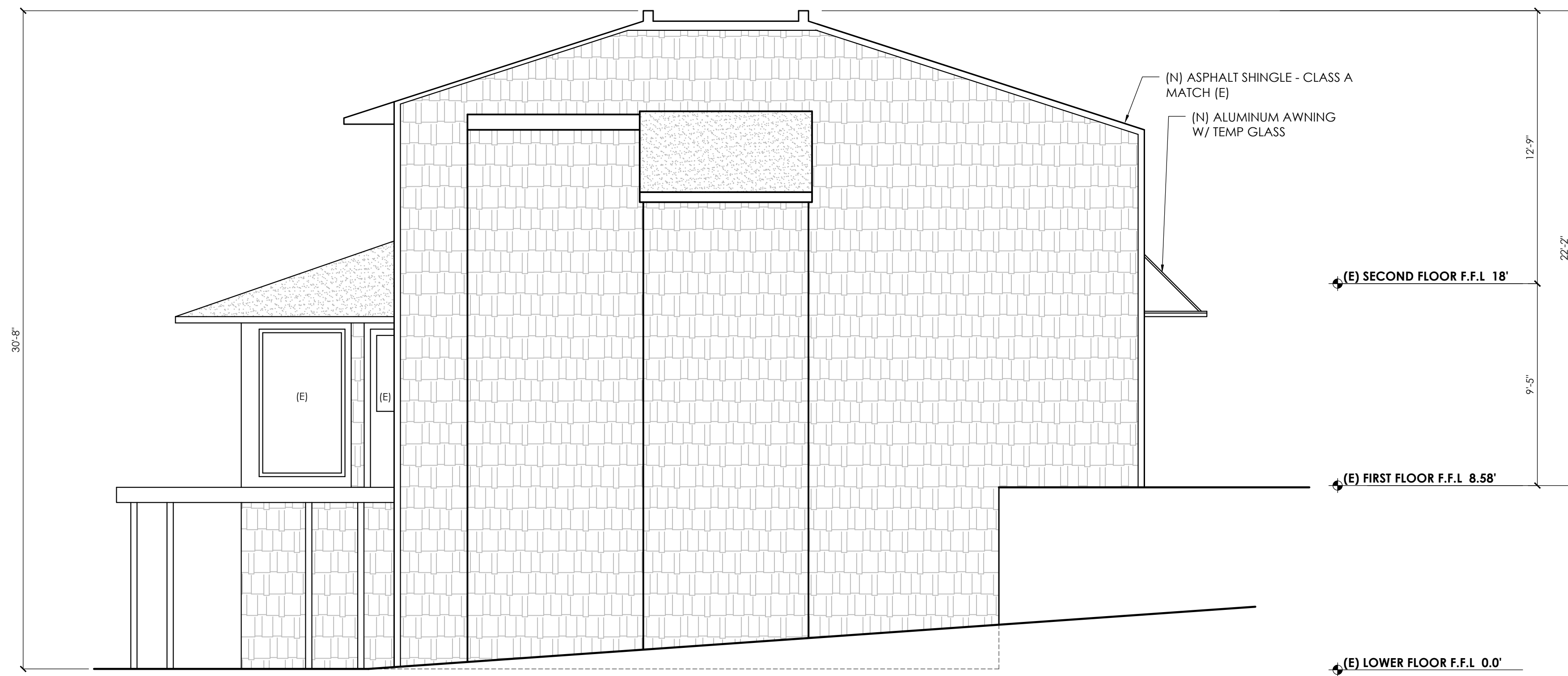
1  
A2.1 EXISTING SOUTHWEST ELEVATION  
SCALE: 1/8" = 1'-0"



2  
A2.1 PROPOSED SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"



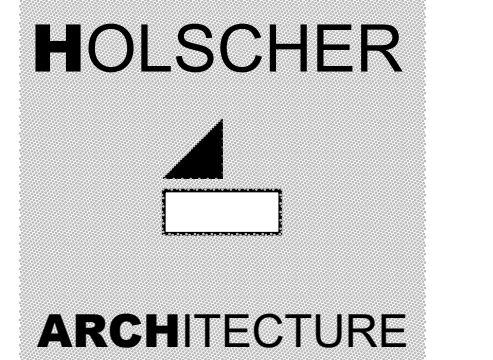
3  
A2.1 EXISTING NORTHWEST ELEVATION  
SCALE: 1/8" = 1'-0"



4  
A2.1 PROPOSED NORTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"

LEGEND

INDICATES (N) ADDITION



83B Beach Road  
Belvedere, California 94920  
www. harch. com  
phone 415. 435. 5219  
fax 415. 435. 0312

Vives  
Rabbanifard  
Residence  
Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

Existing &  
Proposed  
Building  
Elevations

Scale 1/4" = 1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

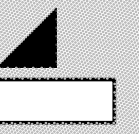
drawn by: NL checked by: DH

job#: 10150-2022

drawing number

A2.1

of sheets



# Vives Rabbanifard Residence Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

## Existing & Proposed Building Elevations

Scale 1/4" = 1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

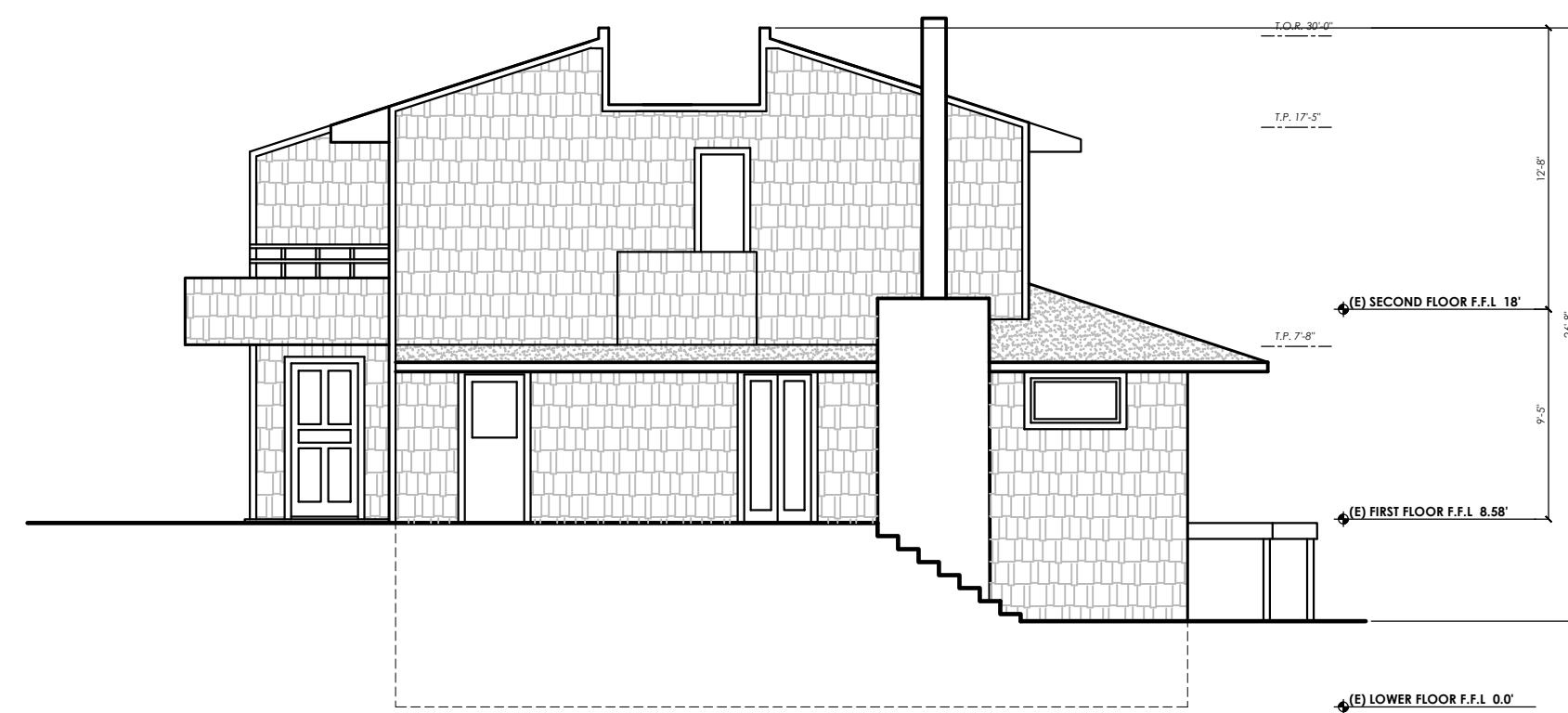
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of sheets

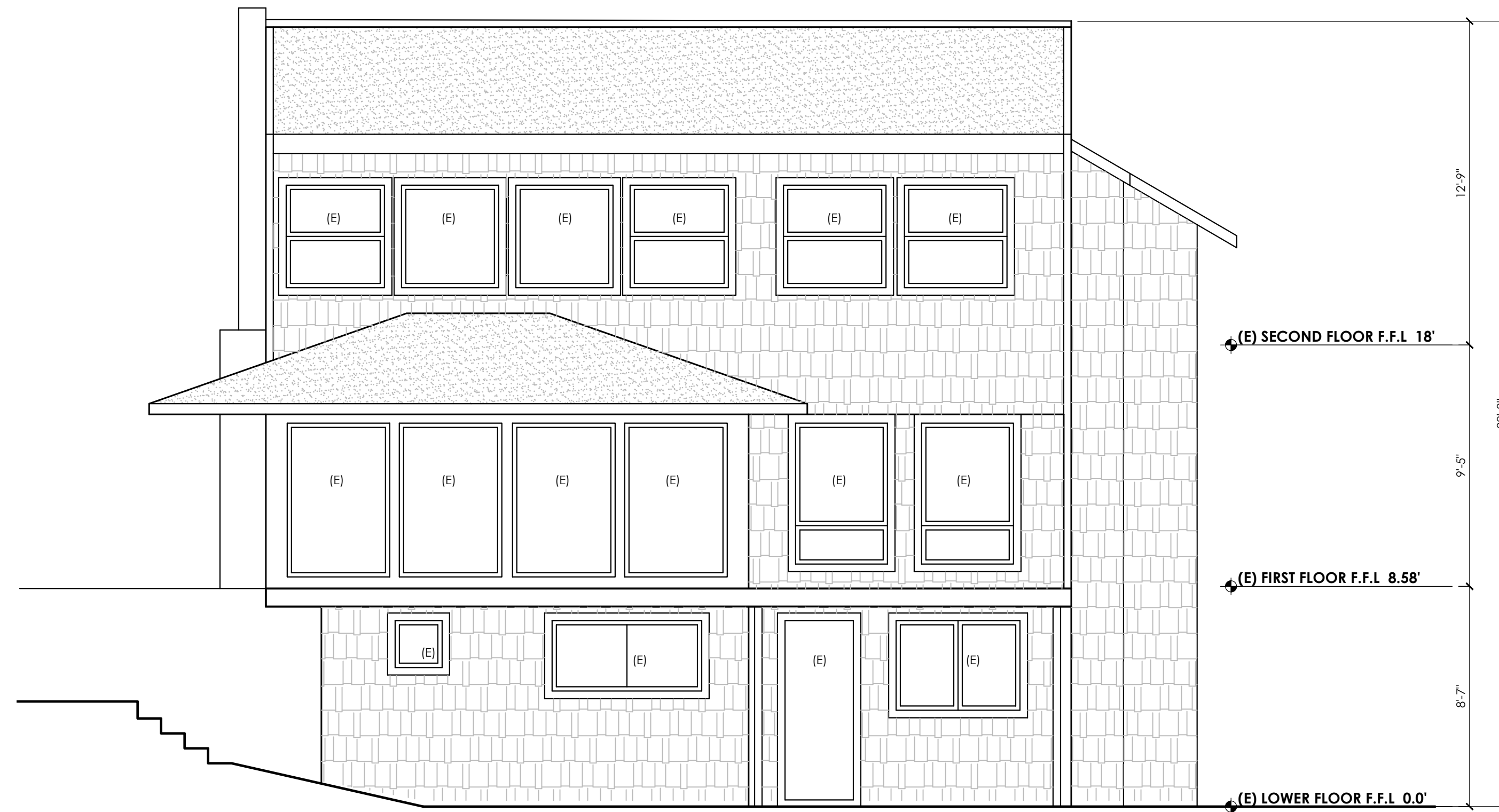


1  
A2.2 EXISTING NORTHEAST ELEVATION  
SCALE: 1/8" = 1'-0"



3  
A2.2 EXISTING SOUTHEAST ELEVATION  
SCALE: 1/8" = 1'-0"

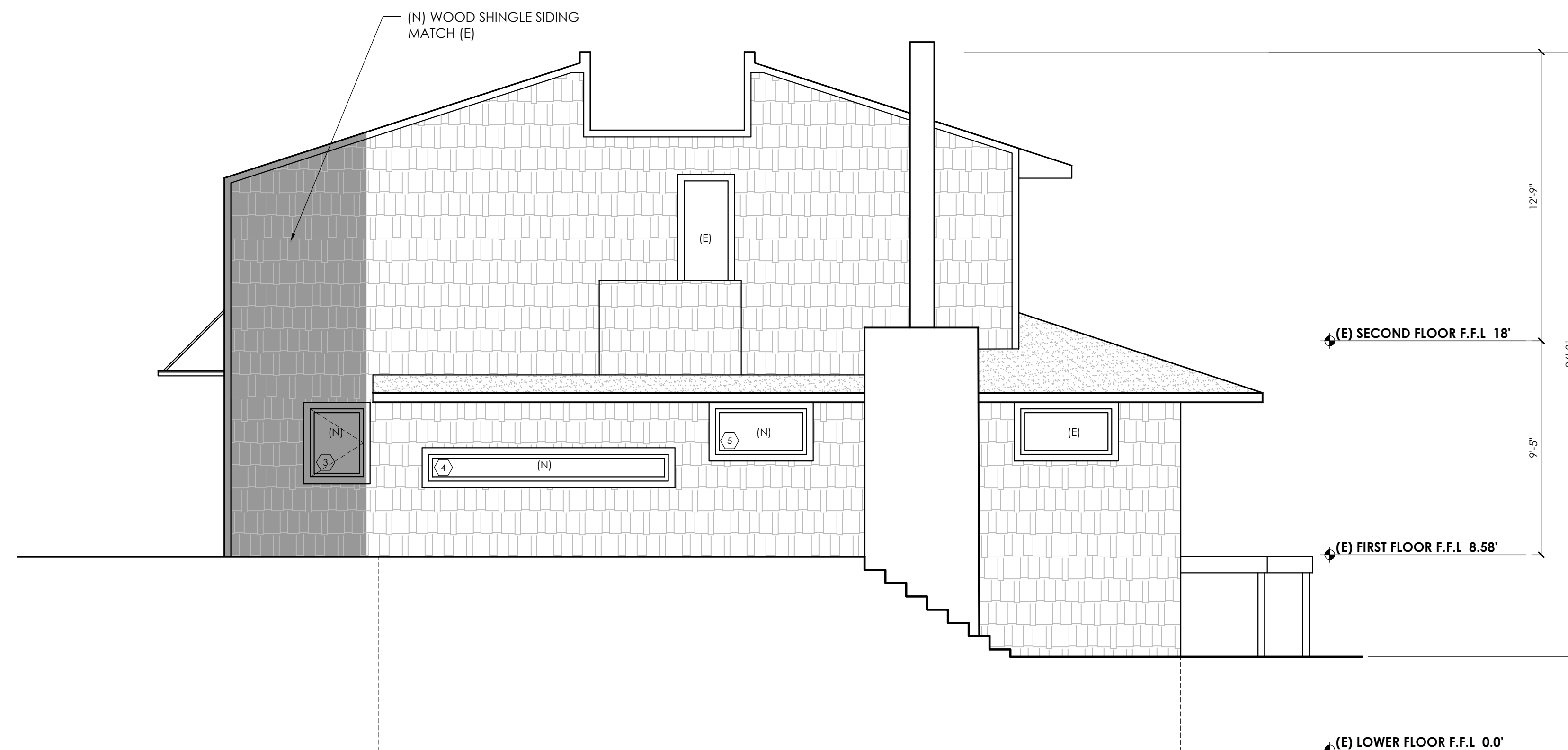
NOTE:  
- ALL GLASS ON EXTERIOR DOORS & WINDOWS MUST HAVE TEMPERED GLASS  
- INTERIOR TEMPERED GLASS PER PLANS/ SCHEDULES



2  
A2.2 PROPOSED NORTHEAST ELEVATION - NO CHANGE  
SCALE: 1/4" = 1'-0"

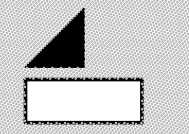
### LEGEND

INDICATES (N) ADDITION



4  
A2.2 PROPOSED SOUTHEAST ELEVATION  
SCALE: 1/4" = 1'-0"





# Vives Rabbanifard Residence Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

## Existing & Proposed Building Sections

Scale 1/4" = 1'-0"



no.	revisions	date
	PROCESS	08/12/2022
	DESIGN REVIEW	09/09/2022

date issued: 08/12/2022

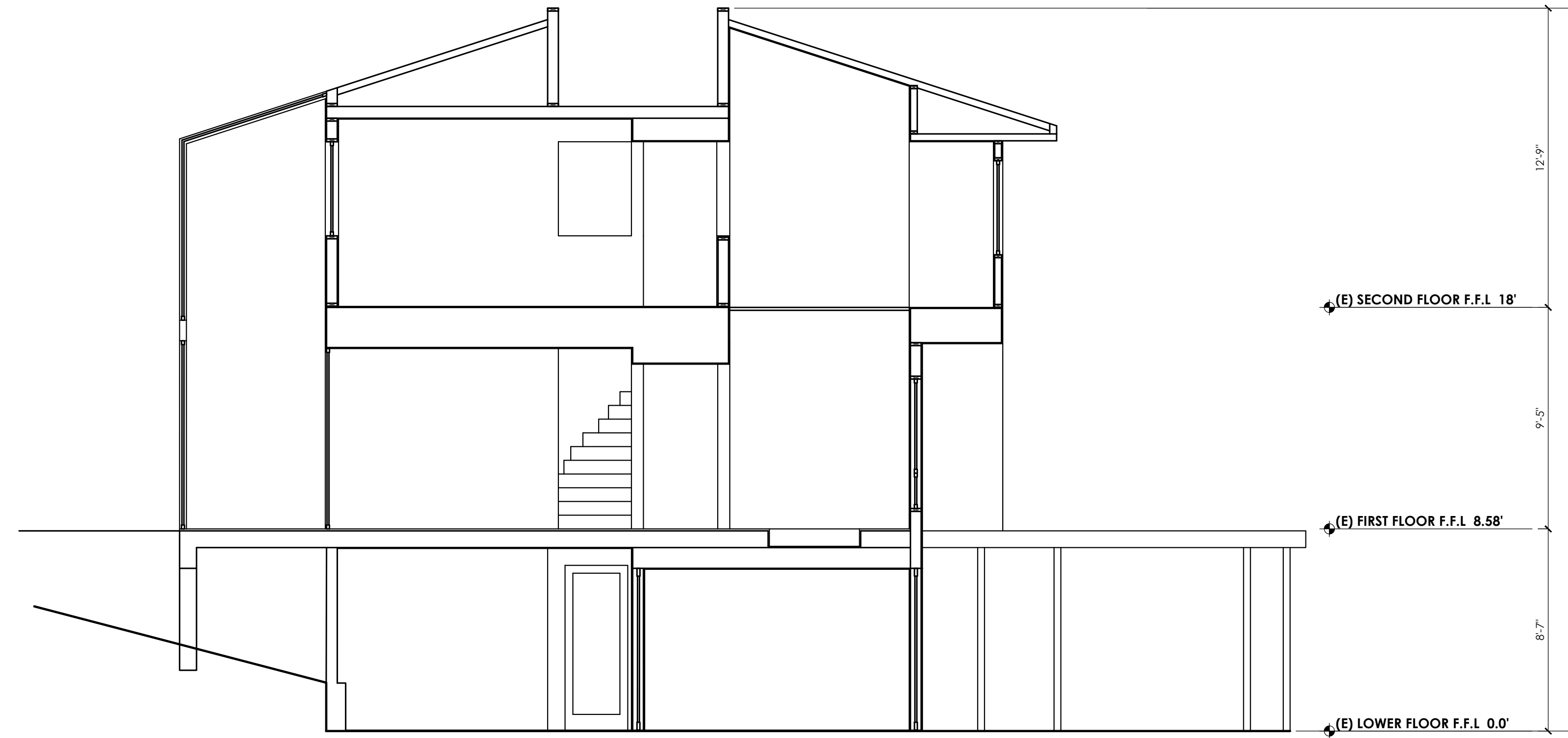
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job#: 10150-2022

drawing number

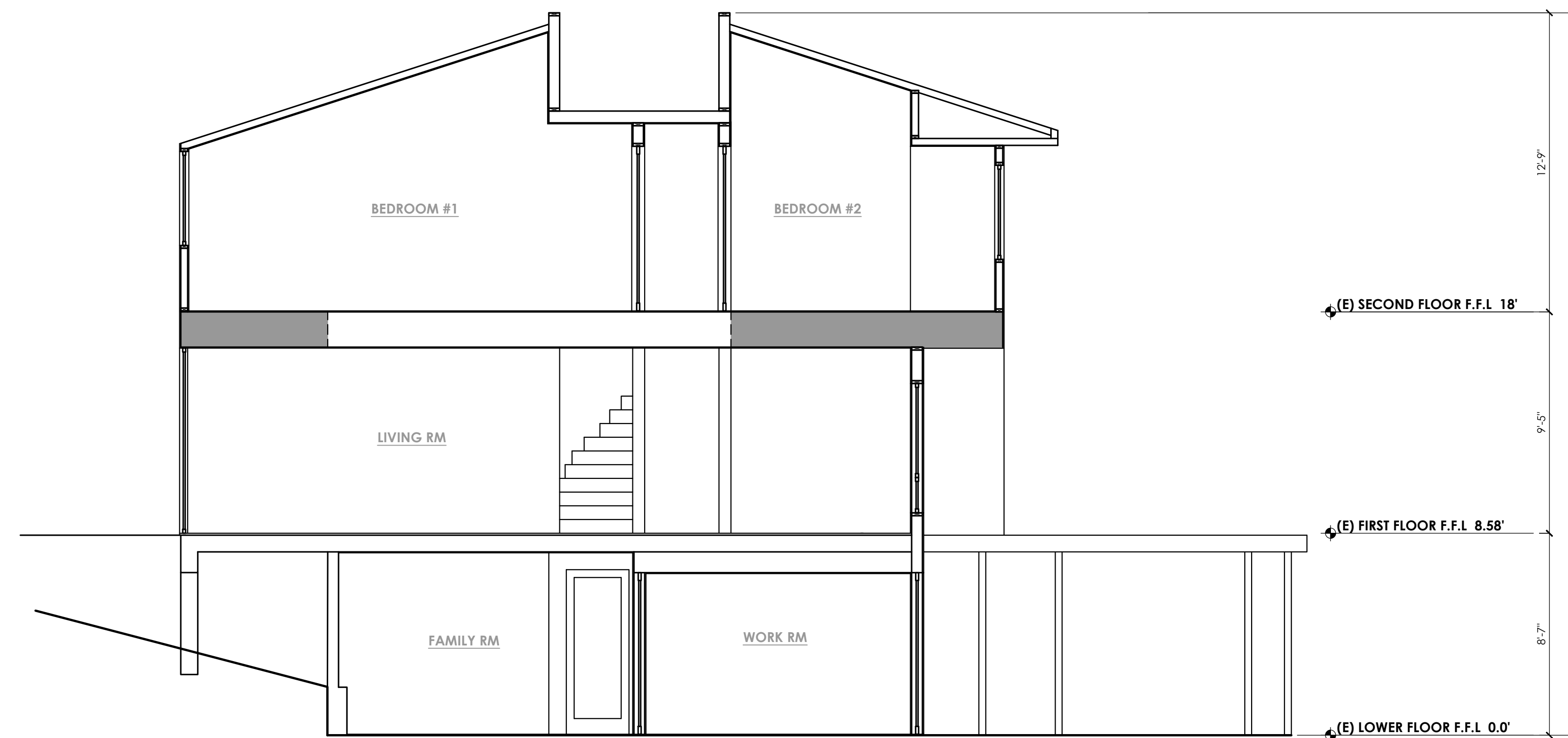
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of sheets

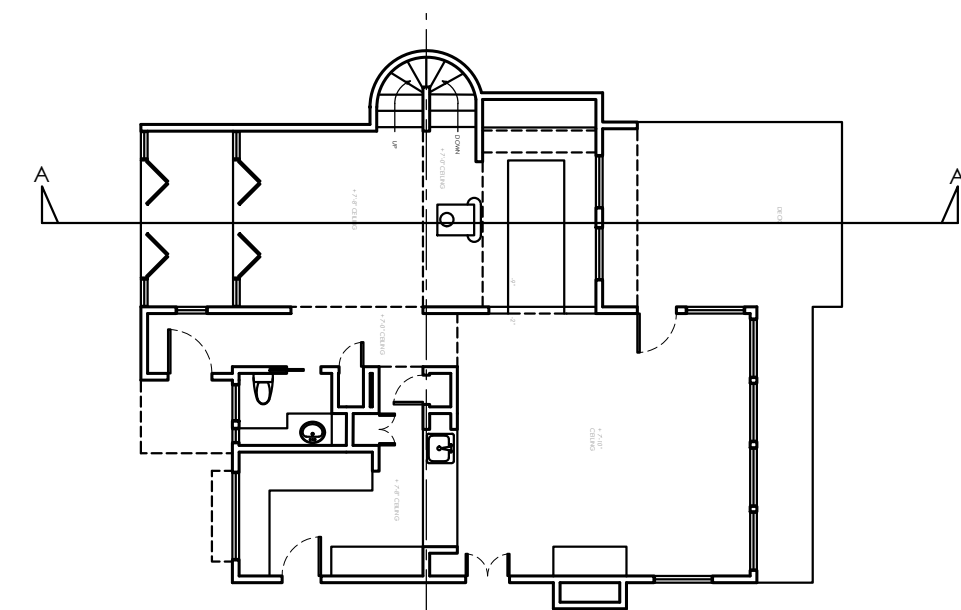


1  
A3.1  
EXISTING SECTION A-A  
SCALE: 1/4" = 1'-0"

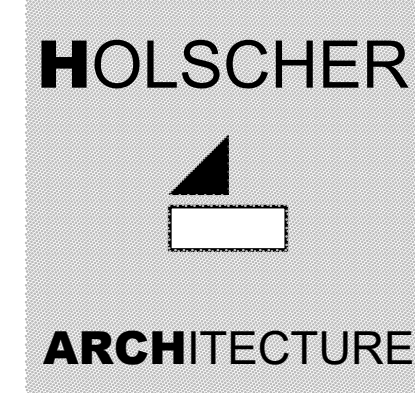
LEGEND  
INDICATES NEW AREA FILLED IN



2  
A3.1  
PROPOSED SECTION A-A  
SCALE: 1/4" = 1'-0"



PLAN KEY

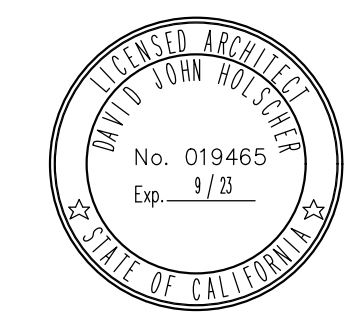


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# Vives Rabbanifard Residence Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

## Proposed Door Schedule Scale 1/2"=1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

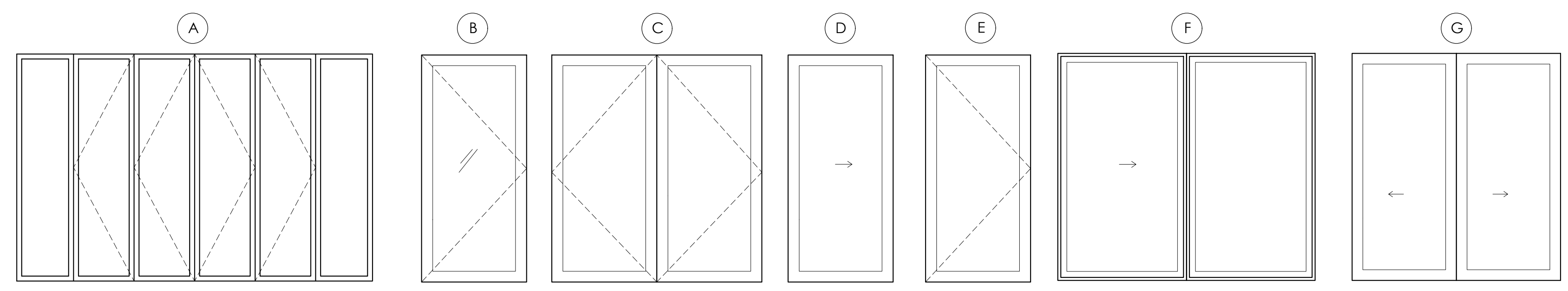
drawing number

# A7.1

of sheets

### DOOR SCHEDULE NOTE: CONTRACTOR TO VERIFY ALL (E) ROUGH OPENING SIZES IN FIELD - CONTACT ARCHITECT IF THERE ARE DISCREPANCIES - DOOR TO CLOSET STANDARD SIZE - VERIFY W/ ARCHITECT

LOCATION	DOOR #	DOOR TYPE			SIZE		TYPE	MANUF.	CAT. #	DOOR FINISH		PANEL	DOOR HARDWARE			HARDWARE TYPE	REMARKS	DOOR #
		TYPE	EXT.	INT.	W	H				FINISH	COLOR		FINISH	MANUF.	CAT. #			
LIVING RM. #	01	A	X		8'-0"	7'-8"	BIFOLD GLASS PATIO DR. W/ SIDELITE	TBD			MATCH (E)					PER MANUFACTURE	TEMP. GLASS	01
ENTRY RM. #	02	B	X		3'-6"	7'-0"	GLASS ENTRY DR.	TBD								PER MANUFACTURE W/ DEADBOLT LOCK	TEMP. GLASS	02
	03	C		X	6'-0"	7'-0"	SINGLE PANEL MDF. DBL. DOOR		TBD				TBD	EMTEK	TBD	PASSAGE		03
POWDER RM. #	04	D		X	2'-4"	7'-0"	SINGLE PANEL MDF. POCKET DOOR									POCKET DR. HARDWARE W/ PRIVACY LOCK		04
BEDRM. #1 RM. #	05	E		X	2'-8"	7'-0"	SINGLE PANEL MDF. DOOR									BED/BATH W/ PRIVACY LOCK		05
	06	F		X	6'-0"	7'-0"	SLIDING DR.									SLIDING DR. HARDWARE		06
BEDRM. #2 RM. #	07	E		X	2'-8"	7'-0"	SINGLE PANEL MDF. DOOR									BED/BATH W/ PRIVACY LOCK		07
	08	F		X	6'-0"	7'-0"	SLIDING DR.									SLIDING DR. HARDWARE		08
BATHRM. RM. #	09	E		X	2'-8"	7'-0"	SINGLE PANEL MDF. DOOR									BED/BATH W/ PRIVACY LOCK		09
PRIMARY BEDRM. RM. #	10	E		X	2'-8"	7'-0"	SINGLE PANEL MDF. DOOR									BED/BATH W/ PRIVACY LOCK		10
W.I.C. RM. #	11	G		X	3'-0"	7'-0"	DBL. POCKET DOOR									POCKET DR. HARDWARE		11
PRIMARY BATH RM. #	12	D		X	2'-8"	7'-0"	SINGLE PANEL MDF. POCKET DOOR									POCKET DR. HARDWARE W/ PRIVACY LOCK		12
	13	E		X	2'-6"	7'-0"	SINGLE PANEL MDF. DOOR									BED/BATH W/ PRIVACY LOCK		13



NOTE:  
- OWNER TO APPROVE DOOR PROFILES PRIOR TO ORDER.  
- LEFT/RIGHT HAND OPERABLE AS SEEN FROM EXTERIOR

NOTE:  
- ALL GLASS ON EXTERIOR DOORS & WINDOWS MUST HAVE TEMPERED GLASS  
- INTERIOR TEMPERED GLASS PER PLANS/ SCHEDULES



# WINDOW SCHEDULE

NOTE: CONTRACTOR TO VERIFY ALL (E) ROUGH OPENING SIZES IN FIELD - CONTACT ARCHITECT IF THERE ARE DISCREPANCIES - WIN. TO CLOSET STANDARD SIZE - VERIFY W/ ARCHITECT

LOCATION	WINDOW #	WINDOW TYPE	FRAME SIZE		TYPE	MANUF.	CAT. #	COLOR	HARDWARE		DETAIL			HING*			WINDOW ACCESSORY				SCREEN		REMARKS	WINDOW #
			W.	H.					TYPE	FINISH.	HEAD	JAMB	SILL	LEFT	FIXED	RIGHT	PLANT-SHUTTER	SHADE	BOXED	CURTAIN	MESH	RETRACTABLE		
ENTRY RM.#	1	A	4'-0"	7'-0"	ALUM. CLAD PICTURE	MARVIN OR EQ.		MATCH (E)							X								TEMP. GLASS	1
POWDER RM.#	2	B	2'-0"	3'-6"	ALUM. CLAD CASEMENT											X							TEMP. GLASS	2
	3	C	2'-4"	3'-0"	ALUM. CLAD CASEMENT											X							TEMP. GLASS	3
KITCHEN RM.#	4	D	10'-6"	1'-2"	ALUM. CLAD PICTURE										X								TEMP. GLASS	4
	5	E	4'-0"	2'-0"	ALUM. CLAD PICTURE										X								TEMP. GLASS	5
BEDROOM#2 RM.#	6	F	11'-2"	6'-8"	ALUM. CLAD CASEMENT UNIT											X							TEMP. GLASS	6
PRIMARY BATH RM.#	7	G	4'-0"	2'-0"	ALUM. CLAD SLIDING																		TEMP. GLASS	7
	8	H	4'-0"	4'-0"	ALUM. CLAD DBL. CASEMENT								X		X								TEMP. GLASS	8
W.I.C. RM.#	9	I	4'-0"	6'-6"	ALUM. CLAD PICTURE									X									TEMP. GLASS	9

### FOR EVERY WINDOW ENERGY DATA:

- INSULATING GLASS/ HARDCOAT LOW E II - ARGON. R-VALUE PER T.24
- HINGES TO - MATCH HARDWARE, SOLID DARK SPACER BAR, WIDE MULLIONS (STANDARD)

### FOR EVERY ROOF WINDOW AND SKYLIGHT:

- HIGH-PERFORMANCE TEMPERED AND HIGH-PERFORMANCE SUN LOW-E TEMPERED GLAZING
- PROVIDE CURB MOUNTING 4" ABOVE ROOF PLANE
- ALL WINDOWS AND DOORS PRIMED FOR PAINT

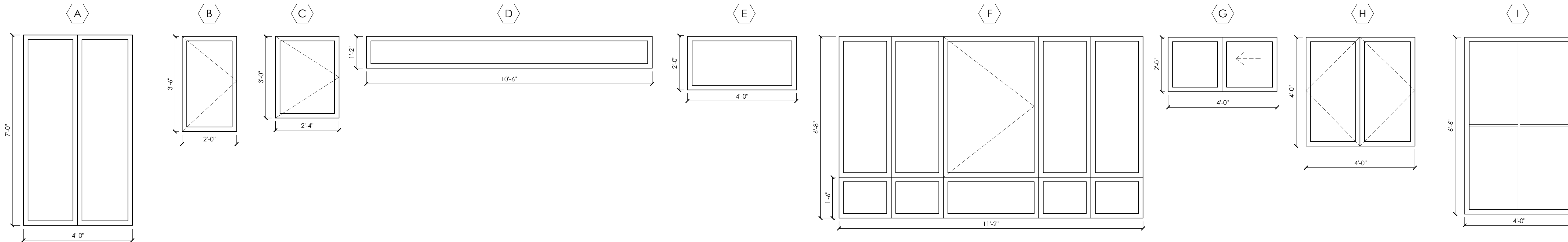
### FOR WINDOW MULLIONS:

- SIMULATED DIVIDED LITE (SDL) W/ 7/8" SPACER BAR
- FOLLOW MULLION DESIGN/LITE PER WDW. SHOWN BELOW - DO NOT FOLLOW LOEWEN CATALOGUE PICTURES FOR MULLIONS

\* LEFT AND RIGHT HINGE DETERMINED FROM OUTSIDE OF HOUSE LOOKING TOWARD THE WINDOW

\*\* DIMENSION NEED TO VERIFY IN FIELD

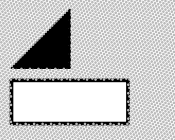
\*CONTRACTOR TO VERIFY (E) SIZE IN FIELD.



