

**CITY OF BELVEDERE**

**RESOLUTION NO. 2024-12**

**A RESOLUTION OF THE CITY OF BELVEDERE PLANNING COMMISSION  
GRANTING DESIGN REVIEW APPROVAL FOR 40 RESIDENTIAL UNITS AT 1-22  
MALLARD ROAD**

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**WHEREAS**, a complete application has been submitted for Design Review approval pursuant to Title 20 of the Belvedere Municipal Code, to construct 40 residential units at 1-22 Mallard Road, including waivers and one concession under state Density Bonus Law (Government Code Section 65915 *et seq.*); and

**WHEREAS**, at its January 22, 2024 regular meeting, the City Council determined that the project is categorically exempt from the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”), pursuant to the Class 32 Exemption for In-Fill Development Projects (14 CCR Section 15332); and

**WHEREAS**, the proposed project is a “housing development project” as defined by the Housing Accountability Act (HAA) (Government Code Section 65589.5), and is subject to provisions of the HAA that allow denial or reduction in density only if the project is inconsistent with objective design standards or creates a “specific adverse impact” as defined in the HAA; and

**WHEREAS**, the proposed project includes ten percent of the units as affordable to lower income households, is eligible for a density bonus under state Density Bonus Law (Government Code Sections 65915 *et seq.*), and has requested one concession and waivers as listed in the conditions of approval, which may be denied by the City only if the City has substantial evidence to support findings included in Government Code Section 65915(d)(1) and Section 65915(e); and

**WHEREAS**, the project is subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted on August 6, 2021; and

**WHEREAS**, the Planning Commission held a properly noticed hearing on March 19, 2024, and has duly considered all evidence submitted into the record, including, without limitation, all staff reports, oral and written, along with all attachments and exhibits; oral testimony from all parties; all written and graphical information posted in the City’s website; and all written information submitted to the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Belvedere does hereby determine that the project is in substantial conformance with the

Design Review criteria specified in Section 20.04.005 and Sections 20.04.110 through 20.04.210 of the Belvedere Municipal Code (BMC) based upon the findings set forth in Exhibit A, attached hereto and incorporated herein. The Planning Commission hereby grants approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code to construct 40 residential units and associated site improvements at 1-22 Mallard Road, subject to the following conditions:

1. 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 claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever (collectively "Claims") that are caused by any third party challenges to the City's approval of the project. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition. Counsel for the City in any such legal action shall be selected by the City in its sole discretion.
2. Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans, including:
  - Mallard Pointe dated February 20, 2024, Sutton Suzuki
  - Mallard Pointe dated February 20, 2024, The Guzzardo Partnership, INC
  - Mallard Pointe dated February 20, 2024, Hunt Hale and Jones
  - Mallard Pointe dated March 11, 2024, Francis Gough Architect Inc.

These plans include the following concession and waivers under State Density Bonus law:

Concession: allow a modification of the Zoning Code standard (Section 19.28.030) that prohibits apartment houses in the R-2 zone, to allow apartment houses in the R-2 zone.

Waivers: Modify development standards as follows:

- a) Outdoor Open Space for the apartment building: 1,105 square feet provided where 4,500 square feet is required by BMC Section 19.52.150.A. Outdoor

- Open Space for the triplex and duplex on lot 2: 2,040 square feet provided where 2,100 is required by BMC Section 19.52.150 A.
- b) Lot Area Per Unit for Lot 1 (Apartment): The BMC Section 19.28.040 requires 50,000 square feet and the project proposes 21,568 square feet. Lot 2 (duplexes and triplexes): The BMC Section 19.28.040 requires 17,000 square feet, and the project proposes 14,352 square feet. Lot 12 (triplex and fourplex): The BMC Section 19.28.040 requires 21,000 square feet and the project proposes 9,686 square feet.
  - c) Height: BMC Section 19.28.040 allows a height of 29 feet from grade and 26 feet from Base Flood elevation (BFE) plus 1. The apartment -measures 34'6" to the roof, and 42' to the top of the elevator shaft. The fourplex is 38' in height and the triplexes are 39' in height.
  - d) Side Setback for Apartments: The apartments are over 25 feet in height, with a proposed 7-foot side setback. BMC Section 19.28.040 requires the side yard setback to be 15 feet. Side setbacks for the triplex and fourplex on Lot 12: They are proposed over 25 feet in height and have a 3.5 foot side yard setback where 15 feet is required.
  - e) Lot Frontage for Lot 5: 27 feet is proposed where 60 feet is required by BMC Section 19.28.040.
  - f) Lot Coverage for Apartment: 56 percent, excluding uncovered decks, is proposed where a maximum of 40 percent (excluding uncovered decks) and 60 percent (including uncovered decks) is required by BMC Section 19.28.040. Lot coverage for the triplex and fourplex: 51 percent, excluding uncovered decks is proposed where a maximum of 40 percent (excluding uncovered decks) is required by BMC 19.28.040.
  - g) Floor Area for Single Family Homes: Single family homes in the R-2 zoning district are required to meet the floor area requirements in the R-1 Zone. BMC 19.24.050 requires a maximum 50 percent floor area. Lots 3, 4, 6, 7, 8, 9, 10 exceed the 50 percent floor area requirement as follows: Lot 3 (76 percent), Lot 4 (68 percent), Lot 6 (68 percent), Lot 7 (69 percent), and Lot 10 (53 percent).
  - h) Construction Time Limits: BMC Section 20.04.035 establishes an eighteen-month construction time limit with a six-month extension. A waiver is approved to allow three years for construction of the apartment building, fourplex and triplex; no waiver is needed for the single-family homes and duplexes which may receive a two-year construction time limit under BMC Section 20.04.035.
3. Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and shall not be allowed on holidays. A noise control plan shall be submitted for approval by the Public Works Director if either jack hammering or pile driving will take place during construction.
  4. Prior to issuance of any building permit, all required permits and approvals shall be received from the Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife, and Army Corps of Engineers.