### NOTE:

- ALL GLASS ON EXTERIOR DOORS & WINDOWS MUST HAVE TEMPERED GLASS
- INTERIOR TEMPERED GLASS PER PLANS/ SCHEDULES

HOLSCHER



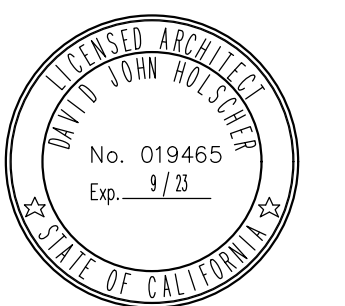
ARCHITECTURE

83B Beach Road  
Belvedere, California 94920  
www.harch.com  
phone 415.435.5219  
fax 415.435.0312

## Vives Rabbanifard Residence Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

### Proposed Window Schedule Scale 1/2"=1'-0"



no.	revisions	date
PROCESS		08/12/2022
DESIGN REVIEW		09/09/2022

date issued: 08/12/2022

drawn by: NL checked by: DH

job#: 10150-2022

drawing number

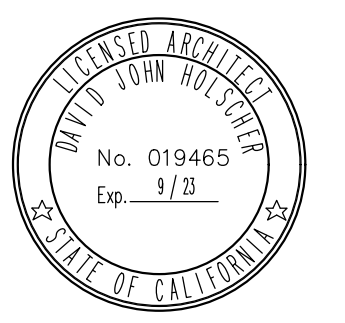
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of sheets

Vives  
Rabbanifard  
Residence  
Renovation

148 Bayview Ave  
Belvedere, CA. 94920  
APN: 060-173-16

Material Board  
Scale 1/4" = 1'-0"



no.	revisions	date
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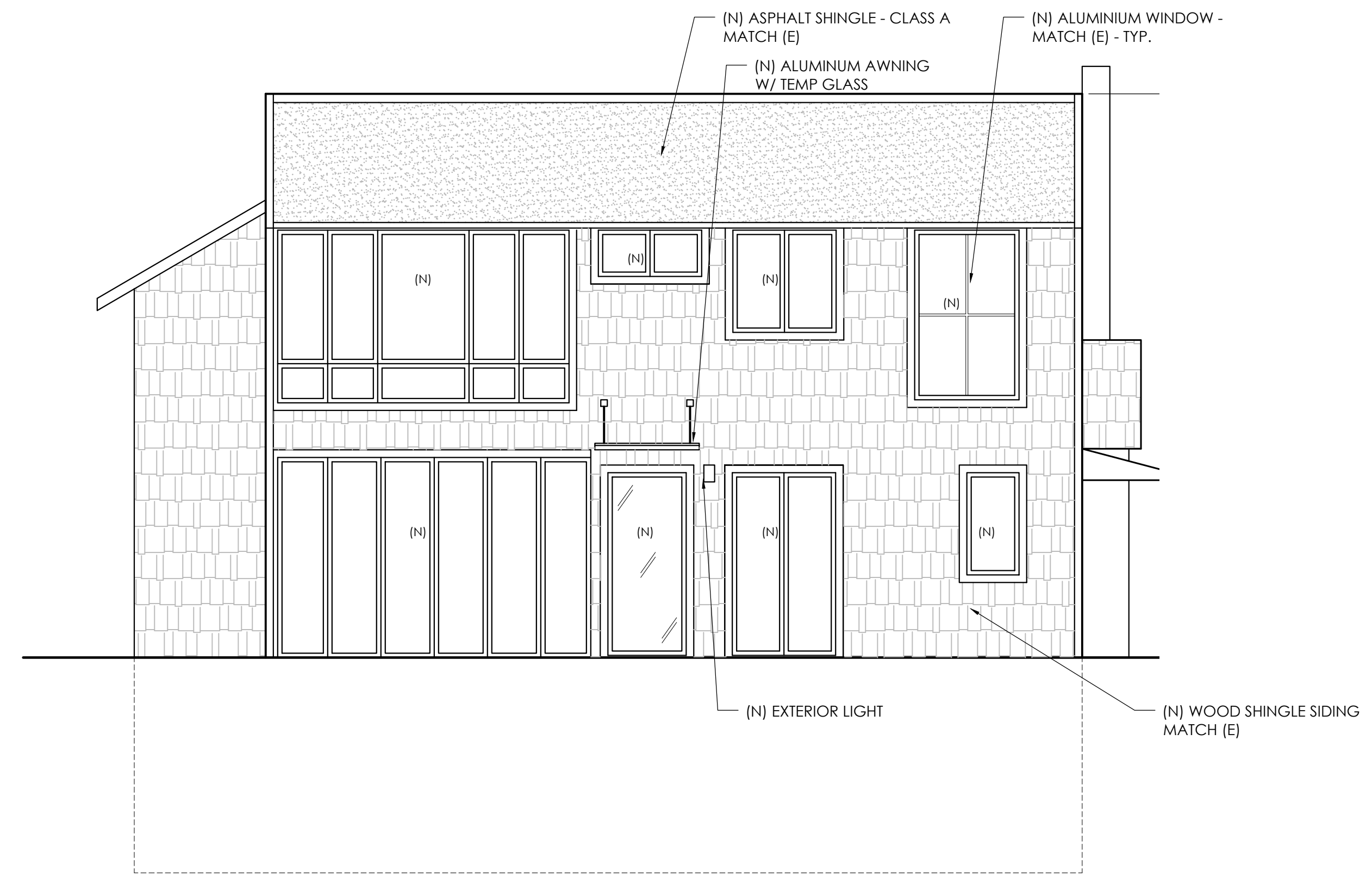
drawing number

**MB1**

of sheets



1 EXISTING SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"



2 PROPOSED SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"



3 EXISTING BUILDING MATERIALS  
SCALE: N.T.S.

**WAC LIGHTING**

Tube  
Single & Double Wall Mount 3000K

Model #	Color Temp & CRI	Watt	Length	Beam	Finish
WAC-3000-10	3000K 90	30W	10"	24°	Brushed Aluminum
WAC-3000-18	3000K 90	30W	18"	24°	Brushed Aluminum
WAC-3000-24	3000K 90	30W	24"	24°	Brushed Aluminum

**DESCRIPTION**  
A simple source with endless possibilities. The cylindrical wall sconce offers several finish options, other colors or finishes, or can be custom painted. The sconce is made of aluminum and designed with no visible hardware. It has a frosted glass lens. Take a picture for your designer and interior lighting needs. The hardware architectural finishes will complement each other.

**FEATURES**  
- 240V Single, 200V Double  
- 3000K color temperature  
- 90 CRI  
- 24° beam angle

**INSTALLATION**  
- 1/2" hole diameter  
- 1/2" hole depth

**FINISHES**  
- Brushed Aluminum  
- Matte Black  
- Matte White  
- Polished Brass  
- Polished Nickel  
- Polished Chrome  
- Polished Copper  
- Polished Silver  
- Polished Gold  
- Polished Bronze  
- Polished Nickel  
- Polished Chrome  
- Polished Copper  
- Polished Silver  
- Polished Gold  
- Polished Bronze

**LINE DRAWING**

4 (N) EXTERIOR SCONCE LIGHTING  
SCALE: N.T.S.



5 (N) ALUM. GLASS AWNING  
SCALE: N.T.S.



6 (N) DOORS & WINDOWS  
SCALE: N.T.S.



7 ROOF SHINGLE  
SCALE: N.T.S.



**CITY OF BELVEDERE PLANNING COMMISSION  
STAFF REPORT**

---

**REPORT DATE:** 11/1/2022 **AGENDA ITEM: 4**  
**MEETING DATE:** 11/15/2022  
**TO:** City of Belvedere Planning Commission  
**FROM:** Isabelle Loh, MIG (Planning Consultant)  
**REVIEWED BY:** Irene Borba, Director of Planning and Building  
Ann Danforth, Deputy City Attorney  
**SUBJECT:** Design Review and Exception to Total Floor Area for a 168 SF addition to the property located at **148 Bayview Avenue.**

---

**RECOMMENDATION**

The applicant requests Design Review and Exception to Total Floor Area for interior remodeling, exterior improvements, and an addition that would increase the floor area of the existing home by 168 square feet. The application is included as **Attachment 3** and project plans are included as **Attachment 4**.

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

- MOTION 1**            Adopt the Resolution granting Design Review for the property located at **148 Bayview Avenue (Attachment 1)**.
- MOTION 2**            Adopt the Resolution granting an Exception to Total Floor Area to allow 3,407 SF where 2,629 SF is permitted, and 3,239 SF exists at **148 Bayview Avenue (Attachment 2)**.

**PROPERTY SUMMARY**

**Project Address:** 148 Bayview Avenue  
**APN:** 060-173-16  
**Project Applicant:** Game Chavapricha, Holscher Architecture  
**Property Owners:** Maryam Rabbanifard & Fabien Vives  
**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 substandard, 7,968-square-foot lot with a steeply sloping topography (31%). The site is adjacent to single-family homes. The property is developed with a single-family residence, carport, and parking deck.



**ZONING PARAMETERS**

<b>ELEMENT</b>	<b>PRESCRIBED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Lot Area	15,000 SF	7,968 SF	No Change
Total Floor Area	33% (2,629 SF)	41% (3,239 SF)	43% (3,407 SF)
Lot Coverage	30% (2,390 SF)	14.9% (1,158 SF)	15.6% (1,244 SF)
Left Side Yard Setback	5'	5'-0"	No Change
Right Side Yard Setback	5'	5'-10"	No Change
Rear Yard Setback	20'	15'-6"	No Change
Front Yard Setback	10'	98'	No Change
Building Height	28'	30'-8"	No Change
Parking Spaces	2	2	No Change

**PROPERTY HISTORY**

1983 – Planning Commission approval of Design Review of addition and expansion of structure  
 1999 – Staff approval of Design Review for exterior improvements

**PROJECT ANALYSIS**

The applicant requests Design Review and Exception to Total Floor Area to allow for interior remodeling, a total addition of 168 square feet (main floor: 86 square feet; upper floor: 82 square feet), installation of new windows, replacement of the existing glass roof, removal of the upper-floor deck to accommodate the upper floor addition, installation of a new awning, and installation of an exterior light. The Exception to Total Floor Area is required because the project proposes 3,407 SF, and currently has 3,239 SF where 2,629 SF is permitted.

The applications are included as **Attachment 3** and project plans are included as **Attachment 4**.

## **DESIGN REVIEW**

The project proposes to expand the southwest portion of the house to increase living space for the homeowners. The new floor area would bring the main and upper floor flush against the existing front of the house. The addition would accommodate a new entrance, powder room, and coat closet on the main floor and expansion of the primary bath on the upper floor. The addition would remove an existing upstairs deck and would not extend beyond the existing building envelope on the southwest/southeast elevations.

The addition would include a replacement roof, a new awning, and an exterior wall sconce. New windows and doors are also proposed on the new elevation surfaces (southwest/southeast)

A new aluminum-tempered glass awning and exterior wall sconce are proposed to accompany the new entrance. Wood shingle siding for the addition is proposed to match the existing structure. New windows and doors are also proposed on the new elevation surfaces (southwest/southeast). The project proposes replacement of a glass roof on the southwest elevation with new asphalt shingles to match existing.

### **Colors and Materials**

All new colors and materials would match the existing structure. Wood shingle siding on the addition's exterior, white window casing, and dark green awning would match the existing exterior, windows, and trim of the structure. The proposed awning would be aluminum and tempered glass. The proposed replacement roof would be dark asphalt shingles to match the existing.

### **Findings**

The Design Review findings, specified in Belvedere Municipal Code Title 20, state that projects should preserve existing site conditions, and 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. Window size and placements should also be considerate of privacy of adjacent buildings.

As detailed in Exhibit A of the Draft Resolution, staff is of the opinion that all Design Review findings can be made. The proposed addition does not disrupt existing site conditions and would not create imbalance to the existing structure. The proposed addition would have minimal effect to the impression of bulk as it would not extend past the existing building envelope, would fit into the structure, and would not be visible from the right-of-way. The proposed colors and materials are to match existing styles and would blend into the existing structure with minimal visual impacts. Overall window area and size for the structure would be reduced with no new impact to privacy.

## **EXCEPTION TO TOTAL FLOOR AREA**

The applicant requests Planning Commission approval of a floor area of 3,407 SF. The maximum permitted FAR in the R-15 Zoning District for lots less or equal to 14,700 square feet in area, is 33 percent. The lot is 7,968 SF, the existing home is 3,239 SF (FAR: 0.41). The applicant is

requesting to exceed the maximum allowed floor area with an additional 168 SF (Total Area: 3,407; FAR: 0.43).

For information purposes, Staff has provided the Commission with a chart that shows the floor area for other properties in the vicinity of the subject property (**Attachment 5, FAR Chart**). Based on the FAR chart, the proposed FAR of 3,407 SF is comparable to other properties in the neighborhood and remain consistent with the overall character of the neighborhood.

### **Findings**

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

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

In staff's opinion, the required findings for an Exception to Total Floor Area can be made. First, the proposed addition is designed within the existing building envelope and would not be seen from the Bayview Avenue public right-of-way. The project, therefore, is not visible from Bayview Avenue and does not add visual mass or bulk nor does it impact privacy. Second, the home is located almost 100 feet away from the right-of-way and the proposed addition would only bump out the exterior wall to align with the existing building envelope. These factors would minimize the impact of the greater floor area. Third, the project will not be visually out of place within the context of the neighborhood and matches the style and character of adjacent properties. Fourth, the project does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the extensive front yard setback as well as the reduction of window square footage on the southwest elevation. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area (**Attachment 2**).

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On **November 1, 2022**, the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project includes the construction of an addition/remodel 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. City action is required by **January 1, 2023** or the project may be deemed approved.

CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no potential that the project would cause a substantial adverse effect



on any potential Tribal Cultural Resources that may, or may not, exist on the site. Additionally, there are no unusual circumstances applicable to the project under CEQA.

As mentioned above, the project is exempted from CEQA by the Common Sense Exemption. If it can be seen with certainty that a project will not have a significant effect on the environment, it is exempt from CEQA review. (CEQA Guidelines, § 21061(b)(3).) Here a categorical exemption is appropriate because there is no possibility that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. The project is proposed on previously disturbed soil and will be infilling areas under the house. The subject property is categorized as a Medium Sensitivity site for Tribal Cultural Resources in the Belvedere 2030 General Plan Historical Resources Map.

### **CORRESPONDENCE**

A copy of the public hearing notice for this item was published in *The ARK* newspaper and mailed to all property owners within 300 feet of the subject property.

Staff has received a record of the property owner's correspondence with neighbors regarding the project (**Attachment 6**) and has not received any objections or comments towards the project.

### **CONCLUSION**

Staff determines that all of the findings can be made for the Design Review and Exception to Total Floor Area requests. As stated in the summary above staff finds that the proposed addition and exterior fixtures are compatible with the architecture, site, and neighborhood.

### **RECOMMENDATION**

**MOTION 1** Adopt the Resolution granting Design Review for the property located at **148 Bayview Avenue (Attachment 1)**.

**MOTION 2** Adopt the Resolution granting an Exception to Total Floor Area to allow 3,407 SF where 2,629 SF is permitted, and 3,239 SF exists at **148 Bayview Avenue (Attachment 2)**.

### **ATTACHMENTS**

- Attachment 1: Draft Design Review Resolution
- Attachment 2: Draft Floor Area Exception Resolution
- Attachment 3: Project Application(s)
- Attachment 4: Project Plans
- Attachment 5: FAR Chart
- Attachment 6: Neighbor Correspondence
- Attachment 7: Departmental Reviews

**CITY OF BELVEDERE  
RESOLUTION NO. 2022-XXX**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN  
REVIEW APPROVAL FOR AN ADDITION AT 148 BAYVIEW AVENUE**

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**WHEREAS**, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for an addition at 148 Bayview Avenue; and

**WHEREAS**, the project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines. There are no unusual circumstances applicable to the project under CEQA; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on November 15, 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 purposes and criteria specified in Section 20.04.005 and 20.04.110–20.04.120 of the Belvedere Municipal Code.

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

- a) The property owner shall hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval, shall cooperate with the City in the defense of any such action, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result; counsel in any such legal action shall be selected by the City in its sole reasonable discretion. This approval is conditioned upon the accuracy of all facts stated in the application [by the property owner] 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 Holscher Architecture, Inc. received by the City of Belvedere on October 18, 2022.
- c) Any changes to the existing or approved landscaping will require Design Review approval by the City of Belvedere. All lights shall be down lit with covered bulbs.
- d) Any new exterior lighting shall be shielded and directed downward and shall be reviewed and approved by planning. Any new lighting may require further planning review/approval.
- e) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- f) There are no known paleontological or unique archeological resources on the project site. In the event unanticipated unique archaeological or paleontological resources are uncovered during construction, all work must be immediately halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate mitigation measures to avoid any significant environmental impact.
- g) This Design Review approval does not include any changes to existing exterior features other than those specifically listed herein and or shown on the approved plans. Other changes not listed or shown may require separate Design Review approval.

- h) Design Review approvals expire twelve (12) months from the date of this approval.
- i) A ten (10) day appeal period is applicable and shall be observed prior to work commencing. Construction activities shall not take place until the appeal period has ended and provided that no appeal has been filed

### **Public Works**

- j) An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Director.
- k) 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.
- l) 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.
- m) The project will require a detailed **Grading & Drainage Plan** showing cut and fill earth volumes, existing drainage system and any drainage improvements. Said plans shall incorporate, as appropriate, the [MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County](#).
- n) The project will include soil disturbance during construction and applicants therefore must submit an **Erosion and Sediment Control Plan (ESCP)** for approval by the City prior to the issuance of a Building Permit. Please also submit the Erosion and Sediment Control tracking documentation for the Marin County Stormwater Pollution Prevention Program (MCSTPPP) [Construction Erosion and Sediment Control Plan Applicant Package](#), revised November 2015. At a minimum, the ESCP must include the applicable MCSTOPPP minimum erosion control, sediment control, and good housekeeping BMPs described in the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#). The ESCP must provide a rationale for the selected BMPs including, if needed, soil loss calculations.
- o) 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
- Best management practices (BMPs) to be implemented to minimize pollutant exposure, protect exposed pollutants, and remove any pollutants that may accidentally enter stormwater runoff. Please see the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#) for list of effective BMPs.

**Building Department/Tiburon Fire Protection District**

No comments received.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:** \_\_\_\_\_

Patricia Carapiet  
Planning Commission Chair

**ATTEST:** \_\_\_\_\_

Irene Borba  
Director of Planning and Building

## **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.**

Project does not propose cut/fill or removal of trees.

### **Relationship between structures and the site.**

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

The proposed additions would be located on the southwest elevation of the existing structure and would not extend past existing building envelope extrusions. The proposed additions would integrate into the existing structure with minimal addition to the impression of bulk/mass.

### **Minimizing bulk and mass.**

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

The addition would be located almost 100 feet from the right-of-way and would not be visible from the road. As such, the addition would not draw attention to itself, or appear monumental or excessively large.

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

The project does not use large expanses of any one material and maintains architectural variety through the use of juxtaposition between horizontal wood siding and vertical-style windows. No single-plane retaining walls are proposed.

### **Materials and colors used.**

**Building designs should incorporate materials and colors that minimize the structures visual impacts that blend 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 project proposes natural materials—wood shingles—for the new addition that would fit in with the existing structure and not attract attention to themselves. The proposed roof and awning would be of darker-tone gray that would be complementary to each other. Proposed doors and windows would have white trim

and are to match existing colors. The proposed awning would be glass and dark green aluminum to match the building trim.

**Fences and screening.**

**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.**

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.**

Though the project proposes installation of new doors and windows on the new addition, the project would reduce overall window area and size on the southwest elevation and minimal change on the southeast elevation. The proposed new windows and doors would not be visible from the right-of-way or from adjacent properties. Removal of the existing second-floor deck would further reduce existing views onto adjacent properties.

**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 pedestrians 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.**

No change in drives, parking, or circulation is proposed.

**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.**

One new exterior light is proposed by the proposed new entrance. Lighting shall be shielded and directed downward.

**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 proposes to exceed the allowable floor area permitted. An application for Exception to Total Floor Area has been submitted as part of this project. Because findings for the Floor Area Exception can be made, it is not feasible or reasonable to condition the project on elimination of these nonconformities.

**Landscape plans -- Purpose.**

**A. Landscape plans should be compatible with the character of the site and surrounding developed properties. Native or natural appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters.**

**B. Landscape plans shall include appropriate planting to soften or screen the appearance of structures as seen from off-site locations and shall include appropriate screening for architectural elements, such as building foundations, deck supports, and retaining walls, that cannot be mitigated through architectural design.**

**C. Landscape plans should provide privacy between properties. Choice of landscape materials should take into consideration the future impact which new planting may have in significantly obstructing views from nearby dwellings.**

**Landscape Plans – Materials.**

**A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water usage, turf areas should be minimized and narrow turn areas, such as in parking strips, should be avoided.**

**B. Landscape plans should include a mix of fast and slow growing plant materials. Fast growing trees that have a short life span should be used only when planted with others which reach maturity at a later age.**

**C. Landscape plans should include water conserving irrigation systems. Plant materials should be selected so that once established, much of the major site landscaping would survive solely on rainfall. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.**

No change in existing landscaping is proposed.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-XXX**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING AN EXCEPTION  
FROM SECTION 19.52.120 OF THE BELVEDERE MUNICIPAL CODE FOR THE  
PROPERTY LOCATED AT 148 BAYVIEW AVENUE**

**WHEREAS**, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code to permit a maximum floor area of 3,407 square feet where 3,239 square feet currently exists and 2,629 square feet is permitted at 148 Bayview 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 a duly noticed public hearing on the requested Floor Area Exception on November 15, 2022; and

**WHEREAS**, the Planning Commission made each and every 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.**

Primary views from adjacent properties and the street will not be significantly impaired by the additional square footage. The additional square footage for the dwelling has a front yard setback of almost 100 feet and would not be visible from the Bayview Avenue right-of-way.

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

The parcel has almost ten times the required setback on the front where the addition is proposed. The proposed addition would only bump out the exterior wall to align with the existing building envelope. These factors would 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 project meets all Design Review criteria and does not introduce excessive mass or bulk. Overall, the size and scale of the proposed addition fits in and is appropriate with the character of homes in the R-15 Zoning District.

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

The additional square footage would not reduce privacy to adjoining/adjacent properties as there is an overall reduction in the window area on the southwest elevation and minimal change to the southeast elevation. Furthermore, removal of the second-floor deck would reduce views into adjacent properties.



Resolution 2022 - xxx  
148 Bayview Avenue  
November 15, 2022  
Page 2

**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 3,407 square feet where 3,239 square feet currently exists, and 2,629 square feet is permitted at 148 Bayview Avenue.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on November 15, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:** \_\_\_\_\_  
Patricia Carapiet  
Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Irene Borba  
Director of Planning and Building



# APPLICATION FOR DESIGN REVIEW

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

## FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Planning Comm. Approval   
 Design Review Exception   
 Amount: \_\_\_\_\_ 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: 148 Bayview Ave

Record Owner of Property: Maryam Rabbanifard & Fabien Vives

Mailing 148 Bayview Ave Daytime Phone: \_\_\_\_\_

Address: Belvedere, CA 94920 Fax: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Owner's Representative: Holscher Architecture

Mailing 83B Beach Rd Daytime Phone: 415-435-5219

Address: Belvedere, CA 94920 Fax: \_\_\_\_\_

\_\_\_\_\_ Email: nghigame@harch.com

Project Description: \_\_\_\_\_

(N) 168 SQFT ADDITION OF MAIN & UPPER FLOOR

ADD 2 (N) BEDROOM AND 1 (N) BATHROOM UPSTAIRS

CONVERT (E) SUNROOM TO LIVING ROOM

REMOVE (E) FIREPLACE AND CONVERSATION PIT @ LIVING ROOM

REMODEL KITCHEN, MASTER BEDROOM, & MASTER BATHROOM

(N) WINDOWS AND DOORS @ SOUTHWEST/SOUTHEAST ELEVATIONS

REPLACE (E) GLASS ROOF W/ (N) ASPHALT SHINGLE ROOF AT SOUTHWEST ELEVATION

REMOVE (E) UPSTAIRS DECK

**ZONING PARAMETERS:**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area . . . . .	15,000	7,968 sq.ft	NO CHANGE
Lot Coverage . . . . .	30% structure	1,158 (14.9%)	1,244 (15.6%)
Total Floor Area . . . . .	2,629 (33%)	3,239 (41%)	3,407 (43%)
Front Yard Setback . . . .	10'	98'	NO CHANGE
Left Sideyard Setback . . . .	5'	5'	NO CHANGE
Right Sideyard Setback. . . .	5'	5'-10"	NO CHANGE
Rear Yard Setback . . . . .	15'	15'-6"	NO CHANGE
Building Height Maximum...	28'	30'-8"	NO CHANGE
Building Height Average...		21'-8"	NO CHANGE
Parking Spaces . . . . .	2	2	NO CHANGE

**SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA**

*(To Be Completed by Applicant)*

Date Filed: 10-14-2022

**General Information**

1. Name and address of developer or project sponsor: same as owner
2. Address of project: 148 Bayview Ave
3. Name, address, and telephone number of person to be contacted concerning this project: Game - Holscher Architecture 415-435-5219 email: nghigame@harch.com
4. Indicate number of the permit application for the project to which this form pertains: 1
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: Design review approval and Bulding Permit approval
6. Existing zoning district: R-15
7. Proposed use of site (Project for which this form is filed): SINGLE FAMILY RESIDENTIAL
8. Year built: 1950 Original architect: unknown

**Project Description**

9. Site size. 7968 SQFT
10. Square footage. 3407
11. Number of floors of construction. 2
12. Amount of off-street parking provided. 2
13. Plans attached? Yes
14. Proposed scheduling. Will start construction right after Building Permit approval

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. Single family residence
- 
18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. N/A
- 
19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. 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.

Existing single family residence

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35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

Surrounding properties are residential area.

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### 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. 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: \$ 241,000

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 & 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: 148 BAYVIEW

Assessor's Parcel No(s). of subject property: 060-173-16

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

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

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

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

I, Fabien Vives, 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 14 day of OCTOBER, 2022, at Belvedere, California.

Signature 

Signature \_\_\_\_\_

Title(s) \_\_\_\_\_

Title(s) \_\_\_\_\_

Trustee(s)     Partners:  Limited or  General     Corporation     Other \_\_\_\_\_

Name of trust, LLC, corporation, or other entity: The Marli 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 David Holscher - Holscher Architecture 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: 10/14/2022

Signature of Representative: DH Date: 10/14/2022



# APPLICATION FOR EXCEPTION TO TOTAL FLOOR AREA

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

## FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Assessors Parcel No: \_\_\_\_\_ Zone: \_\_\_\_\_

## TO BE COMPLETED BY APPLICANT

Address of Property: 148 Bayview Ave, Belvedere CA 94920

Type of Property: single family residential

Record Owner of Property: Fabian Vives & Maryam Rabbanifard

Mailing 148 Bayview Ave Daytime Phone: \_\_\_\_\_

Address: Belvedere CA 94920 Fax: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Owner's Representative: Holscher Architecture

Mailing 83B Beach Rd Daytime Phone: 415-435-5219

Address: Belvedere CA 94920 Fax: \_\_\_\_\_

\_\_\_\_\_ Email: Nghigame@harch.com

**ORDINANCE REQUIRES: 2629 sq. ft. YOUR APPLICATION HAS: 3407 sq. ft.**

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

1. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage, because: new addition does not extend beyond existing building envelope

\_\_\_\_\_  
\_\_\_\_\_

- 
- 
2. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area, because: new addition does not extend beyond existing building envelope

- 
- 
- 
- 
3. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all Design Review criteria, because: new addition does not extend beyond existing building envelope

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- 
- 
4. That the additional square-footage will not substantially reduce the privacy otherwise available to residents of adjoining properties, because: new addition does not extend beyond existing building envelope

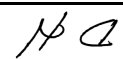
In addition, Section 19.52.120(2) includes guidelines that the Planning Commission must follow. I propose that the following guidelines can be met:

5. That the proposed new construction would not create a new or expand on existing nonconformity on the property, because: new addition does not extend beyond existing building envelope

Exception to Total Floor Area Application • Page 3 of 3 • City of Belvedere

Date: 10/14/2022

Name: David Holscher

Signature: 

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

does not apply

years prior to the floor area exception application, because: \_\_\_\_\_

6. That the proposed new construction is not a continuation, expansion, or subsequent phase of a project for which one or more variances were granted, which project was completed within two

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

Project Address: 148 Bayview Ave

FAR Chart of Properties within 300' of 148 Bay View Ave

Address	Lot Size SF	House SF	FAR%	Data Source*
101 BELLA VISTA AVE	6944	1478	21.3%	MM
124 BAY VIEW AVE	5661	1576	27.8%	MM
130 BAY VIEW AVE	13566	1673	12.3%	MM
104 BELLA VISTA AVE	10370	1824	17.6%	MM
160 BAY VIEW AVE	9600	1888	19.7%	MM
135 BAY VIEW AVE	6489	1929	29.7%	MM
120 BAY VIEW AVE	5763	2000	34.7%	2012 CofB
121 BAY VIEW AVE	10875	2042	18.8%	2011 CofB
210 BAY VIEW AVE	6250	2100	33.6%	1997 CofB
125 BAY VIEW AVE	8304	2175	26.2%	2000 CofB
61 ACACIA AVE	6050	2234	36.9%	MM
103 ACACIA AVE	6250	2236	35.8%	MM
129 BAY VIEW AVE	6,539	2,240	34.3%	2021 CofB
51 ACACIA AVE	5716	2264	39.6%	2005 CofB
41 ACACIA AVE	6120	2278	37.2%	MM
112 BELLA VISTA AVE	11128	2279	20.5%	MM
107 ACACIA AVE	5885	2348	39.9%	2020 CofB
145 BAY VIEW AVE	9560	2386	25.0%	2001 CofB
45 BELLA VISTA AVE	7370	2420	32.8%	1996 CofB
144 BAY VIEW AVE	8500	2455	28.9%	MM
101 ACACIA AVE	6250	2500	40.0%	1995 CofB
152 BAY VIEW AVE	6425	2501	38.9%	1999 CofB
103 BEACH RD	5525	2607	47.2%	2005 CofB
34 BELLA VISTA AVE	12500	2627	21.0%	MM
11 TOYON AVE	7437	2716	36.5%	2003 CofB
15 TOYON AVE	7437	2716	36.5%	2003 CofB
156 BAY VIEW AVE	8094	2755	34.0%	2000 CofB
40 BELLA VISTA AVE	7735	2830	36.6%	MM
50 BELLA VISTA AVE	7868	2843	36.1%	2014 CofB
206 BAY VIEW AVE	6654	2877	43.2%	1999 CofB
200 BAY VIEW AVE	7497	2882	38.4%	MM
150 MADRONA AVE	10975	2897	26.4%	MM
81 ACACIA AVE	12500	2904	23.2%	MM
110 BELLA VISTA AVE	7572	2928	38.7%	1997 CofB
<b>148 BAY VIEW AVE</b>	<b>7968</b>	<b>3239</b>	<b>40.7%</b>	<b>Existng</b>
105 ACACIA AVE	8502	3243	38.1%	2009 CofB
118 BAY VIEW AVE	7574	3381	44.6%	2021 CofB
<b>148 BAY VIEW AVE</b>	<b>7968</b>	<b>3407</b>	<b>42.8%</b>	<b>Current Appl</b>
209 BAY VIEW AVE	8565	3555	41.5%	2004 CofB
129 BELLA VISTA AVE	6108	3668	60.1%	2006 CofB
118 BELLA VISTA AVE	8,565	4,061	47.4%	2021 CofB
201 BAY VIEW AVE	7590	4320	56.9%	MM
140 BAY VIEW AVE	6412	4486	70.0%	2011 cOFb
124 MADRONA AVE	25788	6288	24.4%	2017 CofB

\*MM Marin Map

\*CofB City of Belvedere



# CITY OF BELVEDERE

## NEIGHBOR NOTICING MEMO

TO: *The City of Belvedere Planning Department Staff*

Regarding Project Address: 148 BAYVIEW AVE, BELVEDERE

Project Description:

178 sqft addition of main upper floor. Add 2 bedrooms and 1 bath upstairs. Convert room to living room. Remodel kitchen, MBR, MBA

I have reviewed the following item(s):

- project proposal
- plan set
- photographs
- cut sheets
- other documents (specify: \_\_\_\_\_)

prepared by \_\_\_\_\_ and dated \_\_\_\_\_.

I have no objection to the proposed improvements as shown in the above-referenced documents.

I do not support the project as shown in the above-referenced documents.

Other comments: \_\_\_\_\_

My name is: Jacchell Szuba, and I own the neighboring property

at: 152 Bayview Ave

My signature: Jacchell Szuba

Today's date: 10.11.25

Thank you for taking the time to review and comment on your neighbor's project. If you have any questions, please feel free to contact us at 435-3838.



Isabelle Loh <iloh@migcom.com>

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## 148 Bayview- Approvals from neighbors

2 messages

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**David Holscher** <david@harch.com>  
To: "iloh@migcom.com" <iloh@migcom.com>

Tue, Nov 1, 2022 at 3:55 PM

Isabelle,

Thank you for the site meeting. Enclosed is one of the requested documents.

Sincerely,

David

83b Beach Road

Belvedere, California 94920

415-435-5219 #201

[www.harch.com](http://www.harch.com)



**From:** Fabien VIVES [mailto:[fabien.vives@gmail.com](mailto:fabien.vives@gmail.com)]  
**Sent:** Tuesday, November 01, 2022 3:22 PM  
**To:** David Holscher <[david@harch.com](mailto:david@harch.com)>  
**Cc:** Maryam <[rabbanifard.m@gmail.com](mailto:rabbanifard.m@gmail.com)>  
**Subject:** Approvals from neighbors



Hi David,

So far we've had 152 Bayview sign the neighbor notice and approved the project.

We've shown and discussed the designs with 144 Bayview and they approved the project but didn't sign.

We discussed the project with 145 Bayview, not shown the actual designs, and she approved.

Beat,

Fabien

---

**Isabelle Loh** <iloh@migcom.com>  
To: David Holscher <david@harch.com>

Wed, Nov 2, 2022 at 7:28 AM

Thanks David!

[Quoted text hidden]

--

**Isabelle Loh**

*Planning Project Associate*

*she/her/hers*



PLANNING | DESIGN | COMMUNICATIONS | MANAGEMENT | SCIENCE | TECHNOLOGY

800 Hearst Avenue

Berkeley, California 94710 | USA

iloh@migcom.com | cell: 520-302-9415

www.migcom.com

facebook twitter linkedin instagram



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# CITY OF BELVEDERE

450 San Rafael Avenue Belvedere, CA 94920

Tel: 415 / 435-3838 | Fax: 415 / 435-0430

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## Memorandum: Public Works Department Design Review Comments for 148 Bayview Avenue

Date: November 2, 2022

To: Isabelle Loh

From: Chris Barry, DPW Associate Engineer

Project Address: 148 Bayview Avenue

Permit #: 1470

Project Description: Design review for Residential Interior Remodel and Exterior Upgrades

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### **The Public Works Department has reviewed the subject application and has NO Design Review comments:**

Should plans be submitted for **Building Permit**, the following conditions of approval shall be satisfied:

#### **Building Permit Conditions of Approval:**

1. An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Director.
2. 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.
3. 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.
4. The project will require a detailed **Grading & Drainage Plan** showing cut and fill earth volumes, existing drainage system and any drainage improvements. Said plans shall

incorporate, as appropriate, the [MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County](#).

5. The project will include soil disturbance during construction and applicants therefore must submit an **Erosion and Sediment Control Plan (ESCP)** for approval by the City prior to the issuance of a Building Permit. Please also submit the Erosion and Sediment Control tracking documentation for the Marin County Stormwater Pollution Prevention Program (MCSTPPP) [Construction Erosion and Sediment Control Plan Applicant Package](#), revised November 2015. At a minimum, the ESCP must include the applicable MCSTPPP minimum erosion control, sediment control, and good housekeeping BMPs described in the [MCSTPPP Minimum Control Measures for Small Construction Projects](#). The ESCP must provide a rationale for the selected BMPs including, if needed, soil loss calculations.
6. 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 15<sup>th</sup> and April 15<sup>th</sup>, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event
  - Best management practices (BMPs) to be implemented to minimize pollutant exposure, protect exposed pollutants, and remove any pollutants that may accidentally enter stormwater runoff. Please see the [MCSTPPP Minimum Control Measures for Small Construction Projects](#) for list of effective BMPs.

Should there be any questions regarding the DPW's Building Review comments, please contact City of Belvedere Associate Engineer, Christopher Barry.

Thank you,  
Chris Barry  
Associate Engineer  
City of Belvedere  
Office : (415) 435-8903  
Mobile : (415) 404-2928  
Email : [cbarry@cityofbelvedere.org](mailto:cbarry@cityofbelvedere.org)

ABBREVIATIONS

Table of abbreviations and their corresponding full names, organized in three columns. Includes terms like ABV ABOVE, AFF ABOVE FINISHED FLOOR, etc.

GENERAL NOTES

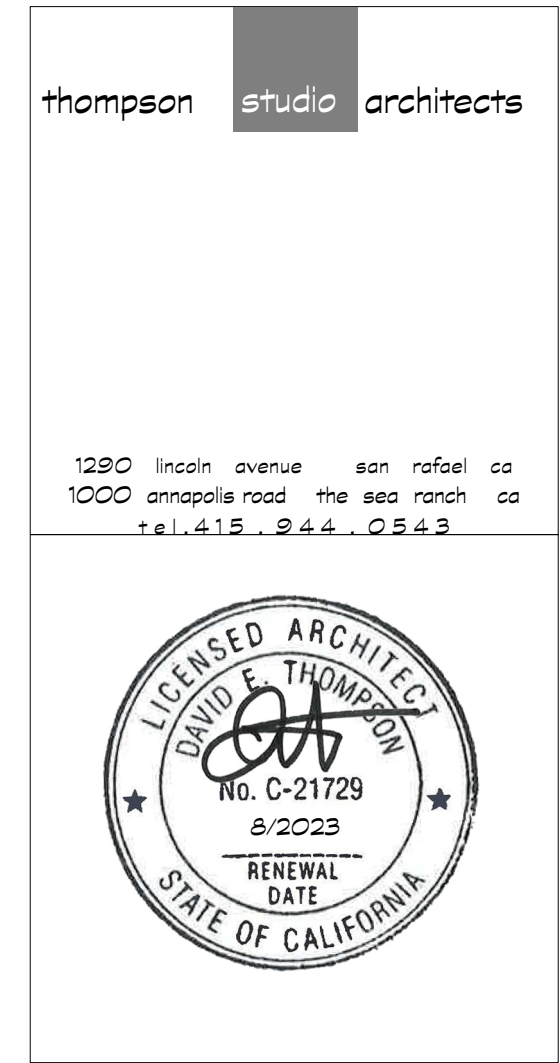
- 1. ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR BEFORE PROCEEDING WITH THE WORK.
2. DO NOT SCALE THE DRAWINGS. IF THESE DRAWINGS ARE NOT 24" X 36", THEY HAVE BEEN REDUCED OR ENLARGED.
3. ALL DIMENSIONS ARE TO FACE OF STUD OR FACE OF CONCRETE UNLESS OTHERWISE NOTED. AT FURRED OUT WALLS OVER CONCRETE, DIMENSION NOTE IS TO FACE OF FURRING, UNLESS OTHERWISE NOTED.
4. (1) INDICATES ACTUAL SIZE. % INDICATES NOMINAL SIZE.

PROJECT DATA

OWNER: SHAHILA DAVOUDI & SHAHROU TAVAKOLI
7 GOLDEN GATE AVE
BELVEDERE, CA 94920
415-999-6075
ARCHITECT: THOMPSON STUDIO ARCHITECTS
DAVID THOMPSON
1290 LINCOLN AVE
SAN RAFAEL, CA 94901
TEL: 415-944-0543
EMAIL: DAVID@THOMPSONSTUDIO.COM

DRAWING INDEX

- A0.1 TITLE SHEET
A0.2 FLOOR AREA & LOT COVERAGE CALCULATIONS SURVEY
A1.1 SITE PLAN & STORY POLE PLAN
A1.2 LANDSCAPE & EXTERIOR LIGHTING PLAN
A2.1 FIRST FLOOR DEMO PLAN
A2.2 SECOND FLOOR DEMO PLAN
A2.1 FIRST FLOOR PLAN - PROPOSED
A2.2 SECOND FLOOR PLAN - PROPOSED
A2.3 PROPOSED ROOF & STORY POLE PLAN
A3.1 EXTERIOR ELEVATIONS - EXISTING & PROPOSED
A3.2 EXTERIOR ELEVATIONS - EXISTING & PROPOSED
A3.3 EXTERIOR ELEVATIONS - EXISTING & PROPOSED
A3.4 EXTERIOR ELEVATIONS - EXISTING & PROPOSED
A3.5 BUILDING SECTIONS



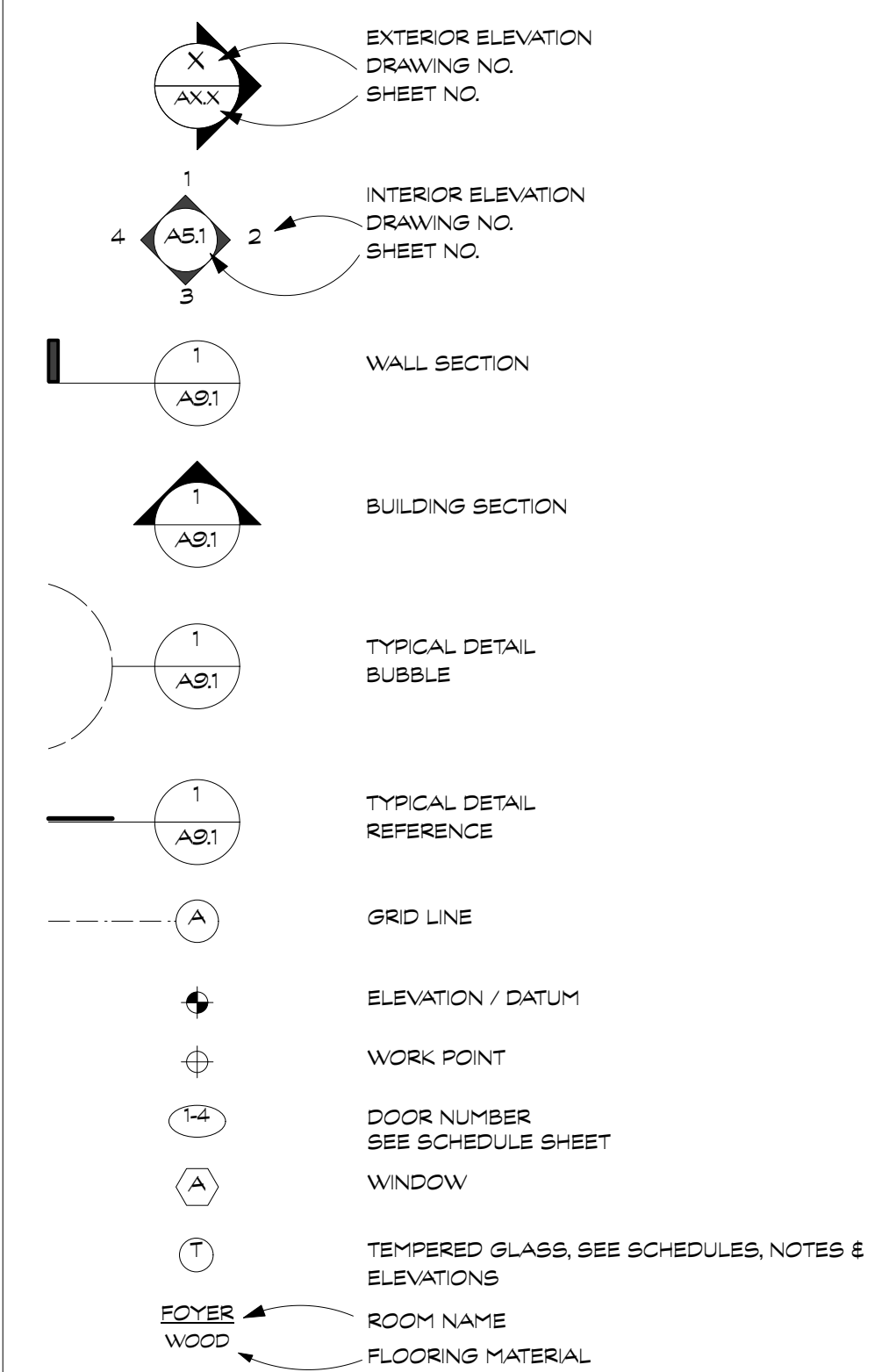
DAVOUDI / TAVAKOLI RESIDENCE

#7 GOLDEN GATE AVE
BELVEDERE, CA

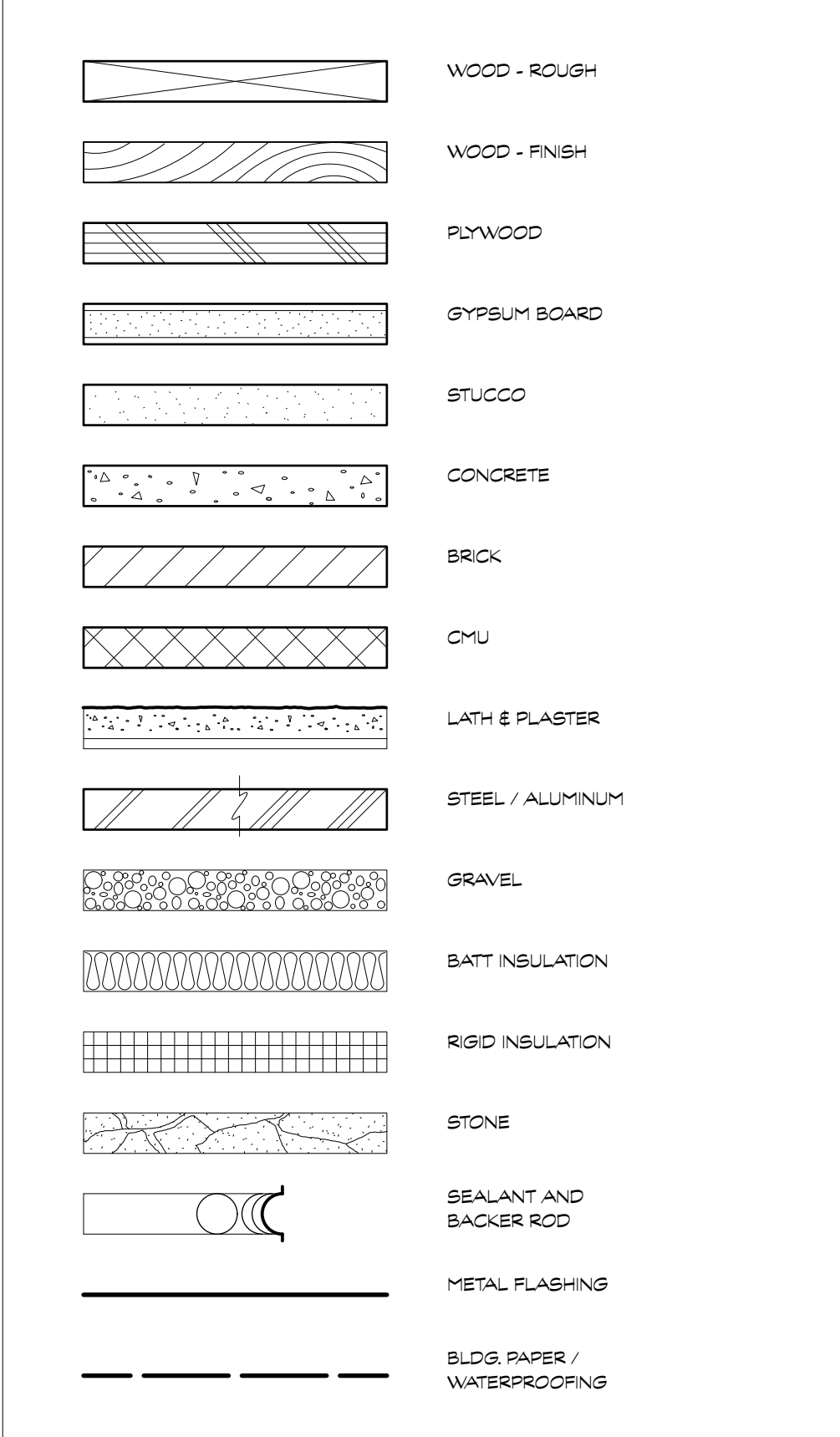
PROJECT INFORMATION

Table with Project Information: OCCUPANCY GROUP: R-3/U, TYPE OF CONSTRUCTION: V-B, NUMBER OF STORIES: 2, ZONING: R-15, BUILDING IS NOT FIRE SPRINKLERED.

SYMBOLS LEGEND



MATERIALS LEGEND



PROJECT STATISTICS

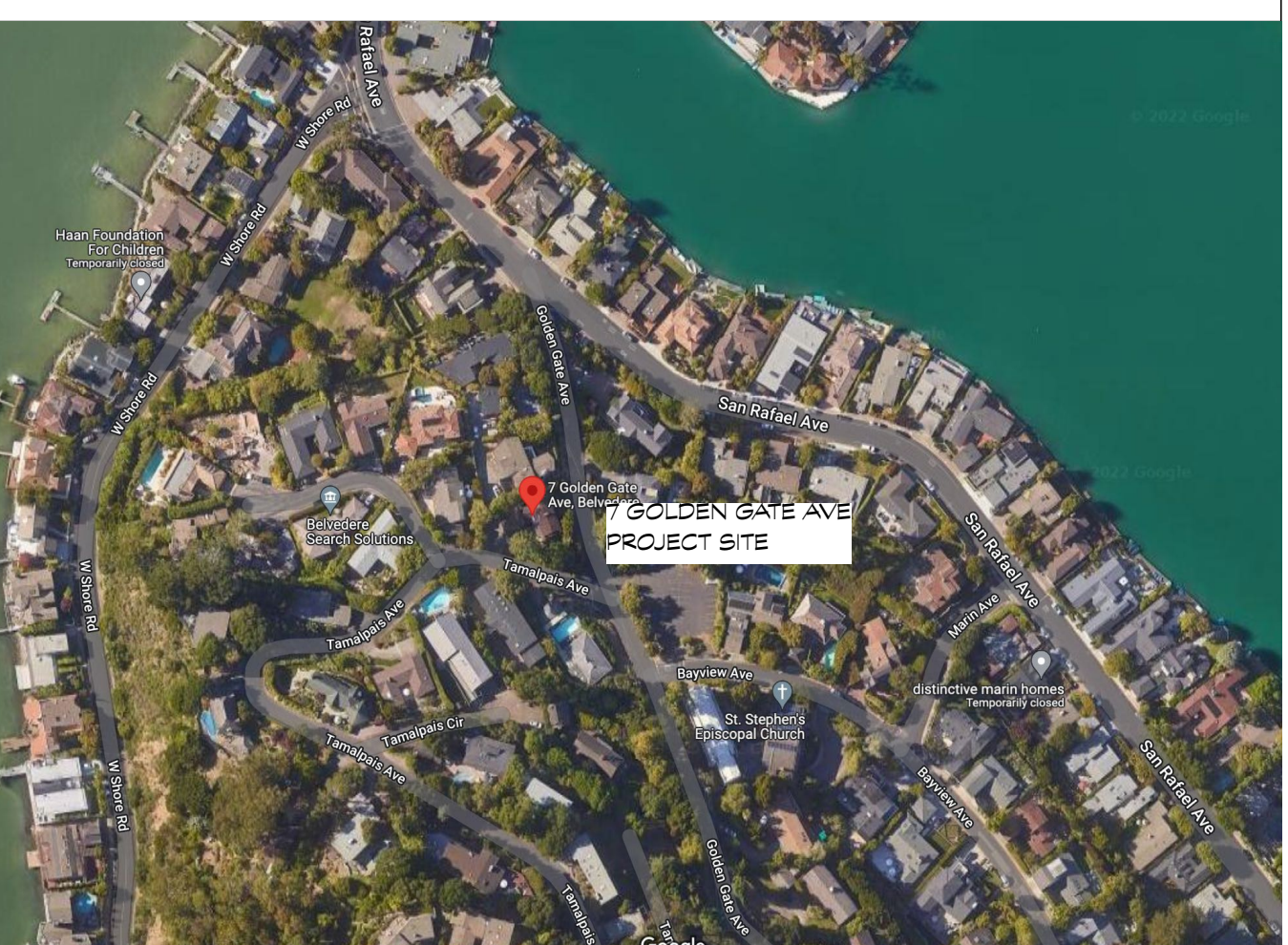
Table comparing Required, Existing, and Proposed statistics for Lot Area, Total Coverage, Total Floor Area, and various setbacks.

LOT SIZE 7276 SF
DRIVEWAY EASEMENT AREA = 4600
TOTAL LOT AREA FOR FLOOR AREA & LOT COVERAGE CALCULATIONS = 6811 SF
ALLOWABLE FLOOR AREA (811 X .33 = 2248 SF)
ALLOWABLE LOT COVERAGE = 6811 X .30 = 2043.3
ALLOWABLE LOT COVERAGE INCLUDING UNCOVERED OUTDOOR DECKS = 6811 X .50 = 3405.5 SF

Table comparing Existing Floor Area (1303 SF - MAIN LEVEL, 796 SF - LOWER LEVEL, 484 SF - CARPORT, 2585 - (E) FLOOR AREA = 38%) and Proposed Floor Area (1446 SF - MAIN LEVEL, 796 SF - LOWER LEVEL, 484 SF - GARAGE, 2706 SF = (N) TOTAL FLOOR AREA = 39.5%).

EXISTING LOT COVERAGE: BUILDING & CARPORT = 1919 SF / 28.2%
PROPOSED LOT COVERAGE: BUILDING & GARAGE = 1915 SF / 27.9%
PROPOSED LOT COVERAGE - STRUCTURES & DECKS: BUILDING & GARAGE = 1903 SF, ENTRY DECK > 4'-0" ABV GRADE = 40.25 SF, TOTAL LOT COVERAGE = 1943 SF / 28.5% < 50%

VICINITY MAP



APN 058-121-20

Table with Planning Review and Job Number information: ISSUED FOR, PLANNING REVIEW REV: 20 SEPT 2022, PLANNING REVIEW: 14 JULY 2022, SCALE: AS SHOWN, DRAWN BY: DT, JOB NUMBER: 2111.

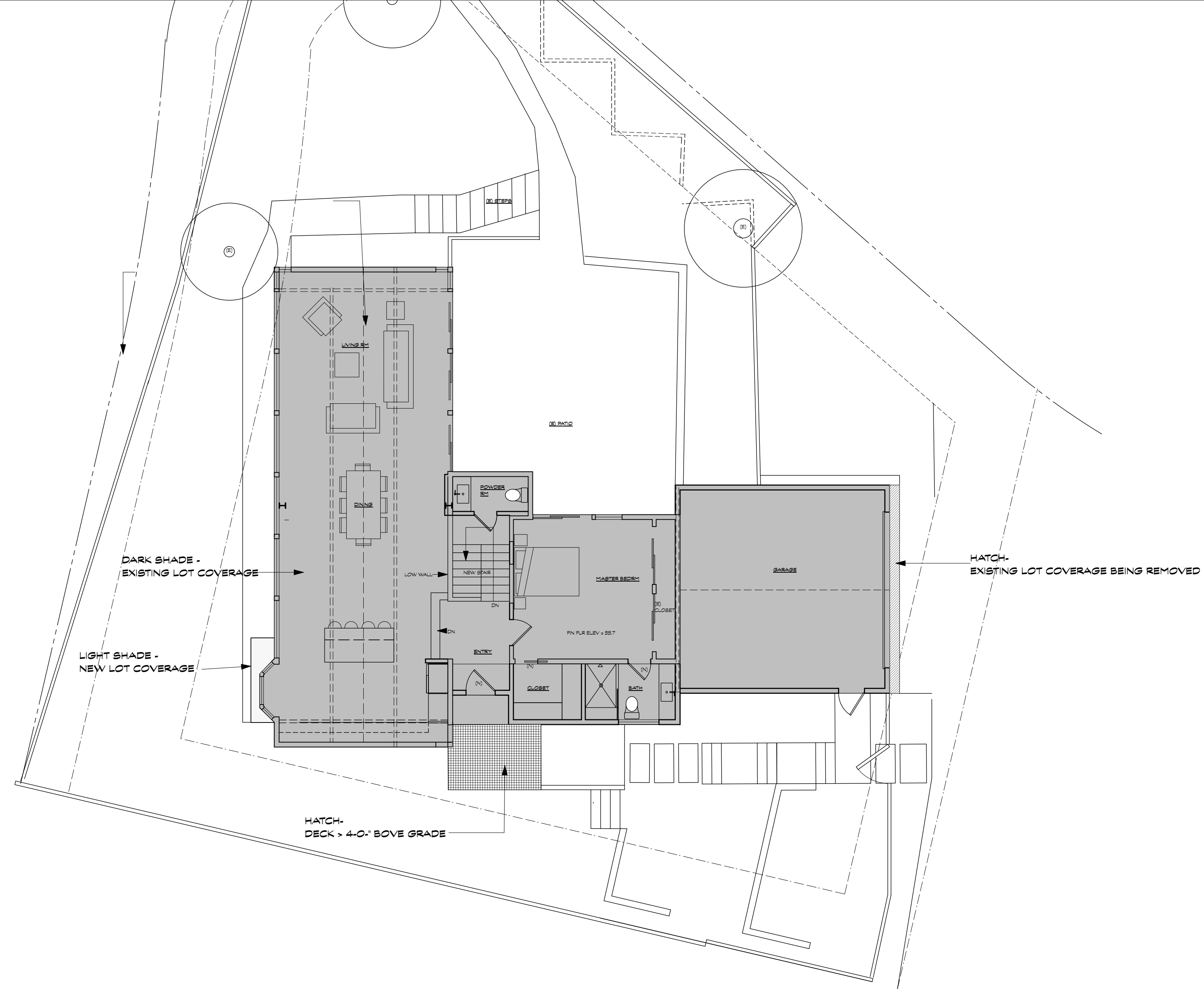
TITLE/INFO SHEET

A0.1



**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



- NEW DECK AREA > 4'-0" ABV GRADE  
= 80.5 SF / 2 = 40.25 SF
- EXISTING LOT COVERAGE  
TO BE REMOVED = 16 SF
- EXISTING LOT COVERAGE = 1919 SF
- NEW LOT COVERAGE = 12 SF

**EXISTING LOT COVERAGE - STRUCTURES**  
BUILDING & CARPORT = 1919 SF / 28.2%

**PROPOSED LOT COVERAGE STRUCTURES**  
BUILDING & GARAGE = 1915 SF / 26% < 30%

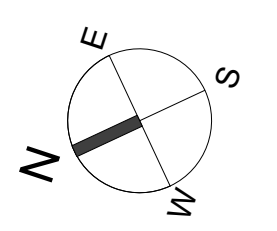
**PROPOSED LOT COVERAGE - STRUCTURES & DECKS**  
BUILDING & GARAGE = 1915 SF  
ENTRY DECK > 4'-0" ABV GRADE = 40.25 SF  
TOTAL LOT COVERAGE = 1955 SF / 26.7% < 50%

LOT SIZE 7276 SF  
DRIVEWAY EASEMENT AREA = 460.0  
TOTAL LOT AREA FOR FLOOR AREA & LOT COVERAGE CALCULATIONS = 6811 SF

ALLOWABLE FLOOR AREA 6811 X .33 = 2248 SF  
ALLOWABLE LOT COVERAGE = 6811 X .30 = 2043.3  
ALLOWABLE LOT COVERAGE INCLUDING UNCOVERED OUTDOOR DECKS = 6811 X .50 = 3405.5 SF

**3 SITE PLAN - LOT COVERAGE**

A0.2 SCALE: 1/8" = 1'-0"



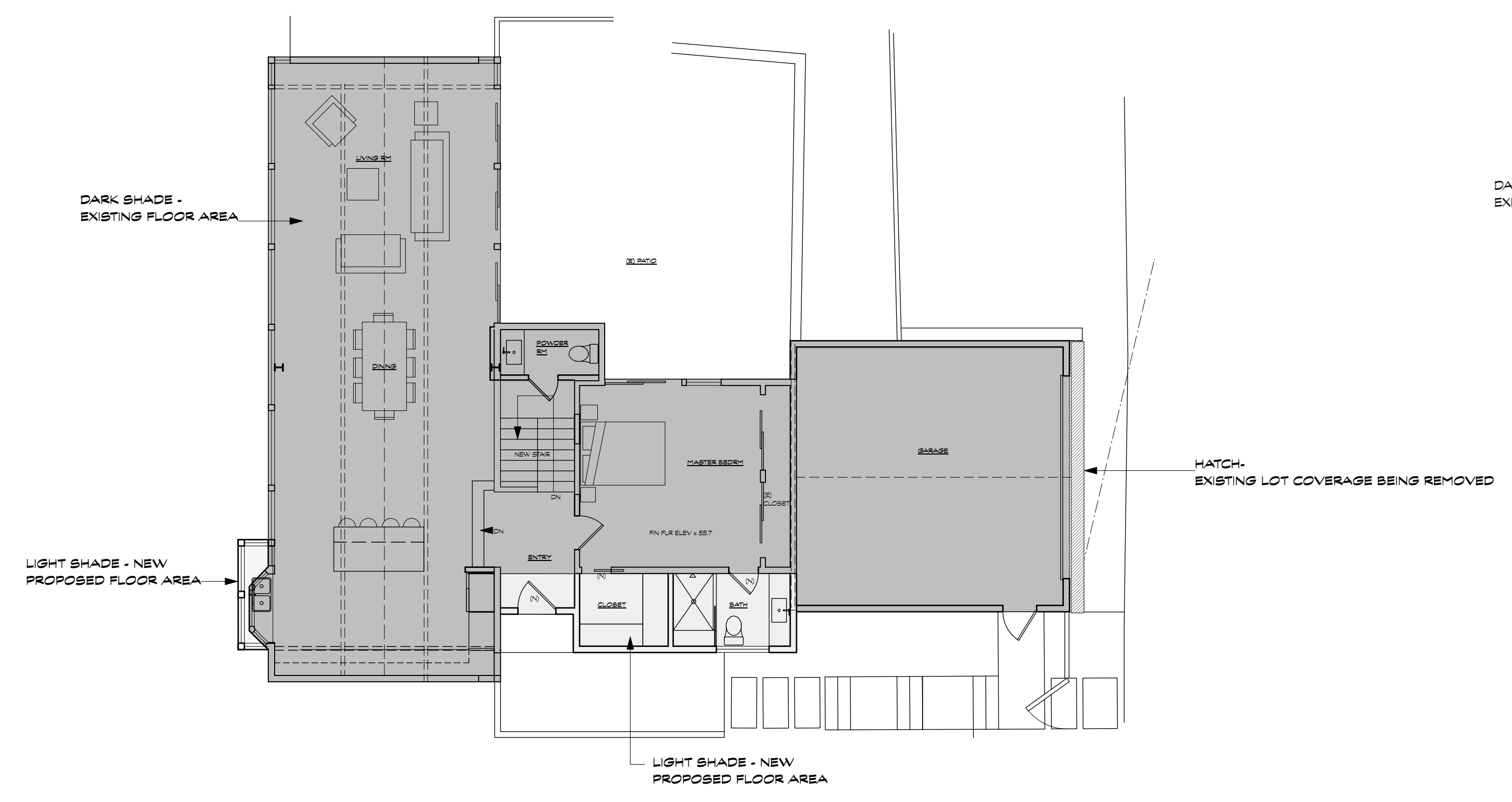
APN 060-111-15

ISSUED FOR:


PLANNING REVIEW REV	20 SEPT 2022
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SCALE:	AS NOTED
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JOB NUMBER:	2111

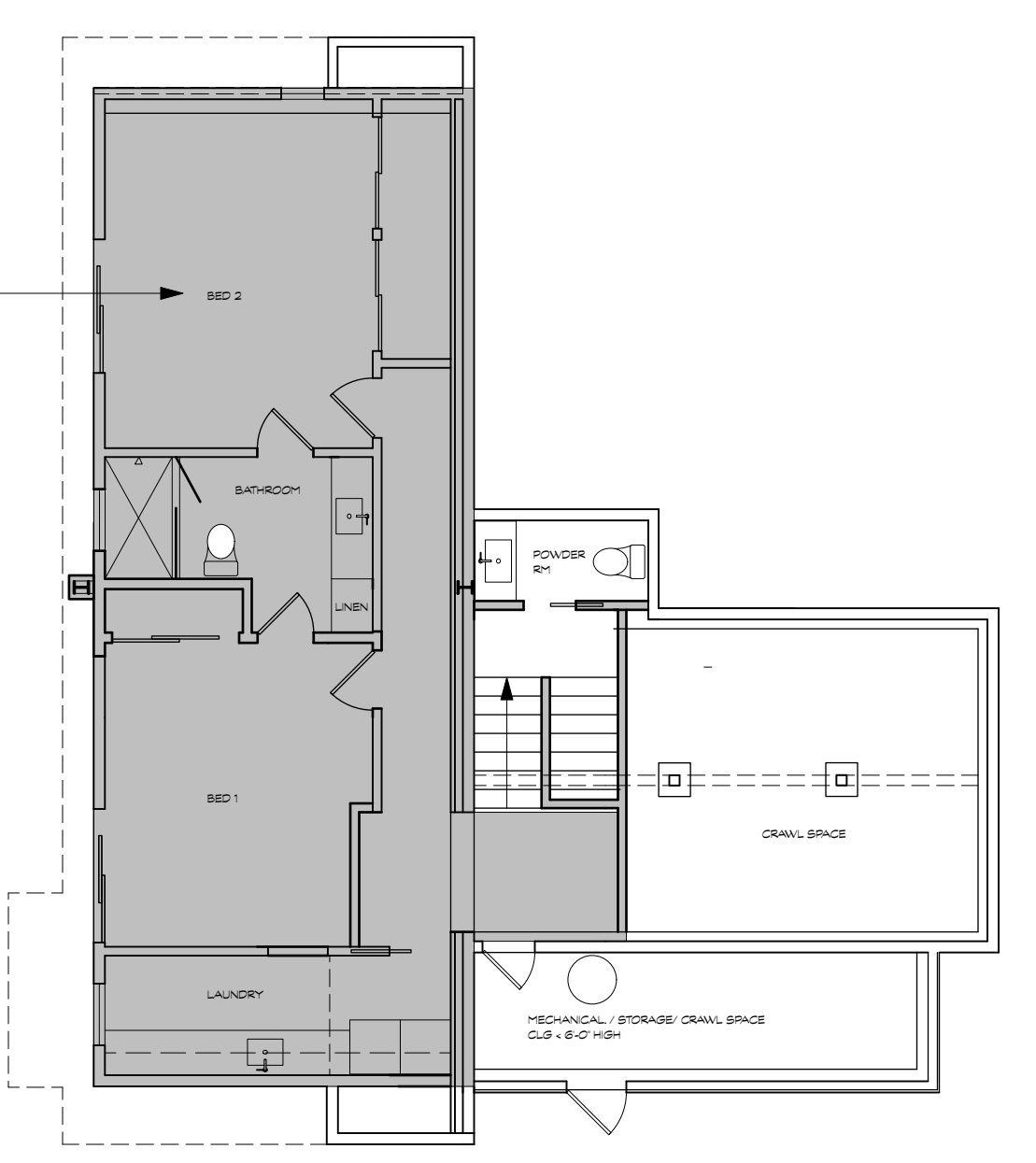
**FLOOR AREA &  
LOT COVERAGE  
DIAGRAMS**

**A0.2**



**2 UPPER LEVEL FLOOR PLAN**

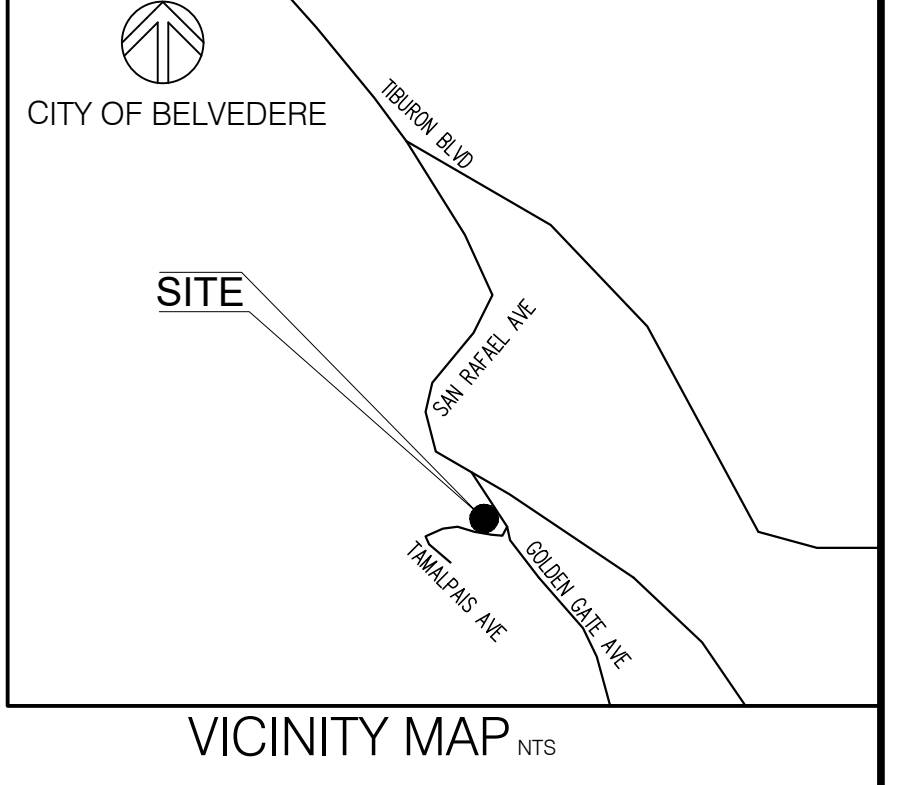
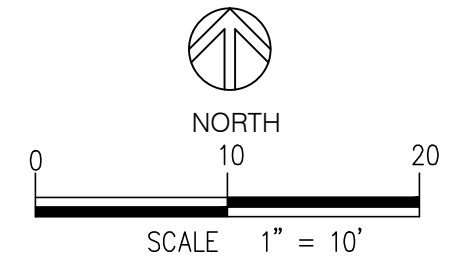
A0.2 SCALE: 1/8" = 1'-0"



**1 LOWER LEVEL FLOOR PLAN**

A0.2 SCALE: 1/8" = 1'-0"

- GARAGE  
EXISTING = 480 SF  
AREA REMOVED = 416 SF  
TOTAL = 464
  - EXISTING FLOOR AREA  
1ST FLOOR = 778 SF  
2ND FLOOR = 2500 SF  
TOTAL = 3278 SF
  - PROPOSED NEW FLOOR AREA  
1ST FLOOR = 0 SF  
2ND FLOOR = 139 SF  
TOTAL NEW FLR AREA = 139 SF
- EXISTING FLOOR AREA**  
1309 SF - MAIN LEVEL  
796 SF - LOWER LEVEL  
480 SF - GARAGE  
2585 - (E) FLOOR AREA = 38%
- PROPOSED FLOOR AREA**  
1448 SF - MAIN LEVEL  
796 SF - LOWER LEVEL  
464 SF - GARAGE  
2706 SF - (N) TOTAL FLOOR AREA = 39.7%



APN 060-111-016  
5 GOLDEN GATE AVENUE, BELVEDERE

APN 060-111-014  
1 NORTH POINT CIRCLE, BELVEDERE



**BASIS OF BEARINGS**  
THE BEARING BETWEEN TWO FOUND MONUMENTS ALONG NORTH POINT CIRCLE TAKEN AS SOUTH 68°00'00" WEST AS SHOWN ON MAP OF NORTH POINT SUBDIVISION BK 6 PG 77 MARIN COUNTY RECORDS.

**BENCHMARK**  
TOP OF DRAIN INLET AT THE INTERSECTION OF GOLDEN GATE AVE AND TAMALPAIS AVE ELEV 47.00 WAS USED AS A BENCHMARK FOR THIS SURVEY.



**LEGEND & ABBREVIATIONS**

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	CENTER LINE & MONUMENT LINE
	FENCE LINE
	BUILDING LINE
	EASEMENT LINE
	TREE & DIAMETER
	FND CITY MONUMENT
	SPOT ELEVATION
	BENCH MARK
APN	ASSESSORS PARCEL NUMBER
AC	ASPHALT CONCRETE
BC	BACK OF CURB, BLDG CORNER
CALC	CALCULATED
CONC	CONCRETE
CL	CENTER LINE
(E)	EXISTING
EP	EDGE OF PAVEMENT
FND	FOUND
FF	FINISH FLOOR
G	GROUND
LP	LIGHT POST, CURB & GUTTER
P	PAVEMENT
PP	POWER POLE
PST	POST
R/W	RIGHT OF WAY

CONTOUR INTERVAL = 1.00 FEET

**REFERENCES:**  
MAP OF NORTH POINT SUBDIVISION BK 6 PG 77  
MARIN COUNTY RECORDS

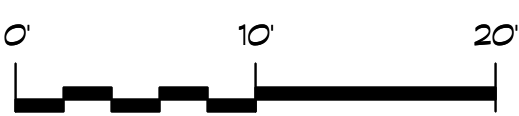
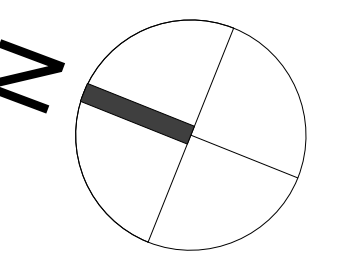
**NOTES:**  
1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
2. BUILDING DIMENSIONS ARE MEASURED TO THE EXISTING EXTERIOR PANNELLING OR STUCCO OF THE STRUCTURE.

<p>RICARDO S. SITJAR CIVIL ENGINEER + LAND SURVEYOR</p> <p>173 NEWCASTLE DRIVE, VALLEJO, CA 94591 TEL. (707) 704-3139 (510) 648-4276</p>  <p>RICARDO S. SITJAR RCE NO. 25358 EXP. 12/31/21</p> 	<p>DATE: 10-14-21</p> <p>PROJECT: TOPOGRAPHIC SURVEY</p>	<p>PROJECT: TOPOGRAPHIC SURVEY</p> <p>APN 060-111-015</p> <p>7 GOLDEN GATE AVE BELVEDERE CALIFORNIA</p>	<p>OWNER: SHAHLA DAVOUDI</p> <p>7 GOLDEN GATE AVE BELVEDERE CALIFORNIA</p>	<p>SHEET CONTENT: TOPOGRAPHIC PLAN</p>	<p>SHEET NO.: 1</p>
---	--	---	--	--	---------------------



**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



APN 060-111-15

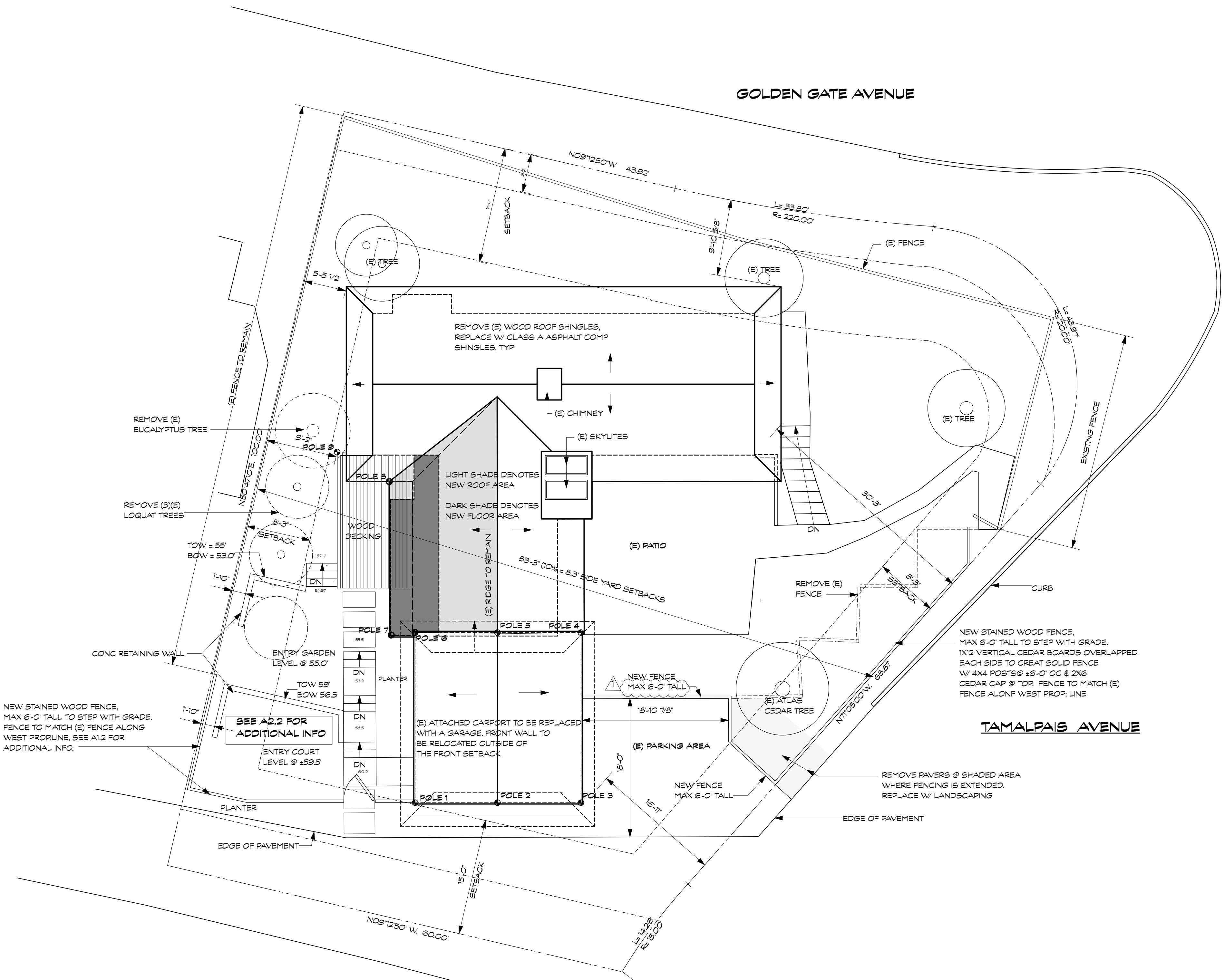
ISSUED FOR :


PLANNING REVIEW REV	20 SEPT 2022
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SCALE : AS NOTED  
DRAWN BY : DT  
JOB NUMBER : 2110

**SITE PLAN  
&  
STORY POLE PLAN**

**A1.1**



DEMOLITION CALCULATIONS	
<b>DEMOLITION CALCULATIONS EXTERIOR WALLS</b>	
TOTAL OF EXISTING EXTERIOR WALLS =	2638.8 SF
TOTAL OF EXISTING EXTERIOR WALLS TO BE REMOVED=	77.5 SF
<b>DEMOLITION CALCULATIONS ROOF</b>	
TOTAL OF EXISTING ROOF INCLUDING OVERHANGS =	2521 SF
TOTAL OF EXISTING ROOF & OVERHANGS TO BE REMOVED =	756 SF
<b>DEMOLITION TOTALS</b>	
TOTAL OF EXISTING EXTERIOR WALLS & ROOF =	5126.5 SF
TOTAL OF EXISTING EXTERIOR WALLS & ROOF TO BE REMOVED =	833.5 SF
PERCENTAGE OF EXISTING EXTERIOR WALLS & ROOF TO BE REMOVED=	16.3%

STORY POLE LEGEND	
STORY POLE NUMBER	POLE 1
STORY POLE LOCATION IDENTIFICATION	POLE 1

STORY POLE SCHEDULE		
POLE	BASE GRADE ELEVATION	TOP GRADE ELEVATION
P-1	61.0	69.633
P-2	61.0	73.633
P-3	61.0	69.633
P-4	55.36	69.633
P-5		73.633
P-6	±55.0	69.633
P-7	±55.0	64.97
P-8	±50.0	69.97
P-9	±48.90	69.0

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

**FIXTURE A**

**Mod LED Wall Sconce**  
By dweLED



Mod LED Wall Sconce  
By dweLED

**Product Options**

Finish: Black, Bronze, Graphite, White



- Details**
- Light engine is factory sealed for maximum protection from the elements
  - Low profile with effective path illumination
  - Driver concealed within the fixture
  - Designed in 2016
  - Material: Aluminum
  - Shade Material: Glass
  - Dimmable when used with a Electronic low voltage (ELV) Dimmer (Not Included)
  - Dimmer Range: 100 - 10%
  - ADA compliant, Title 24 compliant
  - ETL Listed Wet
  - Warranty: 5 Years Functional, 2 Years Finish
  - Made in China

**Dimensions**

Fixture: Width 6", Height 5.25", Depth 4"  
Wall Plate: Width 4.88", Height 4.88", Depth 0.63"

**Lighting**

- 12 Watt (1165 Lumens) 120/240/277 Volt Integrated LED; CRI: 90 Color Temp: 3000K Lifespan: 70000 hours

**Additional Details**

Product URL:  
<https://www.lumens.com/mod-led-wall-sconce-by-dweled-WACP122516.html>  
Rating: ETL Listed Wet

Product ID: WACP122516

**FIXTURE B**

**Ledge LED Path Light**  
By WAC Lighting



Ledge LED Path Light  
By WAC Lighting

**Product Options**

Finish: Black, Bronze  
Color Temperature: 2700, 3000



- Details**
- Protected against powerful water jets
  - Factory sealed water tight fixtures
  - Recommended spacing for installation: Residential: 8 to 10ft; Commercial: 5 to 7ft
  - Mounting stake, 6 foot lead wire, and direct burial gel filled wire nuts included
  - Rated for 60,000 hours of life
  - May be used with existing low-voltage landscape systems
  - Designed in 2017
  - Material: Aluminum
  - ADA compliant
  - UL Listed Wet
  - Warranty: 5 Years Functional, 2 Years Finish
  - Made in China

**Dimensions**

Fixture: Length 5.5", Width 3.5", Height 23"

**Lighting**

- 2700K Option: 3 Watt (105 Lumens) 12 Volt Integrated LED; CRI: 90 Color Temp: 2700K
- 3000K Option: 3 Watt (105 Lumens) 12 Volt Integrated LED; CRI: 90 Color Temp: 3000K

**Additional Details**

Product URL:  
<https://www.lumens.com/ledge-led-path-light-by-wac-lighting-WACP160027.html>  
Rating: UL Listed Wet

Product ID: WACP160027

**FIXTURE C**

**DECK & PATIO - CIRCLE**  
3011

**WAC**

LANDSCAPE LIGHTING

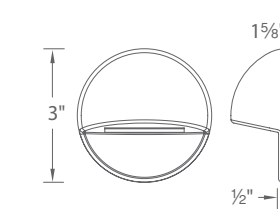


Fixture Type:

Catalog Number:

Project:

Location:



**PRODUCT DESCRIPTION**

Deck and patio light with superb forward-throw light distribution

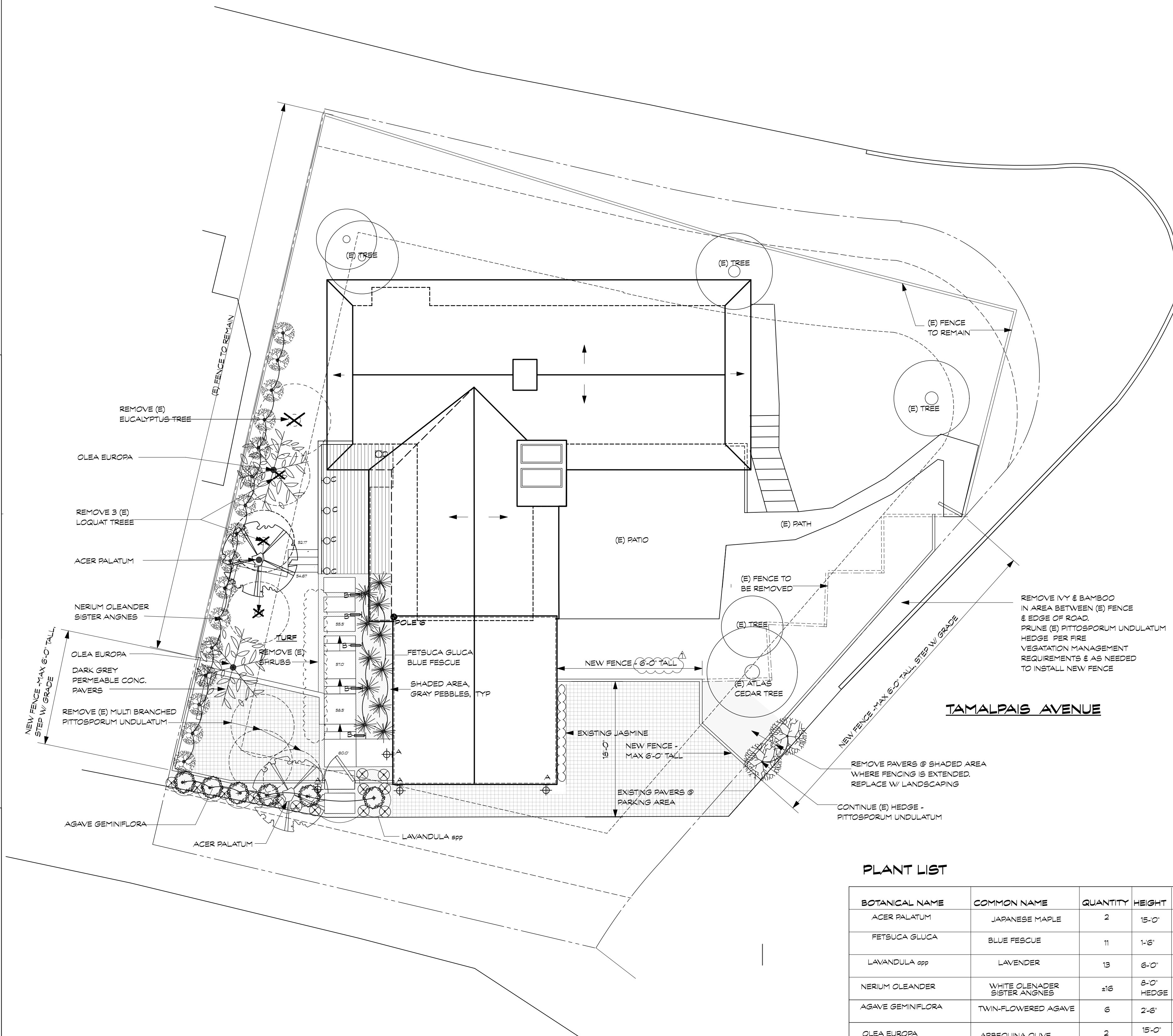
- FEATURES**
- IP66 rated, Protected against powerful water jets
  - 6' lead wire included
  - Translucent lens provides for uniform diffused light output
  - Solid diecast brass or corrosion resistant aluminum alloy
  - ADA compliant
  - Maintains constant lumen output against voltage drop
  - UL 1838 Listed

**SPECIFICATIONS**

Input: 9-15VAC (Transformer is required)  
Power: 3.0W / 4.6VA  
Brightness: 60 lm  
CRI: 90+  
Rated Life: 50,000 hours

ORDERING NUMBER	Color Temp	Finish
3011	27 2700K	BBR Bronze on Brass
	BK 3000K	BK Black on Aluminum
	BZ	BZ Bronze on Aluminum
	WT	WT White on Aluminum

3011-  
Example: 3011-30BZ



**PLANT LIST**

BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT	SPREAD	SIZE	WATER USAGE
ACER PALATUM	JAPANESE MAPLE	2	15'-0"	8'-0"	15 GAL	AVERAGE
FETSUCA GLUCA	BLUE FESCUE	11	1'-6"	1'-6"	1 GAL	LOW
LAVANDULA spp	LAVENDER	13	6'-0"	4'-0"	5 GAL	LOW
NERIUM OLEANDER	WHITE OLEANDER SISTER ANGNES	±16	8'-0" HEDGE	6'-0" HEDGE	7 GAL	LOW
AGAVE GEMINIFLORA	TWIN-FLOWERED AGAVE	6	2'-6"	3'-0"	1 GAL	LOW
OLEA EUROPA	ARBEQUINA OLIVE	2	15'-0"	15'-0"	15 GAL	LOW
PITOSPORUM UNDLATUM	AUSTRALIAN CHEESEWOOD	2	15'-0" HEDGE	8'-0" HEDGE	15 GAL	LOW

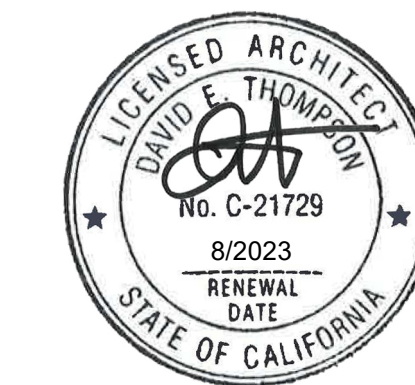
**TREES/SHRUBS TO BE REMOVED**

TREES/SHRUBS TO BE REMOVED	COMMON NAME	QUANTITY	HEIGHT	SPREAD	SIZE	WATER USAGE
PITOSPORUM UNDLATUM	VICTORIAN BOX	3				
EUCALYPTUS	EUCALYPTUS	1				
ERIOBOTRYA JAPONICA	LOQUAT	3				

**PLANT NOTES:**

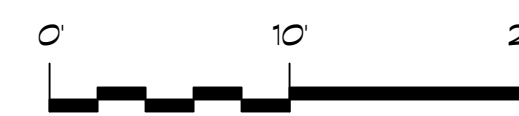
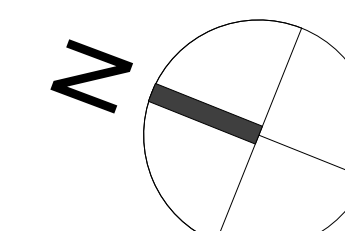
- ALL PLANTS ARE DEER RESISTANCE.
- ALL PLANTS MEET TIBURON FIRE DISTRICTS FIRE VEGETATION MANAGEMENT PLAN REQUIRMENTS
- ALL PLANTS ARE DROUGHT TOLERANT
- ALL IRRIGATION TO BE A DRIP SYSTEM

1290 lincoln ave san rafael ca  
tel. 415 . 944 . 0543



**DAVOUDI / TAVAKOLI RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



APN 060-111-15

ISSUED FOR :

PLANNING REVIEW REV 20 SEPT 2022  
PLANNING REVIEW 14 JULY 2022  
SCALE: AS NOTED  
DRAWN BY: DT  
JOB NUMBER: 2110

**LANDSCAPE & EXTERIOR LIGHTING PLAN**

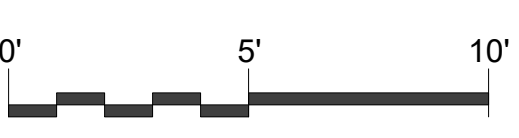
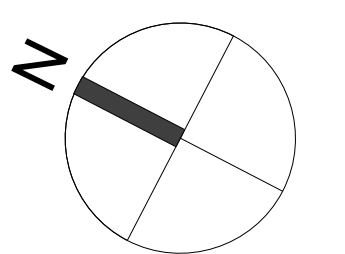
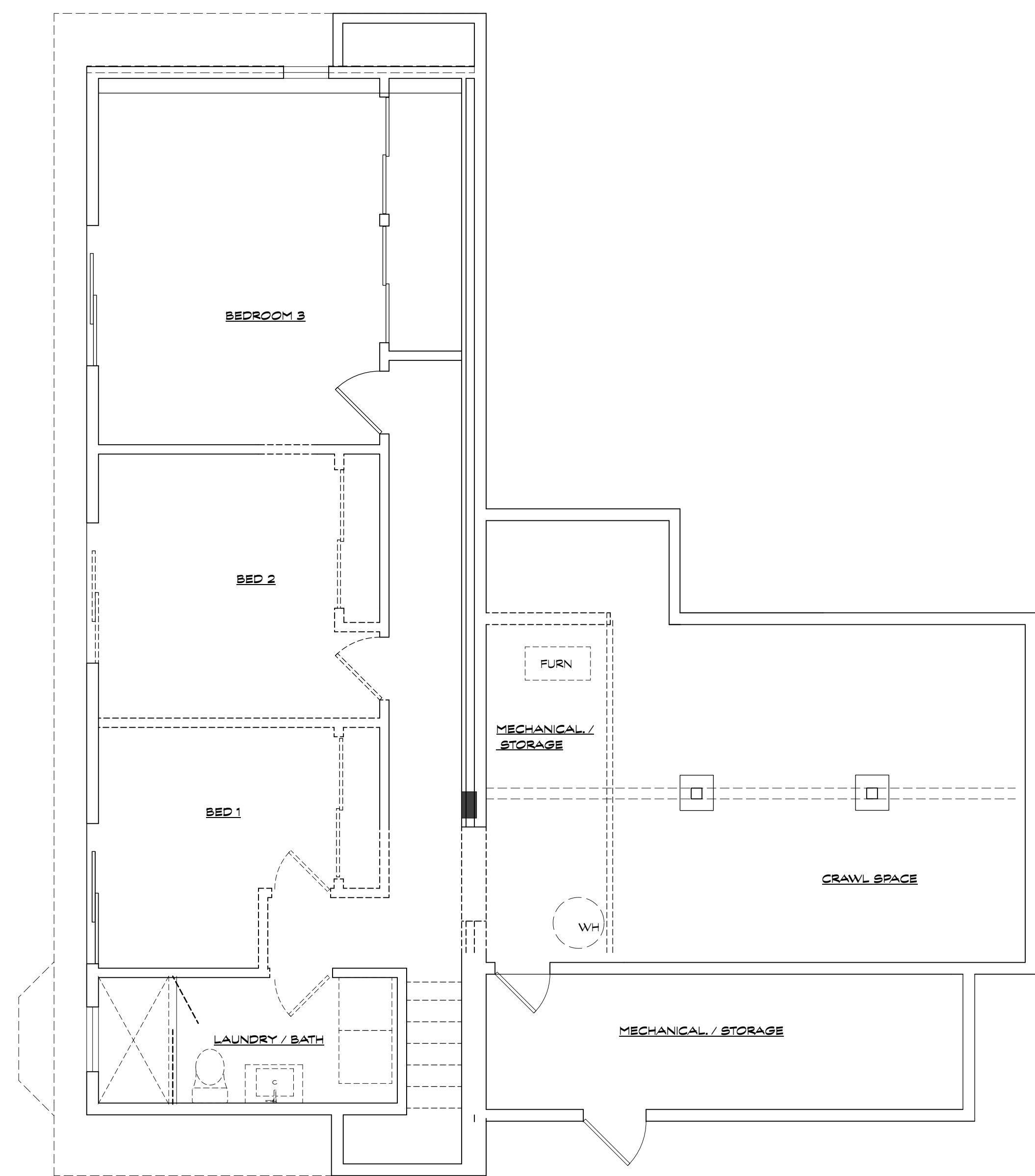
**A1.2**





**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



APN: 060-111-15

ISSUED FOR :	

PLANNING REVIEW REV	20 SEPT 2022
PLANNING DESIGN REVIEW	14 JULY 22
SCALE :	AS NOTED
DRAWN BY :	DT
JOB NUMBER:	2110

**1 LOWER LEVEL FLOOR PLAN - 814 SF**  
A2.1 SCALE: 1/4" = 1'-0"

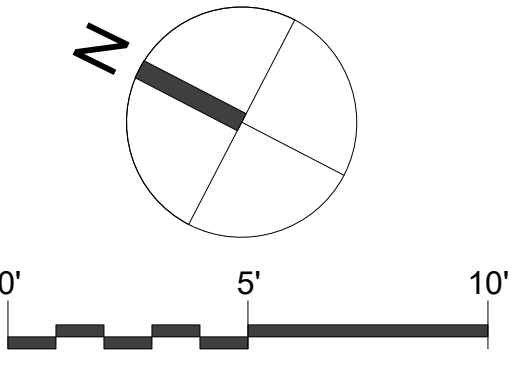
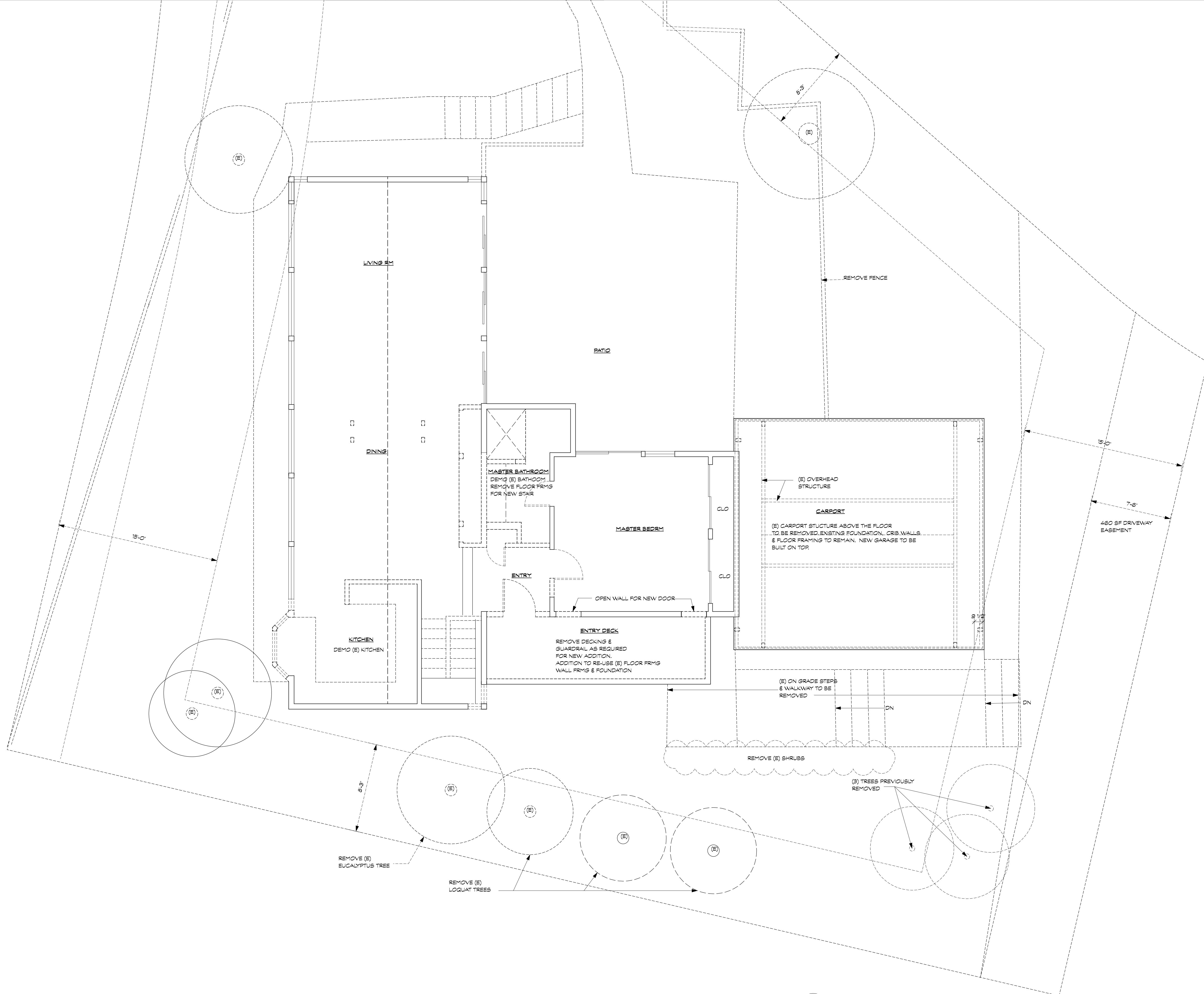
**LOWER LEVEL  
FLOOR PLAN  
EXISTING / DEMO**

**AE2.1**



**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



APN: 060-111-15

ISSUED FOR :


PLANNING REVIEW REV	20 SEPT 2022
PLANNING DESIGN REVIEW	14 JULY 22
SCALE:	AS NOTED
DRAWN BY:	DT
JOB NUMBER:	2110

**UPPER LEVEL DEMO  
FLOOR PLAN**

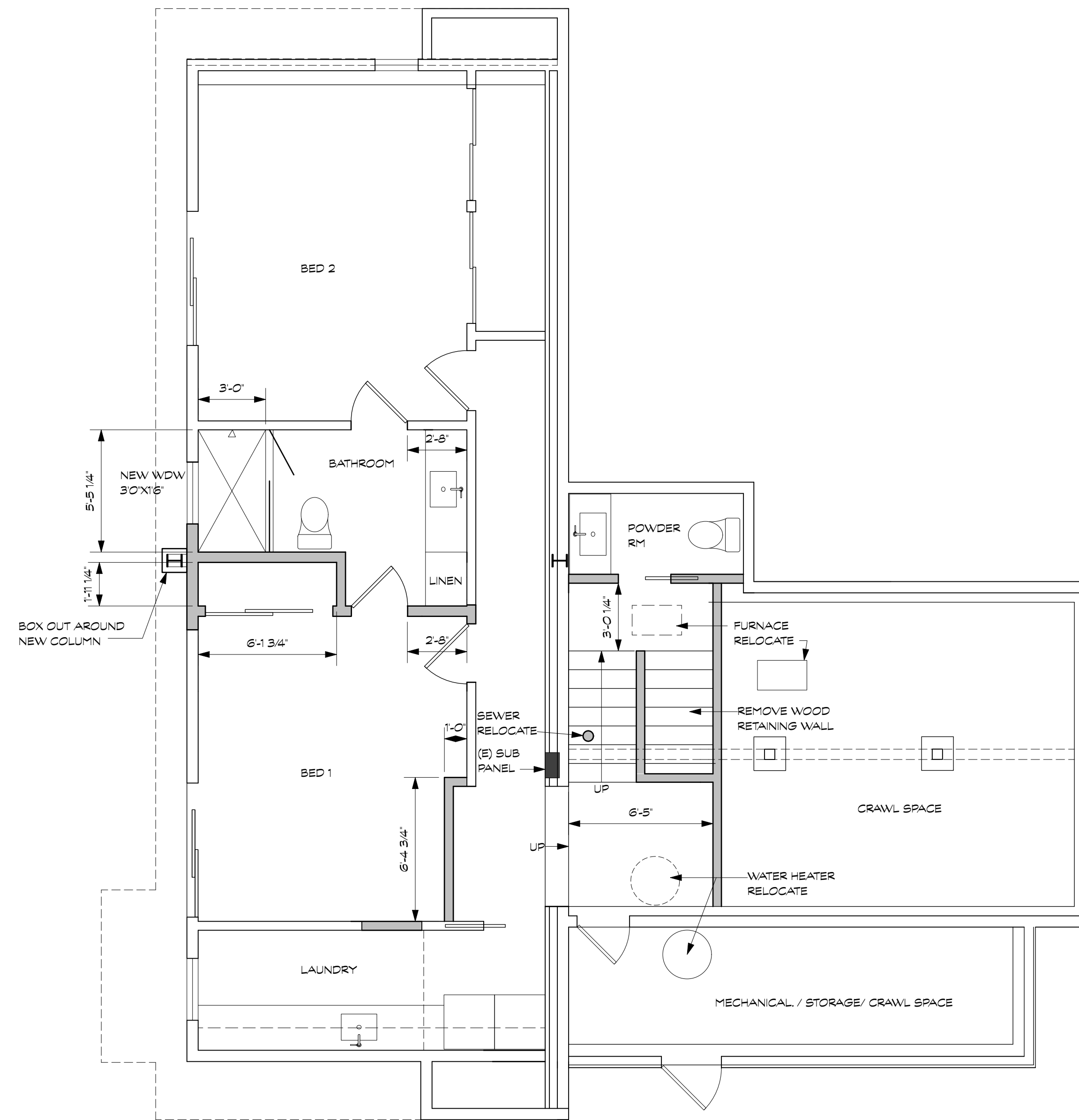
**1 UPPER LEVEL DEMO FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**AE2.2**

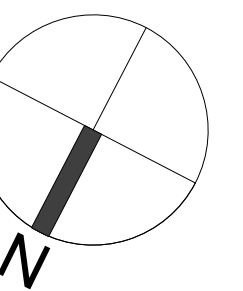


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



**1 1ST FLOOR PLAN - PROPOSED**  
A2.1 SCALE: 1/4" = 1'-0"



APN: 060-111-15

ISSUED FOR :


PLANNING REVIEW REV	9/20/2022
PLANNING REVIEW	7/1/2022
SCALE :	AS NOTED
DRAWN BY :	DT
JOB NUMBER:	2110

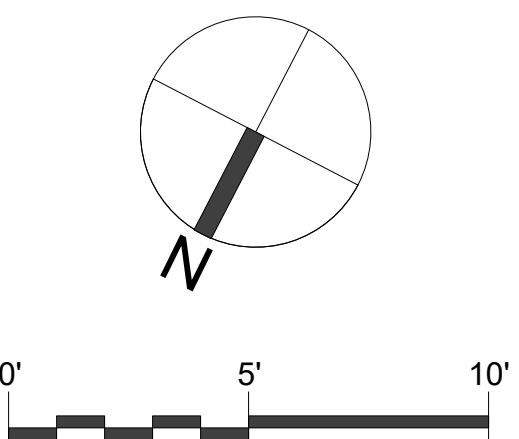
**PROPOSED 1ST  
FLOOR  
PLAN**

**A2.1**



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TAVAKOLI  
RESIDENCE

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BELVEDERE, CA



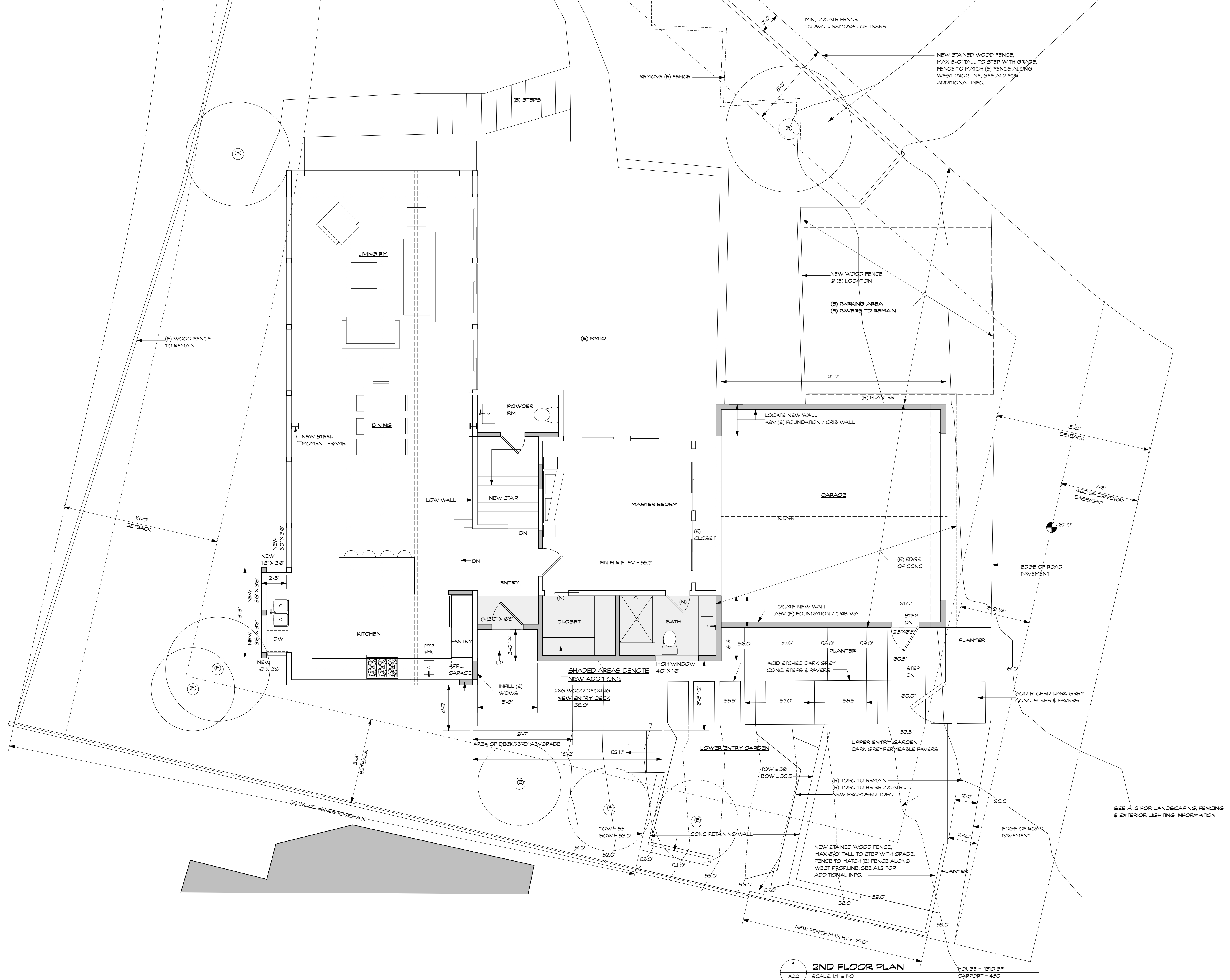
APN: 060-111-15

ISSUED FOR:


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SCALE:	AS NOTED
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PROPOSED 2ND  
FLOOR PLAN

A2.2



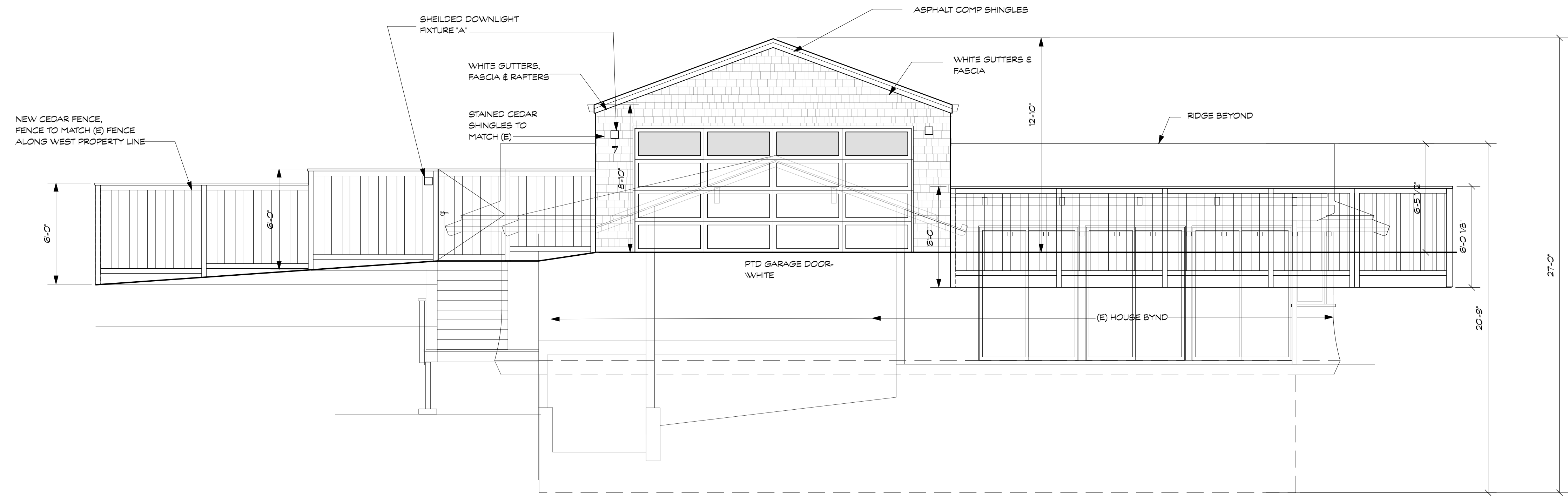
1 2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

HOUSE = 1310 SF  
CARPORT = 480

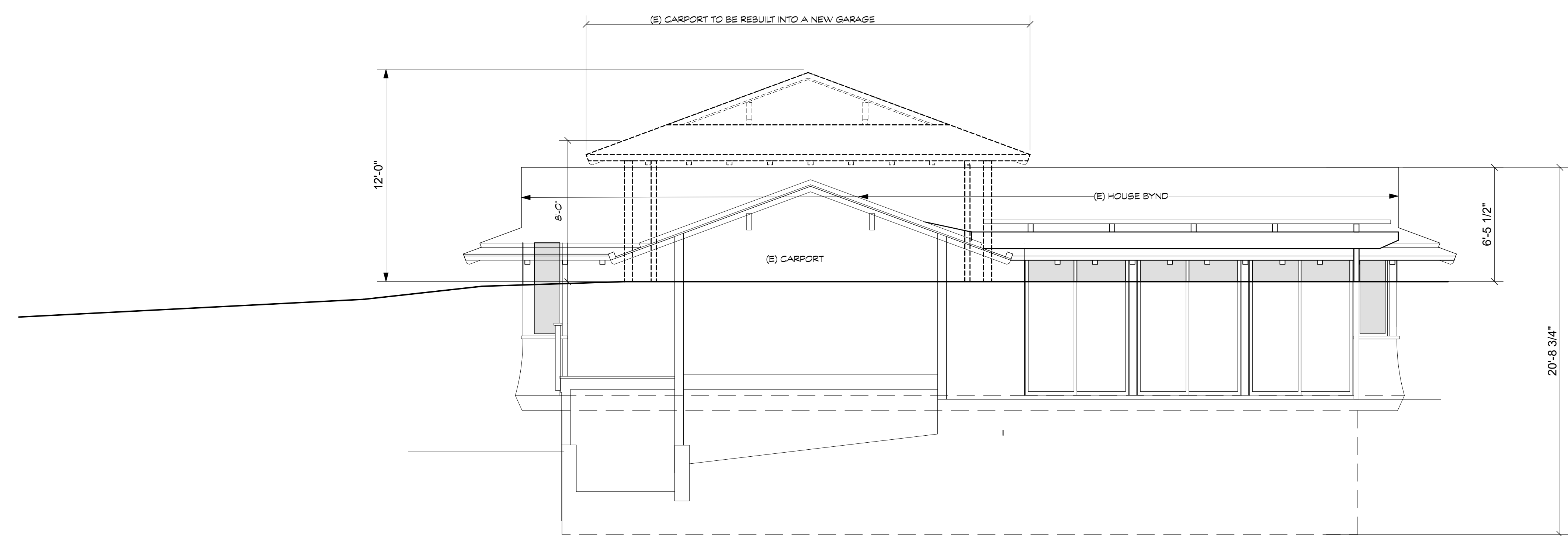


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

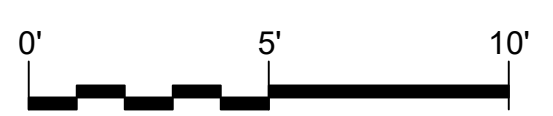
#7 GOLDEN GATE AVE  
BELVEDERE, CA



**2 PROPOSED FRONT BUILDING ELEVATION**  
 A3.1 SCALE: 1/4" = 1'-0"



**1 EXISTING FRONT BUILDING ELEVATION**  
 A3.1 SCALE: 1/4" = 1'-0"



APN: 060-111-15

ISSUED FOR :


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SCALE :	1/4" = 1'-0"
DRAWN BY :	DT
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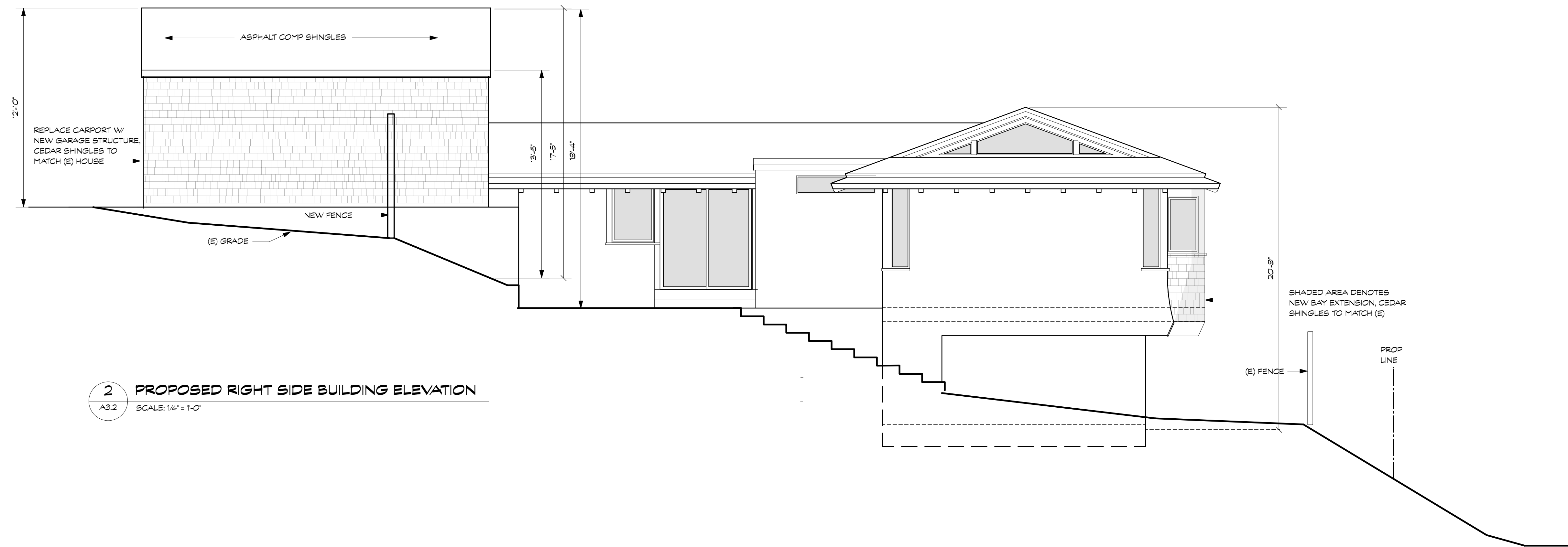
EXTERIOR  
ELEVATIONS  
PROPOSED &  
EXISTING

**A3.1**

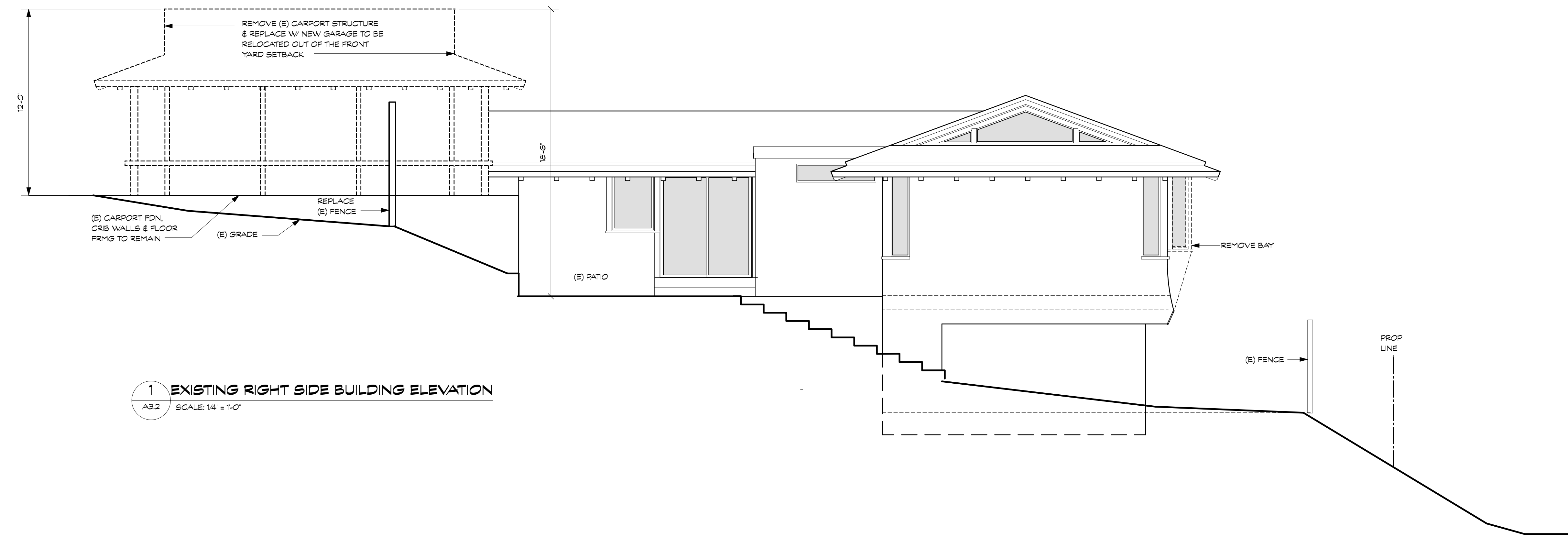


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA



**2 PROPOSED RIGHT SIDE BUILDING ELEVATION**  
A3.2 SCALE: 1/4" = 1'-0"



**1 EXISTING RIGHT SIDE BUILDING ELEVATION**  
A3.2 SCALE: 1/4" = 1'-0"



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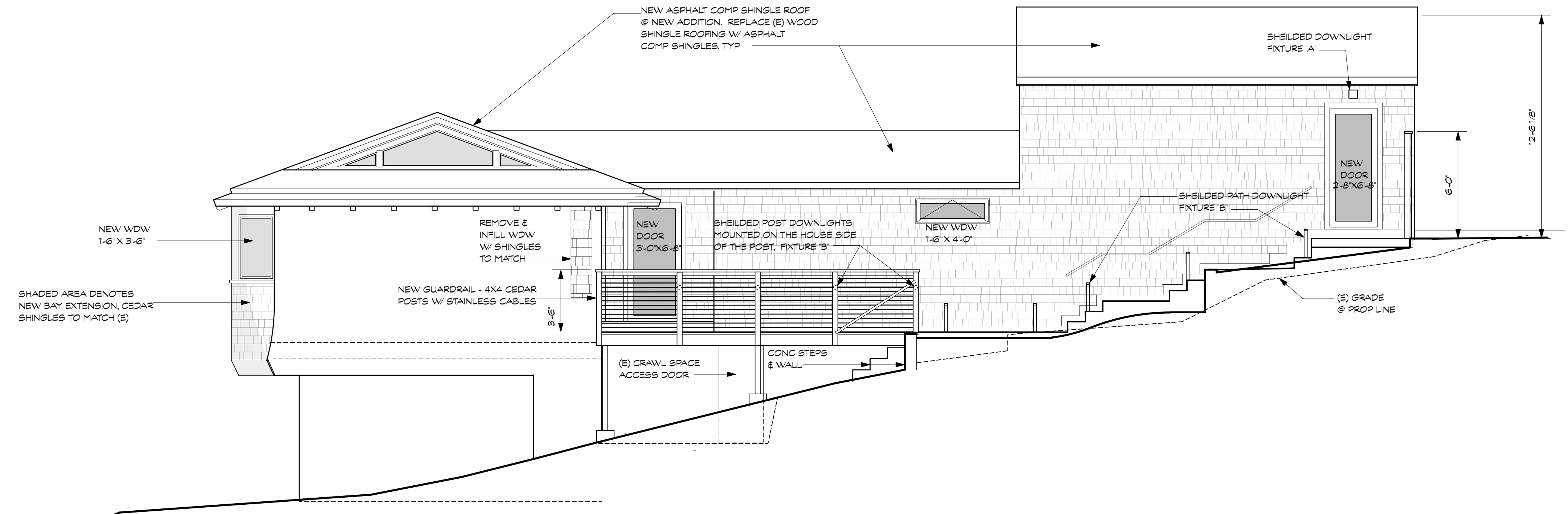
**EXTERIOR  
ELEVATION**

**A3.2**

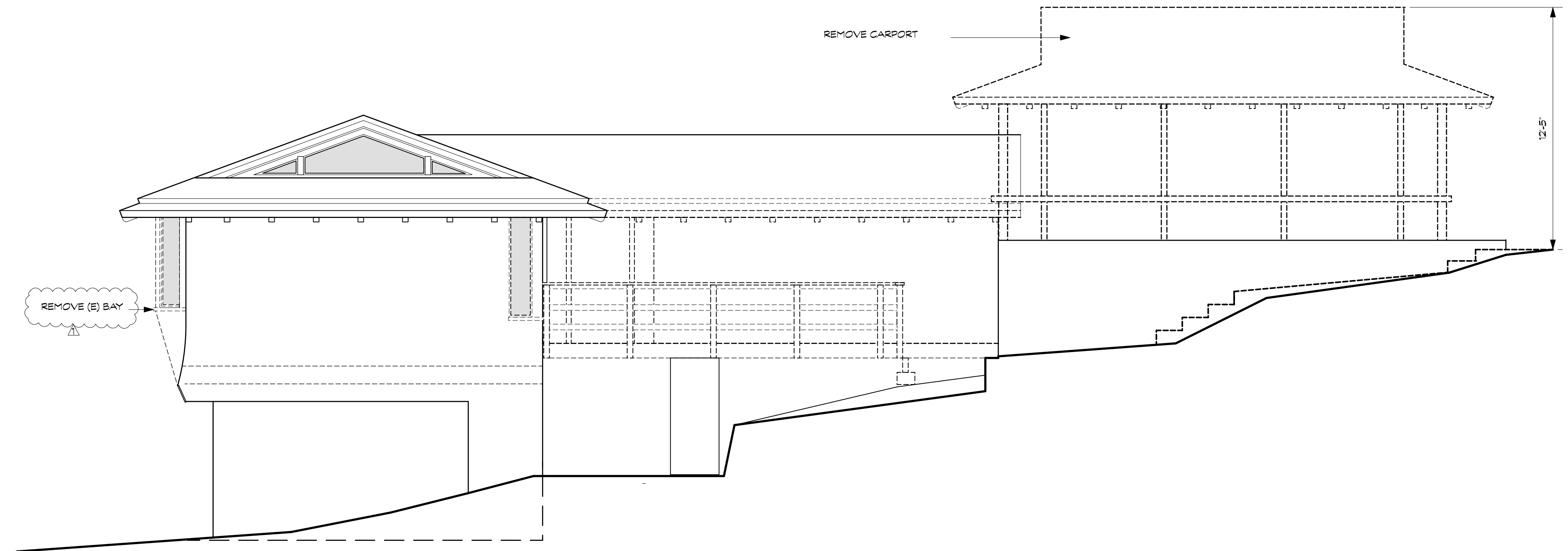


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

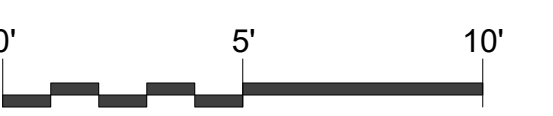
#7 GOLDEN GATE AVE  
BELVEDERE, CA



**2 PROPOSED LEFT SIDE ELEVATION**  
A3.3 SCALE: 1/4" = 1'-0"



**1 EXISTING LEFT SIDE ELEVATION**  
A3.3 SCALE: 1/4" = 1'-0"



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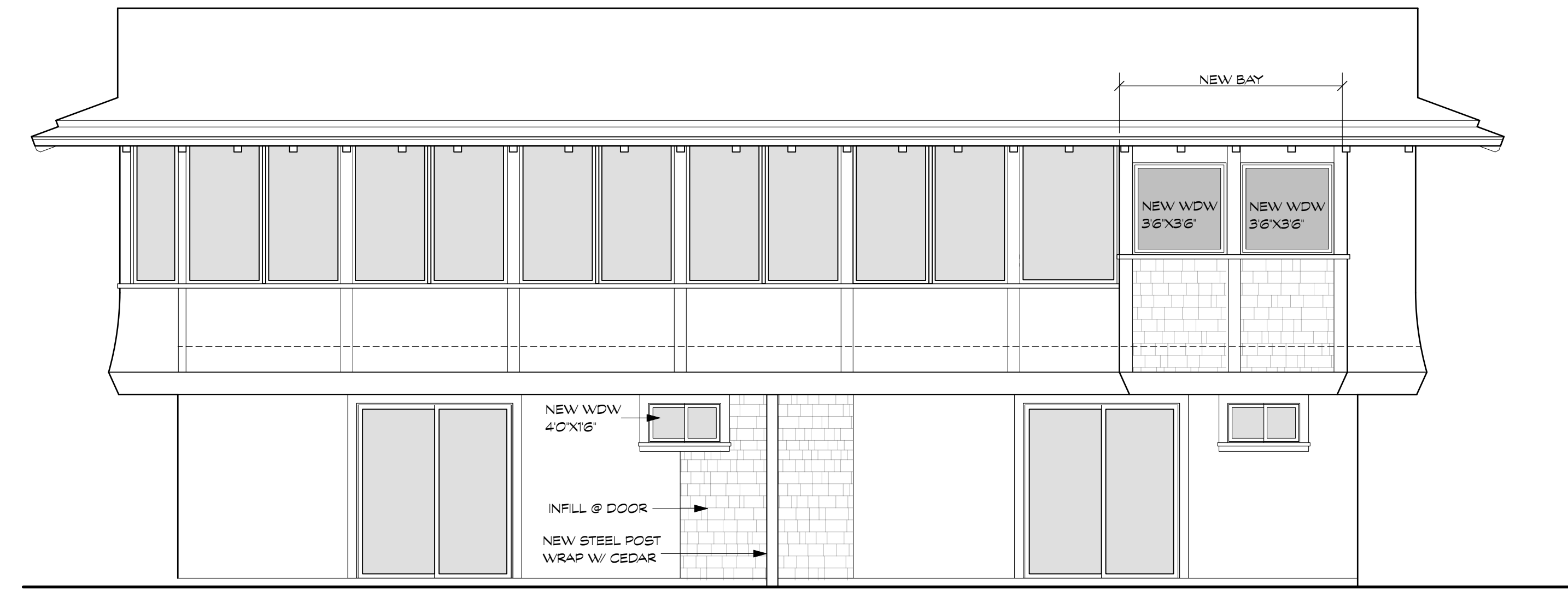
BUILDING SECTIONS

**A3.3**

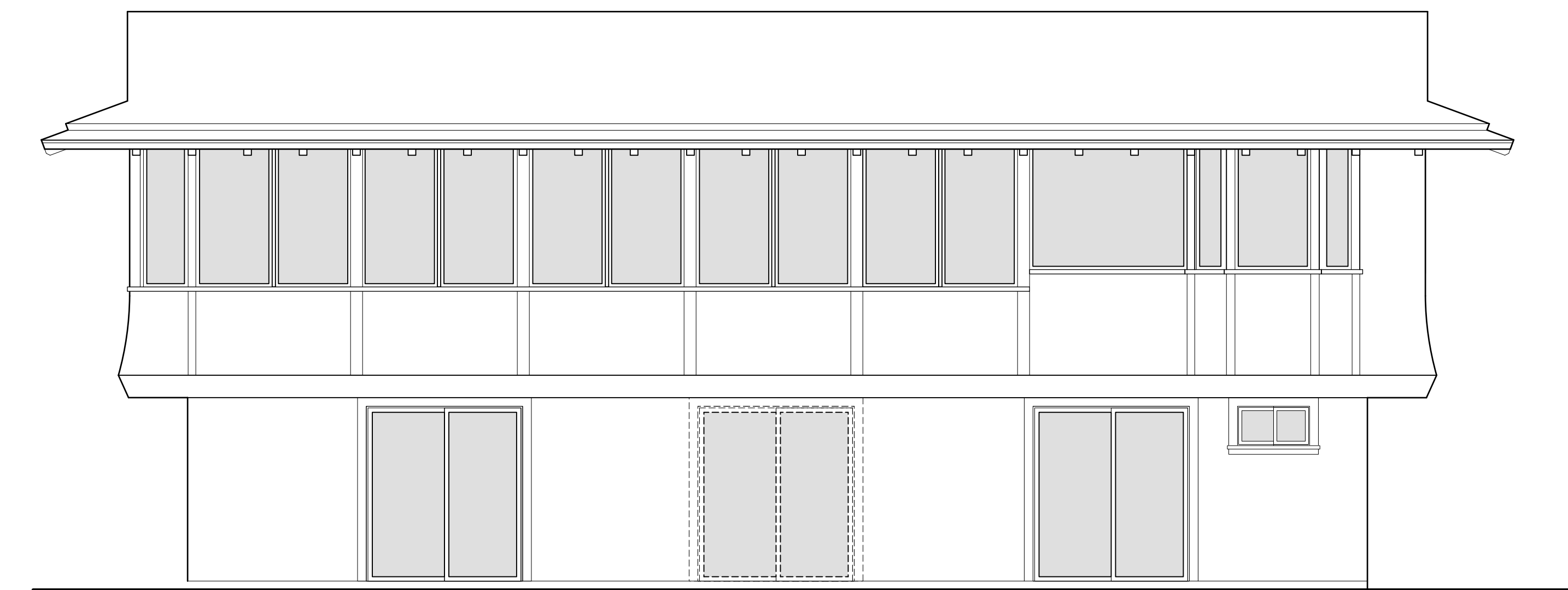


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

#7 GOLDEN GATE AVE  
BELVEDERE, CA

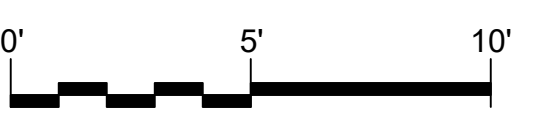


**2 PROPOSED REAR ELEVATION**  
A3.4 SCALE: 1/4" = 1'-0"



**1 EXISTING REAR ELEVATION**  
A3.4 SCALE: 1/4" = 1'-0"

REMOVE (E) DOOR INFILL  
W/ SHINGLES TO MATCH  
(E) WALL



APN: 060-111-15

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**REAR BUILDING  
SECTIONS**

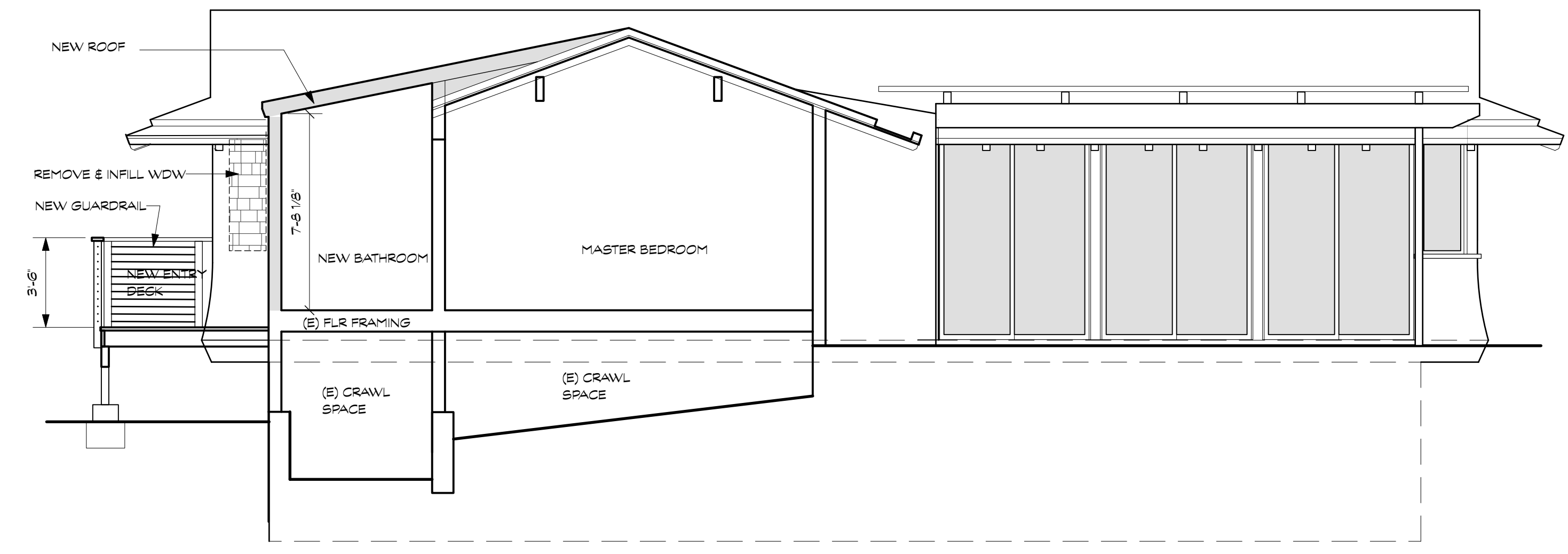
**A3.4**



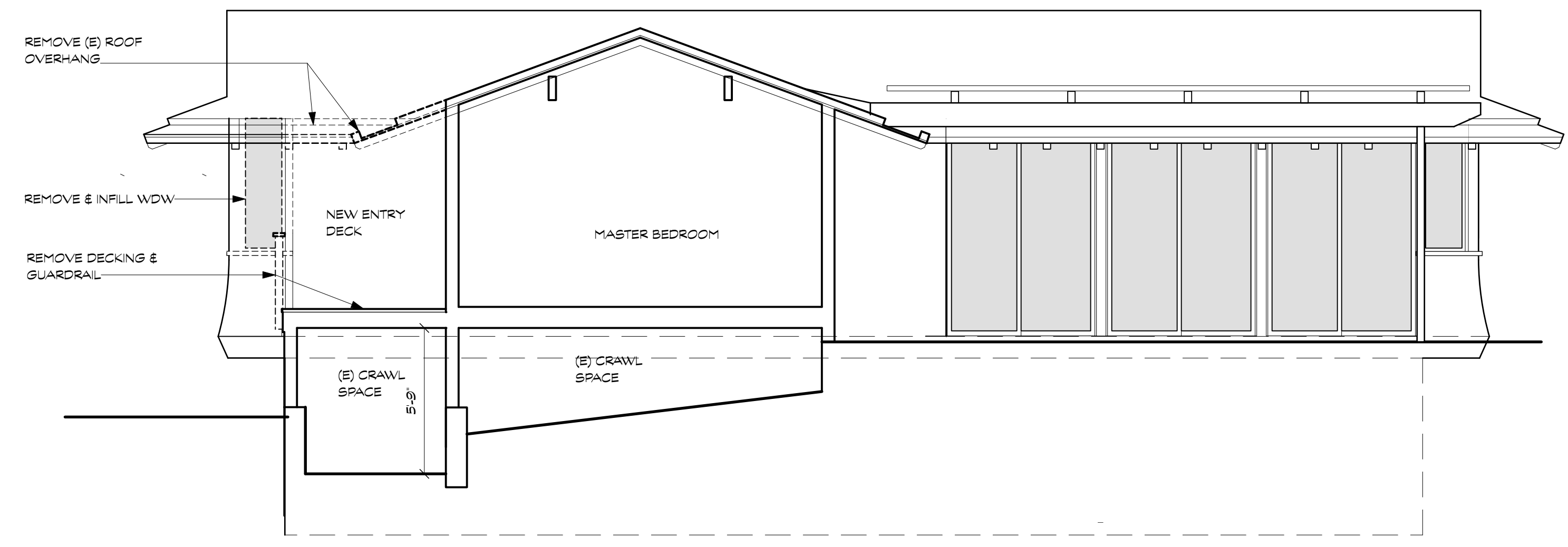


**DAVOUDI /  
TAVAKOLI  
RESIDENCE**

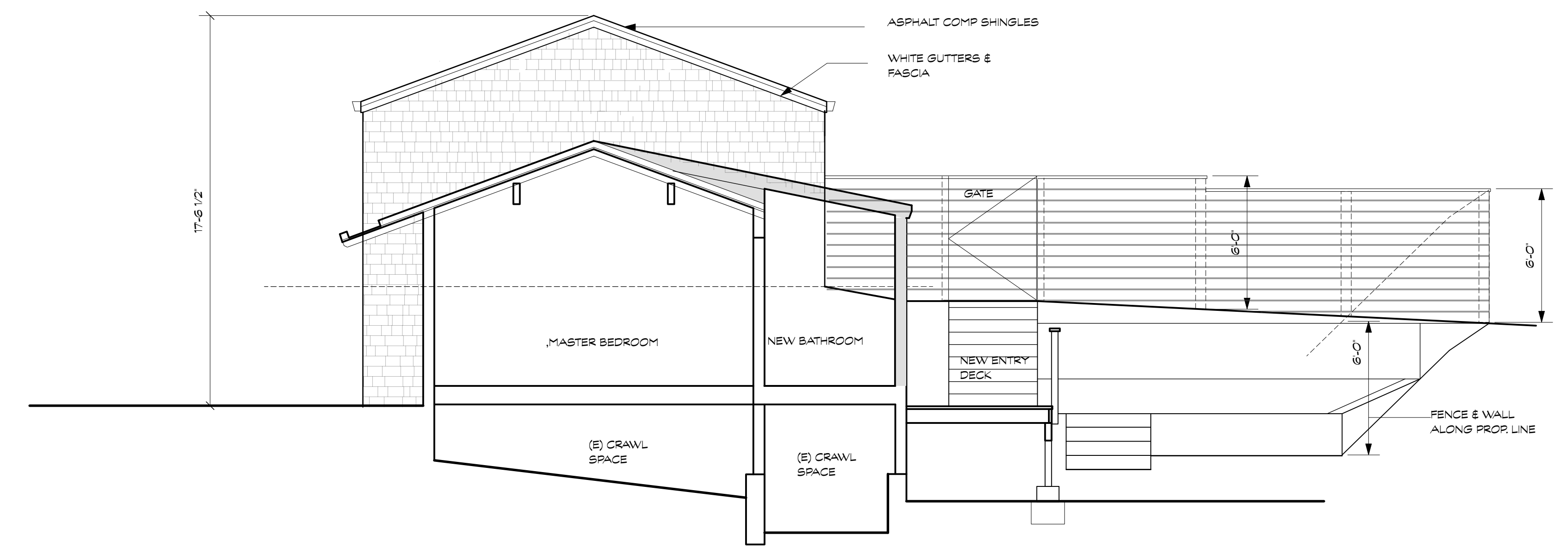
#7 GOLDEN GATE AVE  
BELVEDERE, CA



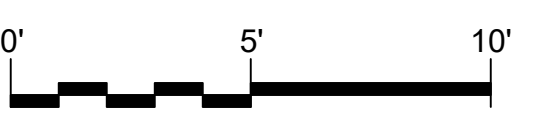
**1 PROPOSED BUILDING SECTION**  
A3.5 SCALE: 1/4" = 1'-0"



**2 EXISTING BUILDING SECTION**  
A3.5 SCALE: 1/4" = 1'-0"



**3 PROPOSED ELEVATION / BUILDING SECTION**  
A3.5 SCALE: 1/4" = 1'-0"



APN: 060-111-15

ISSUED FOR :


PLANNING REVIEW REV	20 SEPT 2022
PLANNING DESIGN REVIEW	14 JULY 2022
SCALE :	1/4" = 1'-0"
DRAWN BY :	DT
JOB NUMBER :	210

BUILDING SECTIONS

**A3.5**

# DAVOUDI / TAVAKOLI RESIDENCE 7 GOLDEN GATE AVE



GAF TIMBERLINE UHD, CHARCOAL



WHITE WINDOWS, DOORS  
EXTERIOR TRIMS & FASCIA



NATURAL TONE CEDAR  
SHINGLES



ACID ETCHED CONCRETE  
PAVERS & STEPS  
DAVIS COLORS - "CHARCOAL"

thompson studio architects

1290 lincoln ave    san rafael    ca  
1000 annapolis road    the sea ranch    ca  
tel. 415 . 944 . 0543



**CITY OF BELVEDERE PLANNING COMMISSION  
STAFF REPORT**

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**REPORT DATE:** 11/8/2022 **AGENDA ITEM: 5**  
**MEETING DATE:** 11/15/2022  
**TO:** City of Belvedere Planning Commission  
**FROM:** Samie Malakiman, Associate Planner  
**REVIEWED BY:** Irene Borba, Director Planning and Building  
Ann Danforth, Assistant City Attorney  
**SUBJECT:** **Design Review, Exception to Total Floor Area, and Revocable License for a Residential Addition and Carport Conversion on the Property Located at 7 Golden Gate Avenue**

**RECOMMENDATION**

The applicant requests Design Review to convert an existing carport into a two-car garage, and Exception to Total Floor Area to add 139 square feet to an existing 2,585 square-foot residence. The project would include landscaping and other site related improvements, as described in detail below. A Revocable License is required to record existing private improvements within the Tamalpais Avenue right-of-way.

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

- MOTION 1** Adopt the Resolution granting Design Review for proposed exterior improvements at **7 Golden Gate Avenue (Attachment 1)**;
- MOTION 2** Adopt the Resolution granting Exception to Total Floor Area to approve 2,705 square feet of floor area where 2,248 square feet are allowed at **7 Golden Gate Avenue (Attachment 2)**;
- MOTION 3** Recommend to the City Council approval of a Revocable License for private improvements located in the Tamalpais Avenue public street right-of-way at **7 Golden Gate Avenue.**

**PROPERTY SUMMARY**

**Project Address:** 7 Golden Gate Avenue  
**APN:** 060-111-15  
**Project Applicant:** David Thompson  
**Property Owner:** Shahla Davoudi & Shahrou Tavakoli  
**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 Residence

**Site Characteristics:**

The subject property is centrally located on a sloped, 7,276 square-foot parcel in the R-15 Zoning District on Belvedere Island. The parcel has a 460 square-foot driveway easement and 6,811 square feet of usable lot area. The parcel is adjacent to single-family homes in all directions and is developed with a two-story home and carport. The residence is accessible via Tamalpais Avenue to the south.



**ZONING PARAMETERS**

<b>ELEMENT</b>	<b>PRESCRIBED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Overall Lot Area	15,000 SF	7,276 SF	No Change
Lot Area (excluding easement)	15,000 SF	6,811 SF	No Change
Lot Coverage (Structures)	30% (2,043 SF)	1,919 SF (28.1%)	1,915 SF (28.1%)
Lot Coverage (Structures and decks)	50% (3,405 SF)	1,919 (28.1%)	1,955 SF (28.7%)
Total Floor Area	33% (2,247 SF)	2,585 SF (37.9%)	2,706 SF (39.7%)
<b>Setbacks</b>			
Front	15'	13'-7"	14'-7"
Left Side	8'-3"	5'-5"	No change
Right Side	8'-3"	16'-2"	16'-11"
Rear	15'	9'-10"	No Change
Building Height (max)	28'	20'-9"	No Change
Parking Spaces	2	2	2

**BACKGROUND/PROPERTY HISTORY**

A review of City records indicates that the subject property received the following prior approvals:

- 1980- Design Review Exception for three solar panels on roof.
- 2000- Design Review Exception to enlarge bathroom 32 square feet.
- 2002- Staff level - fence replacement
- 2016- Exemption to remove chimney and close in roof to match existing.
- 2016- Exemption for window replacement in kind.
- 2017- Design Review Exception for new 6' fencing at the side and rear property lines.

## **PROJECT ANALYSIS**

The applicant requests Design Review to convert an existing carport (480 SF) into a two-car garage (464 SF), and Exception to Total Floor Area to add 139 square feet for a new bathroom, closet, and kitchen bay extension. The project would include landscape and hardscape improvements, new 6-foot-tall fencing, and new roofing and siding. Four trees would be removed, including a 19-inch diameter at breast height (DBH) Eucalyptus. The project requests an Exception to Total Floor Area to have 2,706 square feet of floor area where 2,248 square feet are permitted, and 2,585 square feet currently exist. Retroactive Design Review is required for improvements made without prior Planning Approval (removal of three trees in the left side yard). A Revocable License is required for driveway improvements on the Tamalpais Avenue public right-of-way. Each of these requests are discussed in more detail below. The project is on a legal, non-conforming lot and does not meet side, rear, or front yard setbacks in the R-15 zoning district. The nonconforming setbacks would not be extended or enlarged. The applications are included as **Attachment 3** and project plans are included as **Attachment 4**.

## **DESIGN REVIEW**

The Design Review findings, specified in the Belvedere Municipal Code, Title 20, state that all new structures and additions should avoid excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should 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, structures should avoid large expanses of any one material on a single plane. Vertical and horizontal elements should add architectural variety, break up building planes, and avoid monotony. Landscaping should soften and screen structures and maintain privacy.

### *Garage and Residence*

The proposed garage would be 12'-10" tall and built on existing foundation, flooring, and crib walls. The garage would have natural stained cedar shingles and a dark grey asphalt composite shingle roof; the garage door, gutters, and fascia would be white. The garage would be setback 1-foot from the existing carport, reducing its existing floor area and lot coverage 16 square feet. The northwest (left) side of the residence would be enlarged 139 square feet to add a closet and bath at the master bedroom. The kitchen bay at the northern end of the home would be extended as well. The project would re-stain the existing shingle siding with a natural cedar tone and the wood shingle roof would be replaced with asphalt composite shingles in a dark grey color. The project would add one door at the garage, one clerestory window at the new bath, and replace the entry door. Three windows would be added at the kitchen bay extension and one 4' x 1'-6" window will be added at the rear of the residence. The above-mentioned improvements are proposed for the second floor and along the left side of the residence. The project would add one 4' x 1'-6" clerestory window and steel post with cedar wrap at the rear of the first floor. One door would be removed at the rear as well.

### *Hardscape and Exterior Lighting*

The project proposes dark grey concrete pavers on the left side yard that would lead to a new wood deck and entry door. The deck would include 3'-6" guardrails made of 4 x 4 cedar posts and stainless-steel cables. Exterior lighting would include four, 6-inch-wide LED wall sconces, with three at the garage and one at the front entry gate, five path lights along the concrete pavers,

and four downlights on the new guardrail posts. In total, 13 shielded downlights are proposed, all at the left side of the residence. A dark grey permeable landing would be constructed left of the concrete pavers and built using a 2'-7" tall concrete retaining wall. Approximately 10' further downslope from the retaining wall, a second, 2-foot retaining wall would be placed to contain the "lower entry garden."

### *Landscape and Fencing*

The project would install a variety of low-to-average water usage plants along the left side of the residence. A complete Planting Plan and the proposed plant locations are listed below and in the project plans (**Attachment 4**, Sheet A1.2)

- Japanese Maple (2) – front yard, left of walkway
- Blue Fescue (11) – abutting northern side wall of garage
- Lavender (13) – front yard, right of walkway
- White Oleander (16) – along the left side yard property line
- Twin-flowered Agave (6) – front yard, left of walkway
- Olive Tree (2) – left side yard, adjacent to entry deck
- Australian Cheesewood (2) – at landing, left of walkway

The Maple tree, Olive tree, and Australian Cheesewood would have a mature height of 15 feet.

The project proposes to remove a 19" diameter at breast height (DBH) Eucalyptus tree located 6' from the left side yard. Pursuant to Administrative Policy Section 15.2, 'visually significant' trees in Belvedere are determined by the size of the tree, the number of trees to be removed, and the relationship of the tree to the lot and surrounding development. The City requires an independent, City-contracted arborist inspection when a significant tree is proposed for removal, which Staff required for the project due to the size of the Eucalyptus tree. The report titled, "Arborist Report Prepared for the City of Belvedere" by Arborscience, LLC, dated September 7, 2022, found the Eucalyptus's tree trunk to be sound with no signs of decay. The report recommended removing two overhanging branches that have been shedding dead leaves and twigs onto the roof of 5 Golden Gate Avenue. Staff has received email correspondence from owners of 7 and 5 Golden Gate Avenue that they would both like the tree to be removed due to the ongoing maintenance that would be needed for trimming, along with safety concerns if the branches were to fall. The project would remove three Loquat Trees from the left side yard as well.

The project would add a new 6-foot-tall wood fencing along the west and south property line. An existing staggered fence would be removed at the southern side of the residence as well. The fencing would be made of stained 1 x 12 overlapping vertical boards with a 2 x 6 cedar cap to match the existing fence on the west property line. Fencing to the right of the garage will be replaced to match the new fencing.

### *Retroactive Design Review*

A portion of the project requires retroactive design review for improvements made without Planning approval. Said improvements consisted of removing three 20' tall Pittosporum trees from the front yard, west of the carport. The pittosporums were multi-branched, and the grouping

of the three trees covered an area of approximately 20'-0" in diameter. (Refer to **Attachment 7**, Additional site photographs).

Pursuant to Belvedere Municipal Code (BMC) Section 20.04.050.B.2, 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, the Planning Commission may deny the application for retroactive design review on that ground alone.

Staff recommends the Planning Commission ask the applicant and owner the reasoning for removing the three trees without obtaining prior approval and consider having three replacement trees planted on site.

### ***Design Review Findings***

As detailed in the draft resolution, Staff can make the required findings for Design Review. The project proposes to update a residence which has received few upgrades since its construction in 1958. The garage will be raised 10-inches and built atop the existing foundation and crib walls, keeping it in scale with the existing site. The 139 square-foot residential addition will be placed beneath the existing roof overhang on the left side of the home, thereby minimizing the bulk and mass of the project. The new deck would extend 4'-5" from its existing location on the left side of the home and remain consistent with the site and setback requirements being 9'-2" from the property line. The natural stained shingle siding and dark grey asphalt shingle roof will have a wood tone color that blends into the landscape, and the white gutters and garage door provide a complimentary trim. The proposed 6-foot-tall fencing will preserve privacy for neighbors without blocking views, landscaping will screen the home and appear natural, and lighting will be shielded and downward casting. The proposed clerestory window and bay windows will not impact privacy for adjacent buildings. The residential improvements will maintain the overall scale and character of Belvedere Island. Staff has provided the Commission with a draft Resolution of approval for the requested Design Review (refer to **Attachment 1**).

Staff recommends the Planning Commission consider having the applicant add Marin County or California native plants as part of a final landscape plan.

### **EXCEPTION TO TOTAL FLOOR AREA**

The applicant requests Planning Commission approval for 2,706 square feet of floor area at the subject property where 2,585 square feet currently exist. The maximum permitted floor area in the R-15 Zoning District is 33% of the lot area, or 2,248 square feet for the subject property. Pursuant to the Belvedere Municipal Code an Exception to Floor Area is required.

***ETFA Findings:*** In order to grant an Exception to Total Floor Area, the Planning Commission must make each of the following findings below.

- 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 minimizes 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.**

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

BMC Section 19.52.120.

Staff recommends that the Planning Commission concludes that the Exception to Total Floor Area findings are satisfied. As designed, the additional square footage would be built beneath the existing roof overhang and within the footprint of the existing entry deck. The additional square footage will not impair views for the adjacent properties or views from Tamalpais Avenue to the south, North Point Circle to the west, or Golden Gate Avenue to the east. The site is unusual in that the residence fronts a private road and is a corner lot. The private road minimizes the number of vehicles driving by the project site, and the corner lot reduces the number of abutting residences that could be potentially impacted the greater floor area. The lot is also unusual in that it is 6,811 square-feet and significantly smaller than the 15,000 square-foot minimum lot size allowed in the R-15 zoning district. The applicant proposes a modest 139 square-foot increase to minimize impacts and stay in character with the smaller parcel.

The proposed structure will not increase the height of the home and is appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, as it proposes minimal change to the current conditions. The proposed floor area will meet all design review criteria in the R-15 zoning district.

The project will not substantially reduce privacy for neighbors as the proposed window and door modifications are minimal. The project proposes one clerestory window facing the north adjacent neighbor at 5 Golden Gate Avenue. This window will be above eye level and screened by proposed and existing landscaping. The new garage door and replacement entry door will not affect privacy. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area (refer to **Attachment 2**).

**REVOCABLE LICENSE**

In accordance with Section 11.7 of 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.

A review of city records indicates there are no Revocable Licenses on file.

The Revocable License application is for existing improvements consisting of concrete pavers.

Factors the City Council considers when determining whether to grant a Revocable License for the private use of excess street right-of-way include, but are not limited to, the following listed below. While Staff cannot support each factor below, Staff recommends that many of the factors are satisfied and that a Revocable License is appropriate. Staff also recommends the adopt of a finding that 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 concrete pavers are part of the driveway apron on the southern portion of the site. The pavers on the public right-of-way are not necessary to provide access to Tamalpais Avenue as the site already has a carport on private property.*

- 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;

*Approximately 23 square-feet of concrete pavers are in the public right-of-way along Tamalpais Avenue. The existing pavers provide an aesthetic quality to the streetscape that neither infringe on privacy nor impact views of neighboring properties.*

- 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;

*Not applicable as the project will not create an off-street parking area.*

- 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;

*Not applicable as no retaining walls are 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 23 square feet of interlocking concrete pavers within the parking area along Tamalpais Avenue. A Revocable License would confirm that potential liability for injury and damages shifts to the private property owner.*

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

*Validating the existing concrete pavers through Revocable License will enhance public safety by ensuring the improvements are consistent with City standards as outlined in Administrative Policy Section 11.7.*

- 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, except for 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.”

*Not applicable as no fencing is proposed within the public right-of-way.*

### *Public Benefit*

The project benefits the public, as these existing improvements will maintain an aesthetic appeal of the property frontage. The improvements would not impede pedestrian access along the public right-of-way on Tamalpais Avenue.

Staff recommends that the Planning Commission review the Revocable License application for consistency with Administrative Policy Section 11.7 and recommend approval to the City Council to approve the Revocable License.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Title 14, Division 6, Chapter 3 of the California Code of Regulations. The proposed project is determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project includes the alteration of an existing private structure with negligible expansion of the existing residential use.

A categorical exemption may not be used for projects which may have a significant effect on the environment due to unusual circumstances or if a substantial adverse change is caused to the significance of a historical resource. There are no unforeseen unusual circumstances applicable to this minor residential addition and exterior remodel. Additionally, the project site is not a Historical Resource registered with the City of Belvedere, nor is further research required to determine whether it meets the California Register criteria as a qualified “historical resource” under CEQA because the project is neither a major alteration or demolition.

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. Available information indicates that no such Tribal Cultural Resource exists at the site. The applicant was required to provide an archeological evaluation due to the site having a “High” sensitivity on the City’s Prehistoric Resource Sensitivity Map. An archeological evaluation, titled, “A Cultural Resources Evaluation of the Parcel at Seven Golden Gate, Belvedere, Marin County, California,” by Archaeological Resource Service, dated October 11, 2022, was prepared for the project, and provided to Staff. The report concluded that the site’s soils did not constitute a significant archaeological deposit, and that there was no discernible potential for the presence of undisturbed archaeological deposits within the project area. The report noted MRN-39, a major prehistoric village close to the project site at the top of the hill to the west. Should any suspected archeological features or artifacts be encountered during the project, all work should be halted in the vicinity and an archaeologist contacted immediately to inspect the discovery and make recommendations on further treatment. Staff has included the report’s recommendations as a condition of approval.

For the reasons stated above, Staff finds that the categorical exemption for Existing Facilities applies and that the project is categorically exempt from CEQA.

### **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. At the time of writing the staff report, Staff has received email correspondence from property owner’s Justin and Abigail Bayer at 5 Golden Gate Avenue, and Elena Shaftan at 1 Golden Gate Avenue, with concerns that the project site has inadequate drainage which should be remedied prior to planning approval.

Staff received comments at City Hall from Ashley Johnson, property owner of 1 North Point Circle, with concerns about the drainage as well.

While drainage is generally addressed by the City's Public Works department prior to issuance of building permit, Staff recommends that the Planning Commission take comments and provide feedback for the neighbors, applicant, and property owner.

### **CONSTRUCTION TIME LIMIT**

Pursuant to BMC section 20.04.035, the applicant is required to file an estimate of the total project cost that will establish the time limit within which construction of the proposed project will be completed. Here, the applicant has estimated that the cost of construction for this project would be greater than \$500,000 (valued at \$510,000). Under the above noted section of the Code, construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

### **CONCLUSION**

Staff believes that the proposed project complies with Zoning Ordinance and General Plan policies. As conditioned, staff further believes that the evidence supports all the required findings for Design Review, Exception to Floor Area, and Revocable License.

### **RECOMMENDATION**

- MOTION 1**            Adopt the Resolution granting Design Review for proposed exterior improvements at **7 Golden Gate Avenue (Attachment 1)**;
- MOTION 2**            Adopt the Resolution granting Exception to Total Floor Area to approve 2,705 square feet of floor area where 2,248 square feet are allowed at **7 Golden Gate Avenue (Attachment 2)**; and
- MOTION 3**            Recommend to the City Council approval of a Revocable License for private improvements located in the Tamalpais Avenue public street right-of-way at **7 Golden Gate Avenue**

### **ATTACHMENTS**

- Attachment 1:        Draft Resolution for Design Review
- Attachment 2:        Draft Resolution for Exception to Total Floor Area
- Attachment 3:        Applications
- Attachment 4:        Project Plans
- Attachment 5:        Department and Agency Reviews
- Attachment 6:        Correspondence
- Attachment 7:        Additional Site Photographs

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN  
REVIEW APPROVAL FOR RESIDENTIAL ADDITION AND CARPORT  
CONVERSION AT 7 GOLDEN GATE AVENUE**

---

**WHEREAS**, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for an addition at 7 Golden Gate Avenue; and

**WHEREAS**, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, and no unusual circumstances preclude the application of a categorical exemption; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on November 15, 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 conforms to the Design Review criteria set forth in Sections 20.04.005 and 20.04.110 through 20.04.210 of the Belvedere Municipal Code.

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

- a) The property owner shall hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval, shall cooperate with the City in the defense of any such action, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result; counsel in any such legal action shall be selected by the City in its sole reasonable discretion. This approval is conditioned upon the accuracy of all facts stated in the application and supporting documents.
- b) Construction shall conform to the drawings prepared by David Thompson, stamped received by the City of Belvedere on July 14, 2022 and revised September 20, 2022, as modified herein.
- c) Construction shall be limited to the hours of 8:00 am to 5:00 pm., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.
- d) Any new exterior lighting shall be shielded and directed downward and shall be reviewed and approved by planning. Any new lighting may require further planning review/approval.
- e) A Vegetation Management Plan (VMP) conforming to the policies of the Tiburon Fire District shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to Tiburon Fire Protection Policy 433.5. The plan shall be incorporated into the landscape plan for the project and submitted to the Fire Marshal for review prior to implementation. The plan shall be implemented prior to building final. VMP for entire parcel shall be submitted to [plansubmittal@tiburonfire.org](mailto:plansubmittal@tiburonfire.org) for compliance to Ordinance #129, TFD Policy #420, and Fire Safe Marin Guidelines.

- f) Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. This is a requirement under CFC 907.2.10 but is the jurisdiction of the Building Division for inspection.
- g) If new front gate is locked, then a Knox Box is required for emergency access.
- h) An automatic residential fire sprinkler system shall be installed throughout existing one- and two-family dwellings when the floor area of an addition exceeds 50% of the existing floor area. Submit digital plans and cut sheets to [plansubmittal@tiburonfire.org](mailto:plansubmittal@tiburonfire.org) as a deferred submittal.
- i) An Encroachment Permit if applicable shall be obtained prior to commencing work in the City right-of-way, as required by the City Engineer.
- j) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- k) Outside jurisdictional agency approval will be required prior to the issuance of the building permit: Tiburon Fire Dist., Marin County Sanitary Dist. 5, Marin Municipal Water Dist. (MMWD), and possible other jurisdictional authorities.
- l) Structural engineering will be required for the construction of the proposed project.
- m) A Geotechnical report will be required to be submitted as part of the Building Permit submittal.
- n) Title 24 Energy calculations will be required for the proposed scope of work.
- o) The new portion of roof shall be rated Class A or shall be constructed as an equivalent assembly.
- p) Stairways with four (4) or more risers, shall be equipped with Code compliant handrail and/or guardrail.
- q) With a proposed project valuation of \$510,000, an eighteen (18) month Construction Time Limit (CTL) will be assessed to the project, per Belvedere Municipal Code section 20.04.035.
- r) An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Director.
- s) 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>
- t) A new **Revocable License** will be required for previously installed private improvements (existing pavers in parking area) within the Tamalpais Ave public right-of-way. The Applicant must apply for and obtain City Council approval of the Revocable License before beginning construction of any such improvements.
- u) 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.

- v) **Topographic Survey** information shall be included either on the site plan or on a separate plan. The basis for determining elevations (assumed, NGVD or NAVD) should also be clearly indicated. The surveyor's name and license number shall be included.
- w) 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.
- x) The project will require a detailed **Grading & Drainage Plan** showing cut and fill earth volumes, existing drainage system and any drainage improvements. Said plans shall incorporate, as appropriate, the [MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County](#).
- y) The project will include soil disturbance during construction and applicants therefore must submit an **Erosion and Sediment Control Plan (ESCP)** for approval by the City prior to the issuance of a Building Permit. Please also submit the Erosion and Sediment Control tracking documentation for the Marin County Stormwater Pollution Prevention Program (MCSTPPP) [Construction Erosion and Sediment Control Plan Applicant Package](#), revised November 2015. At a minimum, the ESCP must include the applicable MCSTPPP minimum erosion control, sediment control, and good housekeeping BMPs described in the [MCSTPPP Minimum Control Measures for Small Construction Projects](#). The ESCP must provide a rationale for the selected BMPs including, if needed, soil loss calculations.
- z) The project will require a **Landscape Plan** and **Irrigation Plan** subject to review and approval by Marin Municipal Water District. Please see the requirements outlined in the Marin Municipal Water District [Landscape Plan Review Packet](#) for project applicability.
- aa) 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 15<sup>th</sup> and April 15<sup>th</sup>, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event
  - Best management practices (BMPs) to be implemented to minimize pollutant exposure, protect exposed pollutants, and remove any pollutants that may accidentally enter stormwater runoff. Please see the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#) for list of effective BMPs.
- bb) There are no known paleontological or unique archeological resources on the project site. In the event unanticipated unique archaeological or paleontological resources are uncovered during construction, all work must immediately halt and a qualified archaeologist or paleontologist must evaluate appropriate mitigation measures to avoid any significant environmental impact.
- cc) This Design Review approval does not include any changes to existing exterior features other than those specifically listed herein and or shown on the approved plans. Other changes not listed or shown may require separate Design Review approval.
- dd) Any changes to the existing or approved landscaping will require Design Review approval by the City of Belvedere. All lights shall be down lit with covered bulbs.
- ee) Prior to the issuance of a Building Permit, a final exterior lighting plan shall be submitted for the review and approval by the Planning Commission Chair and Planning staff.
- ff) Prior to the issuance of a Building Permit, a final landscape plan shall be submitted for the review and approval by the Planning Commission Chair and Planning staff.
- gg) Design Review approvals expire twelve (12) months from the date of this approval.
- hh) A ten (10) day appeal period is applicable and shall be observed prior to work commencing. Construction activities shall not take place until the appeal period has ended and provided that no appeal has been filed

**AYES:**

**NOES:**

**ABSTAIN:**

**RECUSED:** Ashley Johnson

**ABSENT:**

**APPROVED:** \_\_\_\_\_  
Patricia Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
\_\_\_\_\_, City Clerk

### **Attachment A, Design Review Criteria**

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

The project preserves much of the landscape in its original state by developing the proposed structures on existing foundation. The proposed concrete pavers and permeable landings on the left side of the residence will be built with the natural slope of the site which minimizes grade changes and cut and fill. The residence will be kept in harmony with the general appearance of the neighboring landscape by adding a variety of new trees and shrubs to the site as well. The project proposes 6.5 cubic yards of cut and 7.7 cubic yards of fill, with all cut to be kept on site and redistributed to create the terraces and entry walkway.

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

The project will keep a balanced relationship among the structures on site by making minimal increases to the height of the structures. The garage will be raised 10” from its current condition to a finished height of 12’-10”. No height increase is proposed to the residence. The bedroom wall will be extended 3’ out toward the left side yard, and the deck will be extended 4’-5”. These modifications are consistent with zoning standards and provide ample space at the left side yard for an upper and lower entry garden area. The upper and lower entry garden will relate to the natural landforms by stepping down with the slope, utilizing 2’ tall retaining walls. The project as proposed brings a balanced and harmonious relationship among structures on site, the site itself, and those on adjoining properties.

### **Minimizing bulk and mass.**

**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 project avoids adding bulk and mass by placing the residential addition beneath the existing roof overhang at the northern side of the home and within the existing footprint of the entry deck. The addition is in character with the existing dwelling and will appear tucked into the side of the home. The garage is similar in size to the existing carport and relates to others in the neighborhood. As proposed, the additions avoid creating a monumental or excessively large dwelling.



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

The project breaks up large expanses of any one material by placing a new door and window along the northern side of the house. The project adds vertical and horizontal elements by proposing vertical 4 x 4 cedar posts and horizontal steel cables at the guardrails for architectural 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 no 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 project proposes stained cedar shingle siding, a dark grey asphalt composite shingle roof, white gutters, and a white garage door. The proposed materials and colors are similar to the existing home to reduce visual impacts, and the new roof will be a dark wood tone color which is soft and muted. The white trim of the gutters, fascia, and garage door compliment the residence. The new window and door trim colors will match the existing condition with white window frames and natural cedar trim to match the cedar shingles.

**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.**

The project proposes a new 6'0" fence that will step with the grade on the north and south property lines. New 6'0" fencing is proposed to replace existing to the right of the garage. The fencing will consist of 1 x 12 overlapping vertical cedar boards with 4 x 4 posts and cedar caps to match the existing fencing on the western property line. A staggered fence at the south property line will be removed. The fence will not preserve privacy between the adjacent neighbor at 5 Golden Gate Avenue and will not block views.

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

The project proposes a new 1'6" x 4' clerestory window and 2'-8" x 6'-8" door on the left side of the home looking towards the adjacent neighbor at the 5 Golden Gate Avenue- The proposed window will not affect privacy for the adjacent neighbor as it is above eye level and screened by vegetation and trees. The project proposes three bay windows, with one facing the neighbor at 5 Golden Gate Avenue. This bay window will be 1'-6" x 3'-6" and will not affect the privacy of neighboring property.

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

The project will retain the existing paved parking area and replace the existing two-car carport for a new two-car garage. The project will not impact circulation on Tamalpais Avenue, or the private road used to access 1 and 5 Golden Gate Avenue.

**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.

Exterior lighting would include four, 6-inch-wide, LED wall sconces, with three at the garage and one at the front entry gate, five path lights along the concrete pavers, and four downlights on the new guardrail posts. In total, 13 shielded downlights are proposed, all at the left side of the residence. The proposed lights will not create glare or annoyance to neighboring properties.

**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 site was developed prior to the adopted residential zoning standards and does not conform with side, front, and rear yard setbacks or floor area within the R-15 zoning district. The project will not increase any of the existing setback nonconformities and an Exception to Total Floor Area will allow for an additional floor area increase over the current 2,590 square feet. All other development standards in the R-15 zoning district will be met.

**Landscape plans -- Purpose.**

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

**Landscape Plans – Materials.** A. Plant materials native to northern California and Marin County, and those that are drought-tolerant are encouraged. Evergreen species are encouraged for use in screen planting situations. Because of high water

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

The proposed landscape is in conformance with this finding as it includes a variety of new trees and shrubs to provide screening and privacy and to help soften the proposed residence and deck. The project will include a number of drought tolerant and low water use plants and shrubs. Staff recommends the Planning Commission request the applicant include plant materials native to Marin County and California as part of the final landscape plan.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022 -**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING AN EXCEPTION  
FROM SECTION 19.52.120 OF THE BELVEDERE MUNICIPAL CODE FOR THE  
PROPERTY LOCATED AT 7 GOLDEN GATE AVENUE**

---

**WHEREAS**, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code to permit a maximum floor area of 2,706 square feet where 2,585 square feet currently exists and 2,248 square feet is permitted at 7 Golden Gate Avenue; and

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

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the requested Floor Area Exception on November 15, 2022; and

**WHEREAS**, the Planning Commission made each and every 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.**

Primary views from adjacent properties and streets will not be significantly impaired by the additional square footage. As designed, the additional square footage for the dwelling is built within the existing footprint of the deck and beneath the existing roof eave. Primary views for the north adjacent property at 5 Golden Gate Avenue will not be significantly impaired as the structures orientation and size will be kept nearly identical to existing. No significant additional square footage is proposed to extend the northern or eastern portions of the home where primary views could be impaired.

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

The site is unusual in that the residence is accessible via private road and is a corner lot. The private road minimizes the number of vehicles driving by the project site, and the corner lot reduces the number of abutting residences that could be potentially impacted the greater floor area. The parcel is also unusual in that it is 6,811 square-feet and significantly smaller than the 15,000 square-foot minimum lot size allowed in the R-15 zoning district. The applicant proposes a modest 139 square-foot floor area increase to minimize its impacts and stay in character with the smaller parcel.

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

The project is appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all design review criteria. As mentioned above, the addition will be built beneath an existing roof overhang and within the existing footprint of the entry deck. The additional square feet will not increase the height of the home and will appear nestled into home and existing layout. As designed, there will be adequate space for new and existing landscaping between this property and adjacent residence to the north, helping to further minimize the mass and bulk of the additional floor area. All Design Review findings can be made.

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

The project will not substantially reduce privacy for neighbors from the new windows and doors. The project proposes one clerestory window facing the north adjacent neighbor of 5 Golden Gate Avenue. This window will be above eye level and screened by proposed and existing landscaping. The remaining viewpoints from the project will not be altered or affect privacy.

**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 2,706 square feet where 2,585 square feet currently exists, and 2,248 square feet is permitted at 7 Golden Gate Avenue.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on November 15, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**RECUSED:** Ashley Johnson

**APPROVED:** \_\_\_\_\_

Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_

\_\_\_\_\_ City Clerk

August 10, 2022

City of Belvedere  
Design Review Comments  
**7 Golden Gate Ave**

Public Works Department - Review Comments

**Review of the Davoudi/Tavakoli Residence Plans – submitted July 20<sup>th</sup>, 2022:**

The Public Works Department has reviewed the subject application and has the following comments:

1. A new **Revocable License** is required for previous installed private improvements (existing pavers in parking area) within the Tamalpias Ave public right-of-way. Encroachment into City right of way can be seen on Sheet A1.2 Landscape & Exterior Lighting Plan

Should plans be submitted for **Building Permit**, the following conditions of approval shall be satisfied:

1. An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Director.
2. 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>
3. A new **Revocable License** is required for previous installed private improvements (existing pavers in parking area) within the Tamalpias Ave public right-of-way.
4. 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.
5. **Topographic Survey** information shall be included either on the site plan or on a separate plan. The basis for determining elevations (assumed, NGVD, or NAVD) should also be clearly indicated. The surveyor's name and license number shall be included.
6. 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.
7. The project will require a detailed **Grading & Drainage Plan** showing cut and fill earth volumes, existing drainage system and any drainage improvements. Said plans shall incorporate, as appropriate, the [MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County](#).

2. The project will include soil disturbance during construction and applicants therefore must submit an **Erosion and Sediment Control Plan (ESCP)** for approval by the City prior to the issuance of a Building Permit. Please also submit the Erosion and Sediment Control tracking documentation for the Marin County Stormwater Pollution Prevention Program (MCSTPPP) [Construction Erosion and Sediment Control Plan Applicant Package](#), revised November 2015. At a minimum, the ESCP must include the applicable MCSTOPPP minimum erosion control, sediment control, and good housekeeping BMPs described in the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#). The ESCP must provide a rationale for the selected BMPs including, if needed, soil loss calculations.
3. The project will require a **Landscape Plan** and **Irrigation Plan** subject to review and approval by Marin Municipal Water District. Please see the requirements outlined in the Marin Municipal Water District [Landscape Plan Review Packet](#) for project applicability.
4. 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 15<sup>th</sup> and April 15<sup>th</sup>, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event
  - Best management practices (BMPs) to be implemented to minimize pollutant exposure, protect exposed pollutants, and remove any pollutants that may accidentally enter stormwater runoff. Please see the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#) for list of effective BMPs.

**End of comments.**

Project Address: 7 Golden Gate Ave



# APPLICATION FOR DESIGN REVIEW

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

## FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Planning Comm. Approval   
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: 7 Golden Gate Avenue

Record Owner of Property: Shahla Davoudi & Shahrou Tavakoli

Mailing 7 Golden Gate Ave Daytime Phone: (415) 999-6075

Address: Belvedere, CA 94920 Fax: \_\_\_\_\_

Email: shahladavoudi@gmail.com  
tavakolishahrou@gmail.com

Owner's Representative: David Thompson

Mailing 1290 Lincoln Ave Daytime Phone: 415-706-6598

Address: San Rafael, CA 94901 Fax: \_\_\_\_\_

Email: david@thompsonstudio.com

Project Description: Replace existing carport with new 2 car garage at the same location except for moving the front wall of the garage out of the front yard setback.

New 139 SF closet and bathroom addition to the existing master bathroom & kitchen bay extension.

New on grade entry steps / walkway and raised entry deck along to replace existing.

New landscaping along entry walkway and along private driveway at the front southwest of the property

Replace existing wood shingle roofing with asphalt composition shingle. Color to be dark gray.

New exterior walls to match existing cedar shingles. Re-stain existing shingles & stain new shingles a natural cedar tone. Miscellaneous interior remodel



**ZONING PARAMETERS:**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area . . . . .	15,000	7276 -460 easement 6811 sf	6811 sf
Lot Coverage . . . . .	2043 sf	1919 sf	1915 sf
Total Floor Area . . . . .	2248 sf	2590 sf	2696 sf
Front Yard Setback . . . . .	15'-0"	13'-7"	15'-0"
Left Sideyard Setback . . . . .	8'-3"	9'-6"	9'-2"
Right Sideyard Setback . . . . .	8'-3"	16'-2"	16'-11"
Rear Yard Setback . . . . .	15'-0"	13'-10"	13'-10"
Building Height Maximum . . . . .	28'-0"	20'-9"	20'-9"
Building Height Average . . . . .	28'-0"		
Parking Spaces . . . . .	2	4	4

**SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA**

*(To Be Completed by Applicant)*

Date Filed: 7/15/2022

**General Information**

1. Name and address of developer or project sponsor: David Thompson, 1290 Lincoln Ave, San Rafael, CA
2. Address of project: 7 Golden Gate Ave, Belvedere
3. Name, address, and telephone number of person to be contacted concerning this project: David Thompson  
1290 Lincoln Ave, San Rafael, CA 94901
4. Indicate number of the permit application for the project to which this form pertains: 1
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: None
6. Existing zoning district: R-15
7. Proposed use of site (Project for which this form is filed): Single Family Residence with garage
8. Year built: \_\_\_\_\_ Original architect: \_\_\_\_\_

**Project Description**

9. Site size. 7276
10. Square footage. Existing = 2585 sf Proposed = 2706 sf
11. Number of floors of construction. 2
12. Amount of off-street parking provided. 4
13. Plans attached? Yes
14. Proposed scheduling. Start Construction spring of 2023

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. 1
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. The existing site is fully developed with a single family residence , carport, parking area, exterior patios, walk way and landscaping. the site slope downhill from the private driveway with a series of level / semi level outdoor spaces. Soil is stabil, no special plants, animals or culture, historical or scenic aspects present.
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. The property bordered on 3 sides by streets and a private driveway. There is an existing single family residence bordering the west property line. There are single family residences across the streets from the property. Landscaping, plants & animals are typical of residential areas of Belvedere.

<b>SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION</b>
--

*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. 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: \$ 510,000.00

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

- 1. For new construction, the demonstrable value of which is estimated to be less than \$500,000.  
*Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.*
- 2. For new construction, the demonstrable value of which is estimated to be more than \$500,000.  
*Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.*
- 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$100,000.  
*Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.*
- 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$500,000.  
*Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.*
- 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)

<b>SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS</b>
--

**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.**

<b>STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, &amp; DESIGNATION OF REPRESENTATIVE</b>
---

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

Street address of subject property: 7 Golden Gate Ave

Assessor's Parcel No(s). of subject property: 060-111-15

➤ **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,

Project Address: 7 Golden Gate Ave

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

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

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

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

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at Belvedere, California.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Title(s) \_\_\_\_\_

Title(s) \_\_\_\_\_

Trustee(s)     Partners:  Limited or  General     Corporation     Other \_\_\_\_\_

Name of trust, LLC, corporation, or other entity: \_\_\_\_\_

➤ **Properties Owned by Individuals**

I, Shahrou Tavakoli, 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 19 day of July, 2022, at Belvedere, California.

Signature  \_\_\_\_\_

Project Address: 7 Golden Gate Ave

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

I hereby authorize David Thompson 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: 7/19/22

Signature of Representative:  Date: 7/19/22





**CITY OF BELVEDERE  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COST BASED FEE SYSTEM**

Agreement for Payment of Full Cost Recovery Fees for Application Processing and Inspection Services

(Not required for flat fee applications, contact Community  
Development Department if you have any questions.)

Shahla Davoudi / Shahrou Tavakoli

\_\_\_\_ (“Applicant”) agree(s) to

[Print names of Property Owner (or Authorized Agent) and Applicant (if different from Owner)]

pay to the City of Belvedere all reimbursable costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use and/or encroachment or grading permit for land use approval(s) and inspection(s) with respect to the subject property or project located at

7 Golden Gate Ave, Belvedere, CA 94920

\_\_\_\_\_  
[Location, Address or Assessor’s Parcel Number(s)]

even if the application is withdrawn or not approved. Reimbursable costs include but are not limited to all items within the scope of the City’s adopted Cost Recovery Program, as well as the cost of retaining professional and technical consultant services and any services necessary to perform functions related to review and processing of the applications and inspection of the work. Owner and Applicant understand that one or more deposits will be required to be paid by Owner and/or Applicant to cover the costs noted above at such time(s) and of such amounts as requested by the Community Development Director or designee. City agrees to review and process the application in accordance with this Agreement and all applicable laws, regulations, ordinances, standards and policies. This agreement applies to all subsequent applications related to the project.

Owner and Applicant understand and agree that nonpayment of processing and inspection fees pursuant to the City’s Cost Recovery Program may, at the sole and exclusive discretion of the Community Development Director, result in temporary or permanent cessation of processing of the application or inspection of the work and, after notice, may result in the denial of the application and/or order to cease work. Prior to completion of processing of any phase of the project, any and all outstanding amounts due pursuant to this agreement shall be paid. The Community Development Department will withhold issuance of further plan checks, entitlements, permits, certificates of occupancy, etc. until all required processing and inspection fees have been paid in full.

The applicant agrees to adhere to the following guidelines with respect to the billing of processing and inspection fees:

1. Non-receipt of invoices must be brought to our attention within 30 days of the date they are routinely received by your office.
2. Invoices presented without sufficient “backup” documentation shall be brought to our attention within 30 days of the receipt of invoice from the City.
3. Questions regarding specific charges that you believe may be questionable and/or incorrect must be brought to our attention no later than 30 days following receipt of your invoice and corresponding documentation.

Failure to comply with the aforementioned procedures within the specific times may, if research of billing information is requested, result in additional charges for clerical time spent and will be billed at our cost recovery rate. Please note that with the exception of documented disputed amounts, finance charges will be assessed at the rate of 12% per annum or 1% per month on all past due amounts.

In any legal action arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including costs and attorneys' fees.

As part of this application, the Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, offices, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnitees"), the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the Applicant, third parties and/or the indemnitees, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnitees.

Nothing in this agreement shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the indemnitees in connection with any said claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the indemnitees, (ii) approve all significant decisions concerning the matter in which the defense is conducted, and (iii) approve any and all settlements, which approvals shall not be unreasonably withheld by the City.

The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own defend any claim, action or proceeding where the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

The Applicant also agrees to so indemnify the indemnitees for all costs incurred in additional investigation or study, or for supplementing, redrafting, revising or amending any document (e.g., the EIR, Specific Plan Amendment, Specific Plan, General Plan Amendment, Rezone, etc.) if such is made necessary by the claim, action or proceeding and if the Applicant desires approvals from the City which are conditioned on the approval of said

The undersigned Owner/Authorized Agent hereby represents that he/she either personally owns the subject property or is an entity authorized to install and maintain facilities for provision of utility, telecommunications, video, voice or data transmission service in the public street right of way or is a duly authorized agent of the Owner with full authority to execute this Agreement on behalf of Owner. Applicant agrees to be jointly and severally liable with Owner for payment of all fees referenced above. Applicant agrees to notify City in writing prior to any change in ownership and to submit a written assumption of the obligations under this Agreement signed by the new owner or his/her authorized agent.

**Project Description:**

Convert existing carport into garage. New 139 SF addition to master bedroom to add a bathroom & closet & extend kitchen bay. New entry walkway, steps, entry deck, landscaping & tree removal. Interior remodel

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Invoices are due and payable within ten (10) days. A penalty will be charged on delinquent accounts at the rate of 1% per month or 12% per annum. Owner agrees that delinquent amounts shall constitute a lien on the subject property and expressly consents to recordation of a notice of lien and/or copy of this Agreement against the subject property with respect to any amounts which are delinquent.

Name of Property Owner: Shahala Davoudi / Shahrou Tavakoli  
*[please print]*

Title: Owner Telephone: (415) 999-6075

Address: 7 Golden Gate Ave, Belvedere CA 94920  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of Property Owner/Applicant* Date: \_\_\_\_\_

or  
  
\_\_\_\_\_  
*Signature of Authorized Agent/Written Verification* Date: 7/19/22  
*Signed by Property Owner Must Be Submitted*  
*Designating the Authorized Agent*

and  
\_\_\_\_\_  
*Signature of Applicant (if different from Owner)* Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Staff Member Verifying Agreement Complete* Date: \_\_\_\_\_

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**FOR CITY USE ONLY:**

Name of Applicant: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Address of Project: \_\_\_\_\_ File No. \_\_\_\_\_

Type of Application: \_\_\_\_\_

Fee Deposit: \$ \_\_\_\_\_ Receipt # and Date: \_\_\_\_\_

Plan Storage Fee: \$ \_\_\_\_\_

Staff Member Receiving: \_\_\_\_\_

Date Received: \_\_\_\_\_

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Project Address: 7 Golden Gate Ave



## APPLICATION FOR EXCEPTION TO TOTAL FLOOR AREA

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

### FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Assessors Parcel No: \_\_\_\_\_ Zone: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT

Address of Property: 7 Golden Gate Ave

Type of Property: Single Family Residence

Record Owner of Property: Shahla Davoudi & Shahrou Tavakoli

Mailing 7 Golden Gate Ave Daytime Phone: (415) 999-6075

Address: Belvedere, CA 94920 Fax: \_\_\_\_\_

Email: shahladavoudi@gmail.com

Owner's Representative: David Thompson, Thompson Studio Architects

Mailing 1290 Lincoln Ave Daytime Phone: 415-706-6598

Address: San Rafael, CA 94901 Fax: \_\_\_\_\_

Email: david@thompsonstudio.com

**ORDINANCE REQUIRES: 2248 sq. ft. YOUR APPLICATION HAS: 2606 sq. ft.**

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

1. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage, because: The proposed project has no impact on adjacent properties views or from the private drive or streets because the existing structure is very similar to the proposed structure that will exist after the projects completion. There is no impact on views by converting the carport to a garage & the small addition is more of an infill that will not impact views.

Since the property is surrounded by streets on 3 sides & all but one of the neighboring properties are across the street and located at a higher elevation no views are impacted. The adjacent neighbor has no view windows located on their side of the house where the proposed project is located.

2. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area, because: The proposed project is fixing functional problems with the current layout of the residence. To make a floor plan that is more functional a small increase in the floor area is needed. The lot is substantially smaller than what is now the code minimum lot area which restricts the allowable floor area and there is a private roadway easement that takes away lot area that would normally allow for more floor area.

3. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all Design Review criteria, because: The proposed project has a very minimal change to the current conditions. Converting the existing carport into a garage has little to no change to the mass, bulk and character of the parcel.

The small 127 sf addition is being built over an existing deck /roof structure with the majority of the new floor area being within the existing roof overhang and the addition uses the existing foundation, crib walls and floor framing. The 12 sf kitchen bay extension is within the existing roof overhang. Since the majority of the addition structure is already existing there is minimal change to the mass, bulk and character of the parcel.

4. That the additional square-footage will not substantially reduce the privacy otherwise available to residents of adjoining properties, because: The proposal to convert the existing carport into a garage will benefit the surrounding neighbors as vehicles and typical garage storage will now be concealed. The small 139 sf expansion of the residence will have no impact on the one adjacent property. Because the expansion meets all the setback requirements, is within existing structures and maintains the current function as the entry into the house there will be no change in functions. There is one new window in the addition located above eye level. The existing trees, fence & new proposed screening as well as the current layout of rooms and windows on the adjacent property, privacy will be enhanced.

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

5. That the proposed new construction would not create a new or expand on existing nonconformity on the property, because: The proposed project meets all required developments standards for setbacks, lot coverage and height. In fact the proposed project will fix an existing nonconforming front yard setback encroachment so the structure no longer encroaches into the front setback.

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

6. That the proposed new construction is not a continuation, expansion, or subsequent phase of a project for which one or more variances were granted, which project was completed within two years prior to the floor area exception application, because: The proposed construction is not a continuation, expansion or subsequent phase of a project. There are no existing variances in place for the property. The proposed project requires no variances and the proposed project will remove an existing non-conforming front yard setback condition so that it complies to current setback requirements
- 
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I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for approval of the exception as requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

Signature: 

Name: Shahron Tavakoli

Date: 7/19/22



2020-0040375

RECORDING REQUESTED BY:  
Stewart Title of California, Inc.

WHEN RECORDED MAIL TO:  
AND MAIL TAX STATEMENT TO:

Shahla Davoudi and Shahrou Tavakoli  
7 Golden Gate Avenue 165 Avenida Miraflores  
Belvedere Tiburon, CA 94920

ORDER NO.: 896181  
APN: 060-111-15

Property Addr: 7 Golden Gate Avenue, Belvedere  
Tiburon, CA 94920

Recorded		REC FEE	17.00
Official Records			
County of		SB2 HOUSING	75.00
Marin			
SHELLY SCOTT			
Assessor-Recorder			
County Clerk			
		AO	
01:25PM 01-Sep-2020		Page 1 of 2	

SPACE ABOVE THIS LINE FOR RECORDERS USE

**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$0.00 R&T 14925-11111 CITY TAX \$0.00

\*\*Correction of names "Correct vesting"

- Monument Preservation Fee is: \$0.00
- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.

Unincorporated area  City of Belvedere Tiburon

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Shahla Davoudi who acquired title as Shahla Davouda, an unmarried woman and Shahrou Tavakoli who acquired title as Elodie Tavakoli, an unmarried woman, as joint tenants

hereby GRANT(S) to Shahla Davoudi, an unmarried woman and Shahrou Tavakoli, an unmarried woman, as joint tenants

the following described real property in the City of Belvedere Tiburon, County of Marin, State of California:

Lot 4, in Block "L" as shown on "Map of North Point Subdivision Belvedere, Marin County, California, being a Resubdivision of Blocks "K & L" Map of Resubdivision of Part of the City of Belvedere, Marin County, California", in the City of Belvedere, County of Marin, State of California, recorded February 26, 1949 in Book 6 of Maps at Page 77 in the office of the Recorder, County of Marin, State of California, excepting that portion of said Lot No. 4 dedicated as part of Golden Gate Avenue as shown upon "Map of Resubdivision of Block G and portion of Blocks F, H and 11 of Map of Resubdivision of Part of the City of Belvedere, Marin County, California", recorded April 9, 1953 in Book 7 of Maps at Page 83, in the office of said recorder.

Date: August 28, 2020

\_\_\_\_\_  
Shahla Davoudi

\_\_\_\_\_  
Shahrou Tavakoli

MAIL TAX STATEMENT AS DIRECTED ABOVE



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Marin

On August 29, 2020 before me Dana Marbry <sup>(P)</sup>, Notary Public personally appeared Shahla Davoudi + Sharouf Kakoli, who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Dana Marbry*



(seal)

# Tiburon Fire Protection District



Occupancy: **DAVOUDA SHAHLA**  
Occupancy ID: **4206**  
Address: **7 GOLDEN GATE AVE**  
**BELVEDERE CA 94920**

Inspection Type: **PLAN REVIEW - PLANNING AND BUILDING**

Inspection Date: **8/22/2022** By: Lantier, Michael (127)

Time In: **10:19** Time Out: **10:52**

Authorized Date: **08/22/2022** By: Lantier, Michael (127)

Form: TFD Planning Design  
Review Conditions-  
Residential Project

## Inspection Description:

This review is based on the 2019 Edition of the California Fire Code and Ordinance #129 of the Tiburon Fire Protection District.

## Inspection Topics:

### Design Review Project Description

Scope of Project:

Compliance with Government Code 65943- Merits of the Project

**Status: OBSERVED**

**Notes: Garage; closet addition; siding, reroof, paint**

Outside Agency Tracking Number:

Provided by Town of Tiburon, City of Belvedere or County of Marin

**Status: OBSERVED**

**Notes: COB Planning #1428.**

### Substantial Remodel Conditions from Tiburon Fire District

Substantial Remodel Definition in TFPD Ordinance 129:

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in the computing floor areas for the purpose of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

**Status: ADVISED**

**Notes: For reference**

Existing square footage prior to remodel & Additional square footage added to the structure:

Existing habitable square footage assessed by County of Marin (shall be noted on Title page) & Additional square footage proposed to be added to habitable space:

**Status: OBSERVED**

**Notes: Assessor's records show 2,013 sq ft. existing.**

Total square footage of remodel and additions & Total percentage of remodel and additions to the structure:

Affected area plus new additions added together and divided by Existing square footage with a percentage now represented for the 36 Month Calculation.

**Status: OBSERVED**

**Notes: Red hatched areas show a total of 2,493.56 sq ft. affected by this remodel. This is over 100% with addition, so it is a Substantial Remodel.**

## Residential Conditions from Tiburon Fire District

### Automatic Residential Fire Sprinkler System Is Required per NFPA 13D:

An automatic residential fire sprinkler system is required to be installed in all new residences including garages conforming to NFPA Std. 13D and CFC Section 903 as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the Marin Municipal Water District at (415) 945-1530. An upgrade for the domestic water meter may be needed. Additional sizing may be required due to available pressures and fire flow.

**Status:** REQUIRED FOR THIS PROJECT

**Notes:** An automatic residential fire sprinkler system shall be installed throughout existing one- and two-family dwellings when the floor area of an addition exceeds 50% of the existing floor area. Submit digital plans and cut sheets to [plansubmittal@tiburonfire.org](mailto:plansubmittal@tiburonfire.org) as a deferred submittal.

### Smoke and Carbon Monoxide Alarms.

Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. This is a requirement under CFC 907.2.10, but is the jurisdiction of the Building Division for inspection.

**Status:** CONDITION OF APPROVAL

**Notes:** Subject to Belvedere Building Division jurisdiction.

### Knox Key Access Required.

'Knox' brand key box or gate switch shall be installed at the premises conforming to TFPD Policy 712. Order at [www.knoxbox.com](http://www.knoxbox.com) and select the product listed below. Be sure to enter "Tiburon Fire Protection District" when you are prompted to buy your product.

**Status:** CONDITION OF APPROVAL

**Notes:** If new front gate is locked, then a Knox Box is required for Emergency access.

### Vegetation Management Plan - Non-WUI-HFSZ

A Vegetation Management Plan (VMP) conforming to the policies of the Tiburon Fire District shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to Tiburon Fire Protection Policy 433.5. The plan shall be incorporated into the landscape plan for the project and submitted to the Fire Marshal for review prior to implementation. The plan shall be implemented prior to building final. NO Fire Dept. Sign-off will be given until the plan is place and inspected.

**Status:** REQUIRED FOR THIS PROJECT

**Notes:** VMP for entire parcel shall be submitted to [plansubmittal@tiburonfire.org](mailto:plansubmittal@tiburonfire.org) for compliance to Ordinance #129, TFD Policy #420, and Fire Safe Marin Guidelines.

## Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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**Notes:** No Additional time recorded

**Total Additional Time: 0 minutes**

**Inspection Time: 33 minutes**

**Total Time: 33 minutes**

## Summary:

**Overall Result:** PLAN REVIEW COMPLETE

**Inspector Notes:** Substantial remodel- AFS plans and VMP shall be deferred submittals to TFD directly via [plansubmittal@tiburonfire.org](mailto:plansubmittal@tiburonfire.org)

## Closing Notes:

For the most comprehensive information, please visit: [www.tiburonfire.org/tiburon-fire-standards/](http://www.tiburonfire.org/tiburon-fire-standards/)

We appreciate your commitment to fire and life safety

**From:** [Abigail Beyer](#)  
**To:** [Irene Borba - Planning Director](#); [Samie Malakiman - Associate Planner](#)  
**Cc:** [Justin Norden](#)  
**Subject:** 7 Golden Gate Ave - proposed project  
**Date:** Tuesday, October 25, 2022 3:45:41 PM

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Hello,

My partner Justin and I reside at 5 Golden Gate Avenue. We are reaching out in regards to the proposed project next door, which we understand will be reviewed by the planning commission at the upcoming November 15th meeting.

Given ongoing drainage issues on the road for years, we ask that the committee please consider drainage requirements and review the proposed plan with the view that the driveway needs to be repaired. In addition, we want to make sure water doesn't flow into 5 or 1 Golden Gate's property as a result of the planned garage and driveway improvements.

In case more background info is helpful... we did reach out to the architect and inquired about detailed drainage plans; however, the architect said the proposed project is not changing any of the existing drainage conditions related to the drive, which was a surprise to us. From what we understand, two different contractors have looked at repairing the driveway and both said the same thing - they will not touch the job unless #7 puts drainage in front of their carport/garage. Otherwise, the water will flow right into it once the driveway is repaired. If instead of proper drainage they just put a ridge, it will divert the water to #5 and #1 and overwhelm those drainage systems, as well as continue to destroy the road.

Thank you for considering this request. Please let us know if you have any questions regarding the drive and its history of drainage issues.

Abby & Justin



**From:** [Elena Shaftan](#)  
**To:** [Samie Malakiman - Associate Planner](#)  
**Subject:** 7GG  
**Date:** Sunday, October 23, 2022 1:23:02 PM

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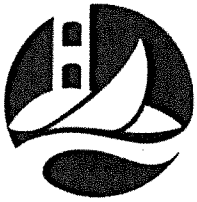
Rebecca hi,  
Hope you have been well.  
I hear #7 is planning another construction project. I guess it's only fair.

We had a look at the plans and have only one issue - is that of drainage. When we inquired about repaving the driveway (twice) neither contractor would touch that project unless there is a proper drainage at #7 because otherwise they will be flooded. It didn't look that the current plans were addressing it and taking care of their share of the water on the driveway.

We much rather leave it with you to address with Shahla rather than dealing with her directly. Hope it's ok.  
Warmly,  
Elena

Sent from my iPhone





**CITY OF BELVEDERE PLANNING COMMISSION  
STAFF REPORT**

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**REPORT DATE:** November 9, 2022

**AGENDA ITEM: 6**

**MEETING DATE:** November 15, 2022

**TO:** City of Belvedere Planning Commission

**FROM:** Irene Borba, Director of Planning and Building  
Ann Danforth, Assistant City Attorney

**SUBJECT:** Public Hearing to Consider Proposed Ordinance of the City of Belvedere to Amend Sections 18.08.040 (L) (Former) 19.04.020, and Add Sections 18.04.040(L)(New), 19.04.035, 10.08.527, Chapter 18.27 and Chapter 19.77 to the City of Belvedere Municipal Code, all to comply with Senate Bill 9

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**RECOMMENDATION**

Staff recommends after review of all information, presentations, and public testimony that the Planning Commission adopt a Resolution recommending that City Council amend Sections 18.08.040 (L) (Former) 19.04.020, and Add Sections 18.04.040(L)(New), 19.04.035, 10.08.527, Chapter 18.27 and Chapter 19.77 to the City of Belvedere Municipal Code, all to comply with Senate Bill 9.

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

**MOTION 1** Adopt a Resolution recommending to City Council to Amend Sections 18.08.040 (L) (Former) 19.04.020, and Add Sections 18.04.040(L)(New), 19.04.035, 10.08.527, Chapter 18.27 and Chapter 19.77 to the City of Belvedere Municipal Code, all to comply with Senate Bill 9

**BACKGROUND INFORMATION**

On September 16, 2021, California Governor Gavin Newsom signed SB 9 into law to establish California Government Code Sections 65852.21 and 66411.7, which essentially ends single family residential zoning in the State of California. The most significant component of this bill is that it requires *ministerial* approval of a one-time, two-lot subdivision and up to two (2) units per lot. The proposed subdivision or development project must be considered ministerially, without discretionary review or hearing, if the proposal meets certain requirements. Local agencies can apply additional objective zoning, subdivision, and design review standards if those standards would not physically preclude construction of two primary residential units of at least 800 square feet on each lot. The bill does allow local ordinances to authorize, up to four units on one existing single-family lot that has not been subdivided (two primary units and two ADUs) and/or units of more than 800 feet using the SB 9 process.



Staff prepared an interim Urgency Ordinance to implement regulations for SB 9 projects city wide. The City Council adopted the Urgency Ordinance (Ordinance 2022-01) on January 10, 2022, establishing standards and regulations for development and subdivisions for such projects under SB9. An Urgency Ordinance has an initial term of 45-days. On February 14, 2022, the City Council adopted an extension of the Urgency Ordinance (Ordinance 2022-02) which extended the term of the Urgency Ordinance for one-year from the adoption date of Ordinance 2022-01.

Council staff report and attachments of January 10, 2022 can be found here at the following link: <https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/01102022-616?html=true>

Council staff report and attachments of February 14, 2022 can be found her at the following link: <https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/02142022-625?html=true>

### **DISCUSSION/ANALYSIS**

SB 9 was signed by Governor Newsom on September 16, 2021 and became effective on January 1, 2022. The full text of SB 9 can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB9](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9) . Attached is a summary of SB 9 from the law firm of Goldfarb & Lipman as well as some frequently asked questions provided by the Association of Bay Area Governments (ABAG).

This bill requires a proposed urban lot split or housing development containing no more than two primary residential units on a lot within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. Requirements include, among others:

- That the urban lot split or proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- That the urban lot split or proposed housing development would not require demolition or alteration of housing that has been occupied by a tenant in the last three years;
- That the urban lot split or proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls (unless a local ordinance so allows, or the site has not been occupied by a tenant in the last three years); and
- That the urban lot split or proposed development is not located within a historic district, it is not included on the state historic resources inventory or is not within a site that is designated or listed as a City landmark or historic property or district.

SB 9 allows a local agency to impose objective zoning, design, and subdivision standards unless those standards would have the effect the physically precluding the construction of two primary residential units on either of the resulting parcels or physically precluding either of the two units from being at least 800 square feet in floor area.

The bill also requires that any units developed under these regulations be rented for more than 30 consecutive days and applicants for urban lot splits must sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

## Proposed Ordinance Amendments

If approved, proposed amendments to the Belvedere Municipal Code, Titles 18 & 19, would formally implement the state law citywide.

Similar to recent legislation concerning accessory dwelling units (ADU's), SB 9 contains directive language regarding certain aspects of urban lot splits and two-unit developments and allows local agencies to adopt objective standards to regulate the other aspects as long as those standards do not conflict with new Government Code Sections 65852.21 and 66422.7. The following highlights some of the more notable objective standards applicable to Urban Lot Splits and SB 9 dwelling units.

- Lot splits and new SB 9 dwelling units are allowed in all single-family zoning districts; including R-15, R1-L, R1-W, and R1-C, but not in multifamily districts.
- Lot splits can create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40% of the lot area of the original parcel proposed for subdivision.
- In no instance shall any resulting lot be smaller than 1200 square feet in area.
- Lot splits and new SB 9 dwellings are not permitted on sites located within historic districts or historic resources designated by ordinance.
- Lot splits and new SB 9 dwellings are not permitted on sites located within a high sensitivity area for prehistoric resources, which are designated as historic properties.
- No alteration of existing housing is allowed if it has been occupied by tenants for the last three years.
- New dwelling units are limited to 800 square feet of floor area and 16 feet in height if they do not meet all the development standards in the underlying zoning.
- A parking space is required for each SB 9 unit unless it is located within 1/2-mile walking distance of a "high quality transit corridor" or a major transit stop.
- Coverage and floor area limitations would continue to apply except as necessary to permit 800 sq. ft. SB 9 units and to provide the required minimum emergency access and vehicle parking.
- Property owner shall record a deed restriction specifying that no dwelling unit shall be occupied as a short-term rental unit and no further subdivision of the parcel under SB 9 is permitted (if an urban lot split has been approved).
- New detached units shall be of the same architectural style, detail, color and building material as the primary dwelling unit.
- Per SB 9 and the proposed ordinance amendments, the City's Building Official may deny a two-unit project or urban lot split by making written findings, based on a preponderance of evidence, that the project would have a specific adverse impact on public health and safety or the physical environment, and that there is no feasible method to mitigate or avoid such impact. A "specific adverse impact" must be significant, quantifiable, and direct, based on an objective written public health or safety standard that existed at the time the project application was deemed complete. Inconsistency with the city's general plan or zoning ordinance does not constitute a specific adverse impact.

## *Changes from Urgency Ordinance*

The ordinance as prepared is essentially the same as that adopted by the City Council as part of the Urgency Ordinance earlier this year. However, with the following exceptions:

- Minor clean-up of ordinance language and or language for consistency with the model SB9 Ordinance.  
For example: Section 18.27.040 B & 19.77.040 (B) – changed “The parcel being subdivided is not being located on a site that is any of the following:” is replaced with “The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subsection (a) of Section 65913.4.”

The draft ordinance as prepared also provides an opportunity for discussion and staff looks for direction from the Commission/Council on the following items:

1. **Refer to Exhibit B:** Section 19.77.040 (J) which states: “Two primary dwelling units *only* may be located on any lot created through an Urban Lot Split that utilized the Two- Unit Development provision, accessory dwelling units and junior accessory dwelling units *are not* permitted on these lots.”

Local agencies are *not* required to allow ADU’s or JADU’s on parcel’s that utilize both the Urban Lot Split and the Two-Unit Development provisions. If jurisdictions desire to adopt this provision, they should adopt the following:

“Two primary dwelling units only may be located on any lot created through an Urban Lot Split that utilized the Two-Unit Development provision. Accessory dwelling units and junior accessory dwelling units are not permitted on these lots.”

However, jurisdictions do have the *option* of allowing additional units, likely ADU’s and JADU’s, on these lots. Jurisdictions *can* consider this for large lots, or in exchange for the applicant’s agreement to record a covenant restricting sale or rental of the ADU/JADU to moderate or lower-income households.

Where a lot was not created through an Urban lot Split, there is not limitation on the construction of ADU’s/JADU’s except that provide under the ADU laws.

Staff suggests that the Commission and ultimately the Council should consider and provide staff direction to allow ADU’s/JADU’s when a property utilizes both the Urban Lot Split and the Two-Unit Development provisions. Staff recommends that the additional units would be beneficial as additional units and would count towards our RHNA allocation as new units and it would be an added benefit if some of those units could be restricted through the recorded covenant for moderate or lower-income households if rented or sold.

2. **Refer to Exhibit B:** Objective Design Standards for Two-Unit Developments. Section 19.77.050 (B) states: “The maximum floor area of a unit in a Two-Unit Development shall be 800 square feet if the unit does not meet all development standards contained in the underlying zoning district.”

The Commission/Council may want to consider and provide direction to staff to allow larger unit sizes in return for larger setbacks or other design compromises. Allowing for larger unit sizes may provide an added interest for property owners to do a Two-Unit Development as well as provide greater setbacks for structures.

## **ENVIRONMENTAL DETERMINATION**

This Ordinance is not a project under the California Environmental Quality Act (CEQA) as provided by Gov. Code §§ 65852.21(j) and 66411.7. Therefore, no further review under CEQA is required.

## **CORRESPONDENCE**

Staff has sent a copy of the public hearing notice for this item to every address in Belvedere and published a notice in The ARK newspaper. As of the writing of this report, no correspondence has been received regarding the project.

## **CONCLUSION**

Staff recommends that the Planning Commission conduct the public hearing and vote to recommend City Council approval of the proposed Ordinance. As part of the discussion and consideration staff recommends that the Commission provide direction on the points noted above for final consideration by the council.

## **RECOMMENDATION**

**MOTION 1:** Adopt a Resolution recommending to City Council to Amend Sections 18.08.040 (L) (Former) 19.04.020, and Add Sections 18.04.040(L)(New), 19.04.035, 10.08.527, Chapter 18.27 and Chapter 19.77 to the City of Belvedere Municipal Code, all to comply with Senate Bill 9

## **ATTACHMENTS**

- Attachment 1: Proposed Ordinance Amendment
- Attachment 2: Summary of SB 9 from the law firm of Goldfarb & Lipman
- Attachment 3: Frequently asked questions provided by the Association of Bay Area Governments (ABAG) pertaining to SB 9.
- Attachment 4: Correspondence

**CITY OF BELVEDERE  
RESOLUTION NO. 2022-**

**A RESOLUTION OF THE PLANNING COMMISISON  
OF THE CITY OF BELVEDERE RECOMMENDING  
CITY COUNCIL TO AMEND SECTIONS  
18.04.040(L)(FORMER), 19.04.020, AND ADD  
SECTIONS 18.04.040(L)(NEW), 18.04.035, 19.08.527,  
CHAPTER 18.27 AND CHAPTER 19.77 TO THE CITY  
OF BELVEDERE MUNICIPAL CODE, ALL TO  
COMPLY WITH SENATE BILL 9**

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**WHEREAS**, the State of California has declared a severe housing crisis exists in the state with the demand for housing exceeding the supply; and

**WHEREAS**, on September 16, 2021, Senate Bill 9 (Chapter 162, Statutes of 2021) was approved by the Governor of the State of California and filed with the Secretary of State, amending Section 66452.6 of the California Government Code and adding to the Government Code Sections 65852.21 and 66411.7, allowing additional housing units on properties within single-family zones and providing for parcel map approval of an Urban Lot Split; and

**WHEREAS**, the changes made to the Government Code by Senate Bill 9 went into effect on January 1, 2022; and

**WHEREAS**, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 9; and

**WHEREAS**, the City of Belvedere (the “City”) has implemented land use policies based on the City’s General Plan, which provide an overall vision for the community and balance important community needs, and the City seeks to ensure that Senate Bill 9 projects are consistent with those policies; and

**WHEREAS**, to ensure that the City could process Senate Bill 9 projects in a manner consistent with both its General Plan and state law without interruption, the City Council adopted Urgency Ordinance 2022-01 pursuant to Section 65858 on January 10, 2022, establishing standards and regulations for development and subdivisions for such projects; and

**WHEREAS**, as required by Section 65858(a), Urgency Ordinance 2022-01 had an initial term of 45 days; and

**WHEREAS**, on February 24, 2022, the City Council adopted Urgency Ordinance 2022-02, which extended the terms of Urgency Ordinance 2022-01 for one year from the adoption date of Ordinance 2022-01; and

**WHEREAS**, City staff has proposed permanent amendments to the City of Belvedere Municipal Code to implement requirements of state law and add local policies that are consistent with the state law and implement the City’s General Plan; and

***ATTACHMENT 1***

Resolution 2021 -  
SB9 Ordinance  
November 15, 2022

**WHEREAS**, the proposed code amendments are intended to implement Senate Bill 9 and are not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code, as provided in Government Code Sections 65852.21(j) and 66511.7(n).

**WHEREAS**, on October 26, 2022, notice of the Belvedere Planning Commission public hearing on the proposed ordinance amendments related to SB 9 was posted at City Hall, and was posted to the City's website; and

**WHEREAS**, on October 26, 2022, notice of the Belvedere Planning Commission public hearing was published in The Ark in compliance with California Government Code Section 65090; and

**WHEREAS**, on October 26, 2022, a city wide notice of the Belvedere Planning Commission public hearing was mailed to property owners, and

**WHEREAS**, on November 15, 2022, the Belvedere Planning Commission conducted a public hearing on the draft ordinance, and considered all oral and written comments submitted to the Commission before voting to adopt a resolution recommending that the City Council to adopt the ordinance by a vote of \_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED** that

1. The above recitals are true and correct and incorporated as findings herein.
2. The Planning Commission of the City of Belvedere does hereby recommend that the City Council adopt the proposed ordinance amendments as set forth in **Attachment 1. SB 9 Ordinance including Exhibits A & B** attached hereto:

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on November 15, 2022, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**  
**RECUSED:**

**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Irene Borba, Director of Planning & Building

CITY OF BELVEDERE  
ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BELVEDERE TO AMEND SECTIONS  
18.04.040(L)(FORMER), 19.04.020, AND ADD  
SECTIONS 18.04.040(L)(NEW), 18.04.035, 19.08.527,  
CHAPTER 18.27 AND CHAPTER 19.77 TO THE CITY  
OF BELVEDERE MUNICIPAL CODE, ALL TO  
COMPLY WITH SENATE BILL 9

**WHEREAS**, the State of California has declared a severe housing crisis exists in the state with the demand for housing exceeding the supply; and

**WHEREAS**, on September 16, 2021, Senate Bill 9 (Chapter 162, Statutes of 2021) was approved by the Governor of the State of California and filed with the Secretary of State, amending Section 66452.6 of the California Government Code and adding to the Government Code Sections 65852.21 and 66411.7, allowing additional housing units on properties within single-family zones and providing for parcel map approval of an Urban Lot Split; and

**WHEREAS**, the changes made to the Government Code by Senate Bill 9 went into effect on January 1, 2022; and

**WHEREAS**, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 9; and

**WHEREAS**, the City of Belvedere (the “City”) has implemented land use policies based on the City’s General Plan, which provide an overall vision for the community and balance important community needs, and the City seeks to ensure that Senate Bill 9 projects are consistent with those policies; and

**WHEREAS**, to ensure that the City could process Senate Bill 9 projects in a manner consistent with both its General Plan and state law without interruption, the City Council adopted Urgency Ordinance 2022-01 pursuant to Section 65858 on January 10, 2022, establishing standards and regulations for development and subdivisions for such projects; and

**WHEREAS**, as required by Section 65858(a), Urgency Ordinance 2022-01 had an initial term of 45 days; and

**WHEREAS**, on February 24, 2022, the City Council adopted Urgency Ordinance 2022-02, which extended the terms of Urgency Ordinance 2022-01 for one year from the adoption date of Ordinance 2022-01; and

**WHEREAS**, City staff has proposed permanent amendments to the City of Belvedere Municipal Code to implement requirements of state law and add local policies that are consistent with the state law and implement the City's General Plan; and

**WHEREAS**, the proposed amendments to the City of Belvedere Municipal Code implement requirements of state law and add local policies that are consistent with the state law and implement the City's General Plan; and

**WHEREAS**, the City Council has found that the provisions of this ordinance are consistent with the goals and policies of the City's General Plan; and

**WHEREAS**, the proposed code amendments are intended to implement Senate Bill 9 and are not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code, as provided in Government Code Sections 65852.21(j) and 66511.7(n).

**WHEREAS**, on October 26, 2022, notice of the Belvedere Planning Commission public hearing on the proposed ordinance amendments related to SB 9 was posted at City Hall, and was posted to the City's website; and

**WHEREAS**, on October 26, 2022, notice of the Belvedere Planning Commission public hearing was published in the Ark in compliance with California Government Code Section 65090 and a citywide notice mailing was mailed to property owners; and

**WHEREAS**, on November 15, 2022, the Belvedere Planning Commission conducted a public hearing on the draft ordinance, introduced said ordinance, considered all oral and written comments submitted to the Commission before voting to adopt a resolution recommending that the City Council adopt the ordinance by a vote of [REDACTED]; and

**WHEREAS**, on [REDACTED] 2022, notice of the Belvedere City Council public hearing on the proposed ordinance amendments related to SB 9 was posted at [REDACTED], and was posted to the City's website; and

**WHEREAS**, on [REDACTED], 2022, notice of the City Council public hearing was published in the [REDACTED] in compliance with California Government Code Section 65090; and

**WHEREAS**, on [REDACTED], 2022, the City Council of the City of Belvedere conducted a public hearing on the draft ordinance, introduced said ordinance, considered all oral and written comments submitted to the City before voting to pass first reading of the ordinance by a vote of [REDACTED]; and



**WHEREAS**, on MONTH \_\_, 2022, the City Council held a duly noticed public hearing and adopted the draft ordinance to by a vote of \_\_\_\_\_.

**NOW, THEREFORE**, the City Council of the City of Belvedere does ordain as follows:

**Section 1.** **Recitals.** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2.** The City of Belvedere Municipal Code Title 18, Chapter 18.04, Section 18.04.04 is hereby amended to renumber the existing subsection (L) as subsection (M), as follows:

M. “Vesting tentative map” refers to map which meets the requirements of Section 18.20.130 of this Title.

**Section 3.** The City of Belvedere Municipal Code Title 18, Chapter 18.04, Section 18.04.04 subsection (L) is added to read as follows:

L. “Urban Lot Split” means a subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in this chapter.

**Section 4.** The City of Belvedere Municipal Code Title 18, Chapter 18.04, Section 18.04.035 is added to read as follows:

**18.04.035 - Urban Lot Splits**

Urban Lot Splits, as defined by Section 18.04.040, will be reviewed and approved under Chapter 18.27. In the event of a conflict between Chapter 18.27 and any other provisions of Title 18, Chapter 18.27 shall prevail.

**Section 5.** The City of Belvedere Municipal Code Title 19, Chapter 19.04, Section 19.04.020 is amended to be titled “Scope of Chapter Requirements; Limitations” and read as follows:

A. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. It is not intended by this Title to impair, interfere with, abrogate, repeal or annul existing provisions of other laws or ordinances, except those contrary to or inconsistent with this Title. Nor is it intended by

this Title to impair, interfere with or abrogate or annul existing private restrictions placed upon property by or with restrictive covenants running with the land; except, that where this Title imposes a greater restriction upon the use of any premises or land than is imposed or required by existing provisions of contracts, covenants or other private agreements, the provisions of this Title shall control. Any amendment to this Title shall not invalidate variances, use permits, building permits or other permits validly issued prior to, and existing on, the effective date of such amendment.

- B. Two-Unit Developments, as defined by Section 19.08.527, will be reviewed and approved under Chapter 19.77. In the event of a conflict between Chapter 19.77 and any other provisions of Title 19, Chapter 19.77 shall prevail.

**Section 6.** The City of Belvedere Municipal Code Title 19, Chapter 19.08 is hereby amended to add Section 19.08.527 titled “Two-Unit Development” to read as follows:

“Two-Unit Development” means a development that proposes no more than two new units or proposes to add one new unit to one existing unit and that meets all the applicable criteria and standards set forth in Section 65589.5 of the California Government Code and 19.77 of the Belvedere Municipal Code.

**Section 7.** A new Chapter 18.27 “Urban Lot Splits” is hereby added to the Belvedere Municipal Code to read as set forth in Exhibit A to this Ordinance, which is hereby incorporated as though set forth in full herein.

**Section 8.** A new Chapter 19.77 “Two-Unit Developments” is hereby added to the Belvedere Municipal Code to read as set forth in Exhibit B to this Ordinance, which is hereby incorporated as though set forth in full herein.

**Section 9. Repeal of Prior Enactments.** Urgency Ordinances 2022-01 and 2022-02 are hereby repealed.

**Section 10. Exemption from Environmental Review.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) because the code amendments are to implement Senate Bill 9 adding Government Code Sections 65852.21 and 66411.7, which provide that an ordinance implementing the provisions of these statutes is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

**Section 11.** Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Sections 65852.21 et seq. and 66411.7 et seq.

**Section 12. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, it's for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this ordinance are declared to be severable.

**INTRODUCED AND ADOPTED AT A PUBLIC HEARING** at a regular meeting of the Belvedere City Council on **MONTH \_\_, 2022**, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**RECUSED:**

**APPROVED:** \_\_\_\_\_, Mayor

**ATTEST:** \_\_\_\_\_  
, City Clerk

## EXHIBIT A

Chapter 18.27, "Urban Lot Splits," is hereby added to the Belvedere Municipal Code to read in its entirety as follows:

### 18.27.010 Purpose & Intent.

- A. The purpose of this Chapter is to establish objective zoning standards and regulations to govern the development of qualified Senate Bill 9 (SB 9) subdivisions and development projects in residential zoned properties within the City of Belvedere. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill projects while ensuring that the new units are consistent with the City's character and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under as reflected in Government Code Section 65852.21 and 66411.7.
- B. The provisions of this Chapter shall be the primary regulations for the subdivisions of land for and development of SB 9 dwelling units. To the extent that an aspect of the subdivision of land for or development of SB9 dwelling units is not addressed by the Chapter, other provisions of the Municipal Code shall apply. In the event of a conflict between this Chapter and another provision of the Municipal Code, as it applies to the subdivision of land for or development of SB 9 units, this Chapter shall prevail.

18.27.020 Definitions. For purposes of this Chapter and Chapter 19.77, the following definitions apply:

- A. A person "acting in concert with the owner," as used in Section 18.27.040(I), means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- B. "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

- C. “Car share vehicle” means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.
- D. “Common ownership or control” means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor if the entity owns ten (10) percent or more of the interest in the property.
- E. “Very low income household” has the meaning set forth in Health and Safety Code Section 50105.
- F. “Lower income household” has the meaning set forth in Health and Safety Code Section 50079.5.
- G. “Moderate income household” has the meaning set forth in Health and Safety Code Section 50093.
- H. “Sufficient for separate conveyance,” as used in Sections 18.27.040(L) and 19.77.040, means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

18.27.30 Permit Application and Procedures – Urban Lot Splits.

- A. Application and Review Authority. An application for an Urban Lot Split shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director of Planning and Building, containing such information as reasonably requested by the Director of Planning and Building, and accompanied by the appropriate fee.
- B. Ministerial Review. For applications that satisfy the criteria in Government Code Section 66411.7 and the requirements of this Chapter, the Director of Planning and Building or designee shall approve a parcel map as a ministerial permit, without discretionary review, public hearing, or Design Review. The decision shall be final and shall state in writing the reasons for approval or denial.
- C. Review Timing. The City shall act upon an application for an Urban Lot Split within the time limits provided by the Subdivision Map Act.

18.27.040 Qualifying Criteria for Urban Lot Splits. Applications for Urban Lot Splits must meet the following requirements. No exceptions to the standards in this section

shall be granted except as expressly provided in subsection J as to the requirements in that subsection.

- A. The parcel is located within one of the following single-family residential zones (R-1L, R-1C, R1-W, R- 15).
- B. The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.
  - 1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
  - 2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
  - 3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Belvedere, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
  - 4. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
  - 5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2

(commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

6. Within a special flood hazard area subject to inundation by the one (1) percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site. The development may be located on a site described in this subparagraph if either of the following is met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site.
8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with

Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

10. Lands under conservation easement.
  - C. Both resulting parcels are no smaller than 1,200 square feet.
  - D. Neither resulting parcel shall be smaller than forty (40) percent of the lot area of the parcel proposed for the subdivision
  - E. The proposed lot split would not require demolition or alteration of any of the following types of housing:
    1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
    2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
    4. Housing that has been occupied by a tenant in the last three years.
  - F. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a City landmark or historic property or historic district pursuant to a City ordinance.
  - G. The parcel is not located within a High Sensitivity area as shown on the General Plan Prehistoric Sensitivity Maps found in the Technical Appendix of the General Plan, which parcels are City of Belvedere historic properties.
  - H. The parcel being subdivided was not created by an Urban Lot Split as provided in this section.



- I. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.
- J. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
  - 1. The application of such standards shall be modified by the Director of Planning and Building if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
  - 2. Notwithstanding subsection (J)(1) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- K. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.
  - 1. Straight lines unless there is a conflict with existing improvements or the natural environment;
  - 2. Generally parallel to the street when facing a street OR be at right angles perpendicular to the street on the straight streets, or radial to the street on curved streets;
  - 3. Within appropriate physical locations (e.g., does not bisect buildings);
  - 4. Contiguous with existing zoning boundaries;
  - 5. Lot lines shall not result in an accessory building or accessory use on a lot without a main building on the same lot.
- L. Proposed adjacent or connected dwelling units shall be permitted if they meet building and safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

- M. No more than two (2) units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a Two-Unit Development.
- N. Parking. One parking space shall be required per unit constructed on a parcel created through an Urban Lot Split, except that no parking may be required where:
  1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
  2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- O. Compliance with Subdivision Map Act. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.
- P. The correction of nonconforming zoning conditions may not be required as a condition of approval.
- Q. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than thirty (30) days.
- R. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).
- S. Urban Lot Splits shall be subject to all impact and other development fees imposed on the approval of a parcel map.
- T. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed

complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

- U. Enforcement. The City Attorney shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

Section 18.27.050     Additional Required Documentation

- A. Owner-Occupancy Affidavit. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.
- B. Additional Affidavit. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 18.27.040(E) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
- C. Recorded Covenant. Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the City, which shall run with the land and provide for the following:
  - 1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;
  - 2. A limitation restricting the property to residential uses only; and
  - 3. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days.

The City Manager or that person's designee is authorized to enter into the covenant and agreement on behalf of the City and to deliver any approvals or consents required by the covenant.

## EXHIBIT B

Chapter 19.77, “Two-Unit Developments,” is hereby added to the Belvedere Municipal Code to read in its entirety as follows:

19.77.010 Purpose. The purpose of this Chapter is to provide objective zoning standards for Two-Unit Developments within single-family residential zones, to implement the provisions of state law as reflected in Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the City of Belvedere’s General Plan, and to ensure sound standards of public health and safety.

19.77.020 Definitions. For purposes of this Chapter, the definitions contained in Section 18.27.020 shall apply.

### 19.77.30 Permit Application and Procedures – Two-Unit Development

- A. Application and Review Authority. An application for a Two-Unit Development shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director of Planning and Building, containing such information as reasonably requested by the Director of Planning and Building, and accompanied by the appropriate fee.
- B. Ministerial Review. The Planning Director or that person’s designee shall ministerially review without a hearing an application for an application for a Two-Unit Development, and shall approve the application if all the criteria in Government Code Section 65852.21 and this section are satisfied.
- C. Review Timing. The City shall act upon an application for a Two-Unit Development within the time limits provided by the Permit Streamlining Act.

19.77.040 Qualifying Criteria for Two-Unit Developments. Applications for Two-Unit Developments must meet all the following requirements. No exceptions to the standards in this section shall be requested or granted.

- A. The parcel is in a single-family residential zone (R-1L, R1-W, R1-C, R-15).
- B. The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
4. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
6. Within a special flood hazard area subject to inundation by the one (1) percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph, the City shall not deny the application on the basis that the development proponent

did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site.

A development may be located on a site described in this subparagraph if either of the following are met:

(1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or

(2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site.
8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
10. Lands under conservation easement.

- C. Notwithstanding any provision of this section or any local law, the proposed Two-Unit Development would not require the demolition or alteration of any of the following types of housing:
1. Housing that is subject to recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.
  2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  3. Housing that has been occupied by a tenant in the last three years.
- D. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.
- E. The proposed Two-Unit Development does not include the demolition of more than twenty-five (25) percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
- F. The proposed Two-Unit Development is not located within a historic district or property on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a City landmark or historic property or historic district pursuant to a City ordinance.
- G. The parcel is not located within a High Sensitivity area as shown on the General Plan Prehistoric Sensitivity Maps found in the Technical Appendix of the General Plan, which parcels are City of Belvedere historic properties.
- H. The proposed Two-Unit Development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
1. The application of such standards shall be modified by the Director of Planning and Building if the standards would have the effect of physically precluding the construction of two units on to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.



2. Notwithstanding subsection (H)(1) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- I. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed to allow separate conveyance. The proposed Two-Unit Development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
  - J. Two primary dwelling units only may be located on any lot created through an Urban Lot Split that utilized the Two-Unit Development provision. Accessory dwelling units and junior accessory dwelling units are not permitted on these lots.
  - K. One of the units in a Two-Unit Development shall be the principal place of residence of the property owner and the other unit may be leased or rented to a separate household.
  - L. Dwelling units created by a Two-Unit Development may be used for residential uses only and may not be used for rentals of less than thirty (30) days.
  - M. Parking. One parking space shall be required per unit constructed via the procedures set forth in this section, except that the City shall not require any parking where:
    1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
    2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
  - N. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).
  - O. All units constructed as part of a Two-Unit Development shall be subject to all impact and other development fees imposed on the development of a new dwelling unit.
  - P. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Two-Unit Development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and

unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

- Q. Enforcement. The City Attorney shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

19.77.050 Objective Design Standards for Two-Unit Developments. The following objective standards apply to Two-Unit Developments:

- A. The following development is permitted on the parcel:
1. Two primary dwelling units, either a duplex or two single-family homes.
  2. If the parcel was not created using an Urban Lot Split, then additionally:
    - a. If a duplex is constructed, then two detached ADUs or one ADU created from existing non-livable space.
    - b. If one or two single-family homes are constructed, one ADU and one JADU.
- B. The maximum floor area of a unit in a Two-Unit Development shall be 800 square feet if the unit does not meet all development standards contained in the underlying zoning district.
- C. The maximum height shall be 16' from existing grade as defined by the Belvedere Municipal Code if the unit does not meet all development standards contained in the underlying zoning district.
- D. A solid (no-openings) one-hour fire rated wall is required between adjacent or connected units constructed as part of a Two-Unit Development.
- E. Driveway access shall be compliant with Tiburon Fire Protection District Standards.
- F. All newly created dwelling units shall be connected to a public sewer or provide a private wastewater system that is fully contained within the parcel's boundaries.

- G. Newly constructed units shall be of the same architectural style, detail, color and building material as the primary dwelling unit.
- H. Any new window that faces an adjoining residential property shall be either made of opaque glass and/or have a sill height above eye level. Any new doors that face an adjoining residential property shall either not include windows, or all windows must be of opaque glass.
- I. All exterior lighting shall be shielded and directed downward.
- J. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses and no lights shall be installed inside the wells of the skylights.
- K. Fencing shall be consistent with the fencing requirements of section 19.48.190 of the Zoning Ordinance.
- L. Landscaping materials shall include following:
  1. Shrubs, of at least one-gallon size, and limited to a maximum height of 8' on the sides and rear of the property.
  2. Trees, of at least 15-gallon size and that grow to a maximum height of 12'.
  3. Ground cover instead of grass/turf; and
  4. Decorative nonliving landscaping materials including, but not limited to sand, stone, gravel, wood or water may be used to satisfy a maximum of twenty-five (25) percent of the parcel.

Section 19.77.060     Additional Required Documentation.

- M. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a Two-Unit Development shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 19.77.040(C) and (D) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished).
- N. Recorded Covenant. Prior to the issuance of a building permit, the applicant shall record a restrictive covenant and agreement in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition on non-residential use of any units developed or constructed through the Two-Unit Development, including a prohibition against renting or leasing the units for fewer than thirty (30) consecutive calendar days; and
2. A requirement that one of the units on the site be the principal residence of the owner.

The City Manager or designee is authorized to enter into the covenant and agreement on behalf of the City and to deliver any approvals or consents required by the covenant.

## SB 9 Mandates Ministerial Approval of Urban Lot Splits and Two-Unit Developments

Senate Bill 9, which adds sections 65851.21 and 66411.7 to the California Government Code, goes into effect January 1, 2022. This law requires public agencies to grant ministerial, or by-right, approval of urban lot splits and two-unit developments that meet certain criteria. The intent of the legislation is to increase density in single-family neighborhoods, allowing additional units to be built on a lot that is currently zoned for a single-family residence.

Under SB 9, local agencies must ministerially approve certain subdivisions of one lot in a single-family residential zone into two lots without discretionary review or hearing. To qualify for by-right approval, the proposed lot split must meet the following criteria:

- The lot split must result in two lots of approximately equal size (60/40 split at most);
- Each new lot must be at least 1,200 square feet (unless the local agency adopts a lower minimum);
- The lot to be split cannot have been established through a prior SB 9 lot split;
- Neither the lot owner nor anyone acting “in concert with” the owner has previously subdivided an adjacent parcel through a SB 9 lot split;
- The uses on the resulting lots would be residential;
- The applicant has stated, by affidavit, that they intend to live in one of the units for three years, unless the applicant is a qualified non-profit or community land trust.

Other than the previously stated requirement, no other owner occupancy requirement may be imposed on an urban lot split. In approving an SB 9 lot split, local agencies may not require

the correction of nonconforming zoning conditions, right-of-way dedications, or the construction of off-site improvements, although they may require access to a public right-of-way and may require easements for public services and facilities.

Similarly, local agencies must also ministerially approve certain qualifying two-unit housing developments in single-family residential zones. Two-unit developments are either those that propose the construction of two new units, or those that propose the addition of one new unit to an existing unit. The project may not demolish more than 25 percent of the exterior walls of an existing unit unless the local agency permits otherwise or the site has not been occupied by a tenant in the last 3 years. Under SB 9, local agencies cannot apply any zoning standards, except for four-foot side and rear setbacks, that would not allow each of the new units to be at least 800 square feet in size. There appears to be no prohibition on local owner occupancy requirements if two units are proposed without an urban lot split.

Other qualifying criteria applicable to both urban lots splits and two-unit developments include:

- The lot split or two-unit development may not result in the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from the rental market in the last 15 years, or housing occupied by a tenant in the past 3 years.
- The lot or development must be located within an urbanized area or urban cluster, or within a city with boundaries in an urbanized area or urban cluster.

- The parcel cannot be designated a local or state historic landmark and is not within a local or state historic district.
- Dwelling units created via SB 9 may not be used for short-term rentals of less than 30 days.
- Parcels may not contain prime agricultural land, wetlands, or protected species habitat. They may be in a very high fire hazards zone, earthquake fault zone, floodplain, floodway, and site with hazardous materials if they meet certain conditions.

Urban lot splits and two-unit developments may be located within the Coastal Zone but must comply with any Local Coastal Plan and Coastal Act. No review is needed under the California Environmental Quality Act for an urban lot split, two-unit development, or local ordinance implementing SB 9.

As with similar streamlining legislation in recent years, such as the Housing Accountability Act, SB 9 provides that local agencies may only apply objective standards to qualifying urban lot splits and two-unit developments. The legislation also limits parking requirements to one space per unit (or none if the project is near transit or car share locations) and limits side and rear setbacks to four feet or less (or none for existing structures or new structures in the same location and of the same size as an existing structure). Finally, local agencies must permit proposed adjacent or connected structures meeting certain criteria.

While current law generally provides for the creation of accessory dwelling units ("ADUs") by ministerial approval, SB 9 creates two exceptions to this requirement. A local agency is not required to allow more than two units of any kind on a parcel created through an urban lot split, including ADUs, and is not required to permit ADUs on parcels that use both the urban lot split provision and the two-unit provision.

Lastly, SB 9 amends the Subdivision Map Act at section 66452.6 of the Government Code. Currently, an approved or

conditionally approved tentative map expires either 24 months after its approval, or after any additional period permitted by local ordinance, not to exceed an additional 12 months. SB 9 allows a local ordinance to permit an extension for 24 months. Where local agencies adopt this change by ordinance, a tentative map would expire up to 48 months after its approval.

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# Senate Bill 9 – Ministerial Urban Lot Splits & Two-Unit Developments

## Frequently Asked Questions (FAQ)

**DISCLAIMER:** This document is intended to provide general information and does not constitute legal advice. Additional facts, facts specific to a particular situation, or future developments may affect the subjects discussed in this FAQ. Seek the advice of your attorney before acting or relying upon the following information.

### BASICS

- 1. When does SB 9 go into effect?**  
January 1, 2022.
- 2. What is the definition of an urbanized area or urban cluster?**  
As defined by the U.S. Census Bureau, an urbanized area is an area with 50,000 or more persons, and an urban cluster is an area with at least 2,500 people, but less than 50,000 people. Maps of urbanized areas and urban clusters can be found on the official U.S. Census Bureau website.
- 3. Can you use SB 9 in zones that allow single-family development but are zoned primarily for multi-family or mixed-use development?**  
No. The language of the statute is clear that it applies only to parcels in single-family residential zones. Since the intent of the legislation was to upzone or densify areas where only single-family development is currently permitted, it would not serve the purposes of the legislation for it to apply in areas where multi-family or denser uses are already permitted. SB 9 also does not apply to a parcel that is currently developed with a single-family home, if that parcel is located in anything other than a single-family residential zone.

**4. Does SB 9 apply to homeowners' associations (HOAs)?**

SB 9 overrides local zoning only. It does not address rules or restrictions implemented and adopted by homeowners' associations or included in CC&Rs (covenants, conditions, and restrictions).

**5. Is a lot eligible for an SB 9 lot split if it was split before SB 9?**

Yes. The language of SB 9 only prohibits an applicant from using SB 9 to subdivide a lot if it was previously split *using the authority contained in SB 9*. Even after using SB 9, the lot could be further split using ordinary procedures under the Subdivision Map Act and local subdivision ordinance subject to minimum lot size and other requirements that apply to the parcel.

**6. Is the restriction on the demolition of 25% of the exterior walls of the building only applicable to deed-restricted affordable units?**

No. This restriction applies to all units unless (1) the city adopts an ordinance allowing for demolition of more than 25% of the exterior walls of an existing structure, or (2) a tenant has not resided on the property in the last three (3) years.

**7. How do you verify that existing housing has not been rented in the last 3 years?**

SB 9 does not provide an explicit mechanism for determining whether existing housing has been rented in the last three years. Given that, this is an issue that local agencies will want to address in an implementing ordinance or in their application procedures. Some approaches might include:

- In jurisdictions with existing records of rental properties, which may include business licenses, rent control registries, or inspection records, using data from the local records to be cross-referenced upon submission of an SB 9 application;
- Requiring applicants to sign a declaration under penalty of perjury; and/or
- Providing that it is a violation of the Municipal Code or allowing a private cause of action if inaccurate information is submitted.

**8. When the provisions of SB 9 are unclear, can we seek clarification from the Department of Housing and Community Development?**

Unlike other recent state laws, such as SB 35 or SB 330, SB 9 does not include any provisions requiring HCD to issue guidelines for the implementation of SB 9. Nonetheless, HCD has indicated that it intends to provide a technical assistance (TA) memo on SB 9 implementation. The timeline for when HCD's TA memo will be available is unclear.



## **INTERSECTION WITH OTHER LAWS**

**9. How does the state Density Bonus Law apply to the 4-unit scenario?**

State Density Bonus Law would not be applicable to SB 9 projects. Government Code § 65915(i) defines "housing development project," for the purposes of state density bonus, as "a development project for five or more residential units." SB 9 covers up to four units total on two contiguous lots. Additionally, the urban lot split section states specifically that local agencies are not required to allow more than the maximum of two units on each lot notwithstanding any provision of density bonus law.

**10. How do SB 9 urban lot splits relate to the Subdivision Map Act and the fact that the Subdivision Map Act requires general plan conformance?**

The language in SB 9 overrides any conflicting provisions of the Subdivision Map Act. Specifically, Government Code § 66411.7(b)(2) provides that "[a] local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act..., except as otherwise expressly provided in this section." General Plan and specific plan conformance is not required if it would preclude lot splits mandated by SB9.

**11. Do minimum frontage requirements apply to restrict lot subdivision?**

Minimum frontage requirements continue to apply unless the requirements would physically preclude the lot split or the construction of two units of at least 800 square feet each. However, SB 9 does allow local agencies to require the resulting parcels to have access to, provide access to, or adjoin the public right-of-way.

**12. How does the Permit Streamlining Act apply if these are ministerial actions?**

SB 8, also effective January 1, 2022, extends the requirements of the Permit Streamlining Act to housing projects of one unit or more that require no discretionary approvals. As a consequence, SB 9 projects are subject to the Permit Streamlining Act's requirements for completeness letters (within 30 days of submittal) and approval deadlines (within 60 days of determining that the project is exempt from CEQA).

## QUANTITY/ACCESSORY DWELLING UNITS

- 13. SB 9 states that "[a] housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to an existing unit." Why are some people saying that you can add two new units to a parcel with an existing single-family home?**

As the question states, Gov. Code § 65852.21(i) provides that a development contains two residential units if "the development proposes no more than two *new units* or if it proposes to add one new unit to one existing unit." This could be interpreted to mean that the statute applies to a two-unit proposal even if those units are proposed for a lot already containing a unit. While the urban lot split section (Gov. Code § 66411.7) clearly allows local agencies to limit total development to two units per lot, including existing units, ADUs, and JADUs, the same language is not present in the two-unit development section. The Legislature's intent regarding a two-unit development on a single lot is not clear. It may be possible for an applicant who only uses the two-unit development provisions, but not the urban lot split provisions, to have more than two units on the lot.

- 14. Does SB 9 prohibit ADUs with an urban lot split, or can jurisdictions disallow ADUs with an urban lot split?**

SB 9 does not prohibit accessory dwelling units or junior accessory dwelling units on lots created by an urban lot split. Under SB9 a local agency "shall not be required to approve" more than two units (including ADUs and JADUs) on a lot created via an SB 9 lot split. Agencies may also prohibit ADUs and JADUs on parcels created by urban lot splits that use the two-unit provision. Given this language, local agencies could choose to limit development on lots created by an urban lot split to two primary units each via adoption of an SB 9 implementing ordinance.

- 15. Are the two new SB 9 units entitled to an ADU or JADU?**

If the two new SB 9 units are not located on a lot created via the urban lot split provision, then ADUs and JADUs are allowed as under existing law. If the applicant used both the SB 9 lot split provisions and the SB 9 two-unit development provisions, then a local ordinance can limit total development to two units per lot, including ADUs and JADUs, or could choose to allow only two primary units on each lot.

- 16. If there is an existing four-unit building on a parcel in a single-family residential zone, can an applicant still add a duplex?**

The existing four-unit building would already be a non-conforming use in a single-family zone. Depending on the jurisdiction's non-conforming use policies, the non-conforming structure may need to be removed if the applicant wishes to add a duplex. However, the

urban lot split provision (section 66411.7(i)) prohibits requiring correction of nonconforming zoning conditions for urban lot splits. Nonetheless, the agency can require that no more than two units be located on each lot.

**17. Does SB 9 allow an applicant to use the duplex entitlements to build a single unit "monster home" and get around non-objective single-family design guidelines?**

Probably, yes. Section 65852.21(a) states, "A proposed housing development containing *no more than two residential units* within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing...." Later in the section, in paragraph (i), it also states "[a] housing development contains two residential units if the development *proposes no more than two new units* or if it proposes to add one new unit to one existing unit." Although it is not clear whether the legislature intended to include single-family home development, the "no more than two units" language in SB 9 could be interpreted to cover development projects proposing to construct one single-family home.

**18. Are the new units created via the authority in SB 9 condominiums? Does SB 9 facilitate ministerial condominium conversions? Does SB 9 allow for condominium conversion of existing duplexes?**

SB9 does not amend laws regarding condominiums. SB9 does not allow denial of attached units so long as their design and construction allow them to be "separately conveyed," i.e., sold separately as condominiums may be sold. New units created via the authority in SB 9 may be approved as condominiums if the applicant asks for that approval, but the application would need to meet state and local law concerning condominiums. A jurisdiction's regular condominium conversion process would also continue to apply.

**OBJECTIVE STANDARDS**

**19. Can the applicant seek variances from zoning requirements?**

SB 9 provides that a local agency may apply its objective zoning standards so long as they do not physically preclude the construction of two units of at least 800 square feet each with four-foot setbacks (no setbacks are required if the unit is constructed in the same location and with the same dimensions as an existing structure). In that situation, the applicant does not need to apply for a variance.

However, if the applicant desires to construct a larger unit which does not meet the agency's zoning standards, it could be denied under SB 9, or the applicant could apply

for a variance.

**20. My understanding is that SB 330 requires only objective design standards for design standards adopted after Jan 1, 2020, is this the same for SB 9?**

SB 330 would apply to an SB 9 implementing ordinance, so any design standards adopted must be objective.

**21. For purposes of a duplex, can jurisdictions adopt an objective standard that says the units have to be within, for example, 10 feet of each other?**

Yes, a city could adopt this as an objective standard. However, if the standard or requirement would physically preclude the construction of two units or the construction of a unit that is at least 800 square feet, then it cannot be applied to the specific project. Also note that section 66411.7(k) provides that an urban lots split "shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance."

**22. Is there a street frontage or lot width requirement for ministerial lot splits?**

SB 9 does not contain street frontage or lot width requirements. A local agency may apply an objective frontage or lot width requirement. It must, however, allow lot splits that create lots that are at least 1,200 square feet each where both lots are of approximately equal size. This likely means that the local agency may not be able to apply its minimum lot dimensions or frontage requirements to some urban lot splits.

**23. Is the 4-foot setback provision similar to that for ADUs?**

Yes. A local agency cannot impose a rear or side setback greater than 4 feet, or less if a structure is in the same location and with the same dimensions as an existing structure.

**24. Does the right of way dedication provision require cities to allow for flag lots, provided they meet the 60-40 split?**

The agency may require the parcel to have access to, provide access to, or adjoin a public right of way but must allow the lot split. Where a parcel does not front on a public right of way, the options are to allow a flag lot or to provide access to the public right-of-way via an easement through the other lot.

**25. Could a jurisdiction define "sufficient to allow separate conveyance" to require separate HVAC systems and separate water connection to meet Title 24 requirements?**

Yes. Title 24 is a state law requirement. Therefore, compliance can be mandated assuming that Title 24 requires separate HVAC systems and water connections for units that are separately conveyed.

**26. If a jurisdiction doesn't require "dedications" but a property owner wants to put in some improvements in the right-of-way, could the jurisdiction require that those meet the jurisdiction's standards for right of way improvements?**

If an applicant includes improvements to the public right of way in its SB 9 application, the jurisdiction can require that those improvements meet objective agency standards.

**27. Does the requirement for one parking space/unit supersede other local minimum parking requirements? For example, if local parking standards require two covered spaces per residential unit and additional parking spaces tied to additional bedrooms.**

Yes, SB 9 supersedes local standards. A local agency "may require" off-street parking of up to one space per unit, and "shall not impose" parking requirements where the parcel is located within one-half mile walking distance of either a high-quality transit corridor or major transit stop, or where there is a car share vehicle located within one block of the parcel.

**28. Can a jurisdiction impose affordability requirements on units created via SB 9?**

There is nothing in the statute that would prohibit the imposition of objective affordability requirements. However, agencies should examine the economic feasibility of any affordability requirements to ensure that urban lot splits and two-unit developments remain economically feasible.

**29. Can a local jurisdiction impose conditions of approval on an SB 9 project?**

A jurisdiction may impose standard objective conditions of approval on an SB 9 project.

## **FIRE/INFRASTRUCTURE CHALLENGES**

**30. Is it true that SB 9 cannot be used in high fire hazard severity zones?**

No. SB 9 provides that any proposed two-unit development or urban lot split must comply with the requirements of Government Code § 65913.4(a)(6)(D), which excludes projects in high or very high fire hazard severity zones, *unless* either: (1) the site was excluded from the zone by the jurisdiction; or (2) the site has adopted fire hazard mitigation measures "pursuant to existing building standards or state fire mitigation measures applicable to the development." "Fire hazard mitigation measures" and "state

fire mitigation measures” are not defined. A local ordinance could specify which “building standards” apply or reference the appropriate “state fire mitigation measures.”

An agency may also reject SB 9 proposals on a case-by-case basis where the local building official makes a written finding that the project would have a specific, adverse impact on public health and safety or the physical environment, based on inconsistency with an objective standard, and there is no feasible method to satisfactorily mitigate or avoid the impact.

**31. X County has some areas that are identified as "urban" or "urban clusters" and could be a qualifying parcel under SB9. However, those areas do not have access to water or sewer connections and may have to expand an existing leach field and utilize other water sources. If the applicant cannot demonstrate that they can build what's allowed under SB9 with a wastewater treatment system and water source that meets Environmental Health Codes, would the County be able to deny them their application?**

Yes. In this scenario, the county could deny the application because it would not meet objective standards. The building official could also likely make a finding that the project would have a specific, adverse impact on public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid specific impact.

**32. If a jurisdiction has substandard existing sewer infrastructure, can those areas of the jurisdiction be excluded from SB 9 applicability?**

The local agency likely could not outright exclude those areas from SB 9 applicability. However, if projects are proposed in these areas, the local building official could deny the application if it would have a specific, adverse impact on public health and safety or the physical environment, by violating an existing objective standard, with no feasible method to satisfactorily mitigate or avoid the impact.

**33. Can a jurisdiction prohibit someone from creating a new unit in an existing structure that would be below the Base Flood Elevation?**

To qualify for ministerial approval, SB 9 provides that an applicant must comply with all the requirements in Government Code §§ 65913.4(a)(6)(B)-(K). Subparagraphs (G) and (H) exclude development within a flood plain or floodway, respectively, as those sites are determined by maps promulgated by FEMA. However, subparagraphs (G) and (H) also allow development in a flood plain where FEMA has issued a flood plain

development permit or meet FEMA criteria and allow development in a floodway where a no-rise certification has been issued or the project otherwise meets FEMA criteria. If these mitigation requirements are met, then it may be possible for the new unit to be built below Base Flood Elevation. Agencies should refer to the text of the statute.

### **URBAN LOT SPLITS**

**34. Would the "sufficient to allow separate conveyance" provision allow someone to build an attached duplex but then sell them as two separate lots with their own yard?**

"Sufficient to allow separate conveyance" is not defined in the statute. However, "separate conveyance" means that the units can be sold separately. This phrase would seem to require that each unit be built to condominium standards so that they can be sold separately if the local agency approves a condominium application. Agencies may wish to define this in their local ordinances.

**35. Should agencies record a deed restriction stating that the lot has been split using SB9 and cannot be split further?**

This is not specifically addressed by SB 9. Two possibilities are a recorded deed restriction and a notation on the approved parcel map. It would be good practice for local agencies to include such a requirement in their implementing ordinances.

### **REPORTING REQUIREMENTS/HOUSING ELEMENT**

**36. How do jurisdictions account for SB 9 in Housing Elements?**

SB 9 requires jurisdictions to report (1) the number of units constructed pursuant to SB 9 and (2) the number of applications for parcel maps for urban lot splits under SB 9 in their annual housing element report. SB 9 itself does not include any reference to housing elements. The HCD TA memo may provide some guidance on how to project SB 9 development in a community's housing element.

**37. What can be included in a sites inventory?**

There is nothing in SB 9 that prohibits a jurisdiction from using SB 9-eligible parcels in their sites inventory, but there would be limited history to project how many units might be built and what income levels might be served.

**38. Could cities use the Turner Center's findings to project above moderate- and moderate-income housing in their Housing Elements?**

This may be a reasonable approach. It is not known if HCD will accept it, however.