5. The demolition building permit application shall be accompanied by a permit application to replace the Belvedere Lagoon bulkheads along the entire length of each property adjacent to the Lagoon. The bulkheads shall be replaced as soon as reasonably possible in conjunction with demolition (full or partial permit) of the existing buildings, based on recommendations from the City building official, City Engineer and all other regulatory agencies.
6. The plans submitted for a building permit shall reduce the clubhouse glazing by 40 percent and shall show outdoor lighting with covered bulbs and that is downlit. The string lights shown on the plans reviewed by the Planning Commission shall be removed. Hours of operation for the roof deck shall be limited to 7:00 am to 10:00 pm Sunday through Thursday and 7:00 am to 11:00 pm Friday and Saturday. Amplified music and all outdoor noise shall conform to the BMC noise ordinance and General Plan.
7. The plans submitted for a building permit shall show the glazing on the Lagoon-fronting homes reduced by 10 percent .
8. Prior to issuance of any building permit, the applicants shall submit a Construction Management Plan (CMP). The CMP shall include, but is not limited to, a plan for parking construction vehicles and workers' automobiles and for staging and storage of equipment and materials. Staging and storage of equipment and materials and vehicle parking shall occur on- site to the maximum extent feasible as determined by the Building Official.
9. Construction equipment and materials that are not stored or staged on the project site shall be stored outside of City limits.
10. The construction management plan submitted prior to issuance of the building permit shall include, but not limited to, construction fencing on the water side (nicer materials, such as lattice, wood, etc.) along the lots on the lagoon, and measures to keep the site clean, such as covered garbage, no open food containers etc.
11. Prior to issuance of a building permit, the applicant shall videorecord adjacent properties (if owners provide permission) to determine the existing condition of the properties and shall provide a copy of the video to the City. The contractor and owner shall provide evidence of liability insurance in the amount of 15 million dollars or higher.
12. All requirements of the Fire Marshal shall be met, including but not limited to the following:
  - a. Improvement plans submitted for the final map shall show a hydrant installed on Mallard Road at the circle in the middle of the project for use by Tiburon Fire Protection District (TFPD). Based on available psi (pounds per square inch) of water pressure, the hydrant shall be a Clow 865 if over 90 psi static or a Jones

3770 if under 90 psi static. The hydrant shall be installed prior to the issuance of any building permit.

- b. 'No parking fire lane' curbs and signs shall be installed in accordance with TFPD and CA Vehicle Code standards, as required by the Fire Marshal, prior to the issuance of any certificate of occupancy or final inspection, as applicable.
- c. All fire equipment rooms, gates, utility rooms, elevator machine rooms, and doors of the apartment building shall require a Knox Key Vault.
- d. Landscape Plan shall be converted to a Vegetation Management Plan (VMP) and submitted to TFPD for approval prior to issuance of a Building Permit.
- e. For all plans required to be submitted to TFPD, TFPD application fees associated with the submittals shall be paid before any Building Permit is issued.
- f. Upon the start of the demolition phase of this project, and prior to demolition of the structures, the TFPD shall have access to the site for at least one week prior to demolition to conduct trainings for TFPD upon and within all structures that will be removed.
- g. Plans submitted for a building permit shall show roof access shall be dedicated for firefighter access due to photo voltaic (PV) array.
- h. Plans for the apartment buildings shall be submitted to TFPD prior to issuance of a Building Permit to review for conformance with the Fire Code. If a rooftop deck is proposed, TFPD shall require a standpipe and floor control valves per California Fire Code (CFC) requirements.
- i. Prior to issuance of a certificate of occupancy or final inspection, as applicable, the TFPD shall inspect the fire sprinkler installation in the apartment building in accordance with ("CFC") Section 903.4.

13. All requirements of the Building Official shall be met including but not limited to the following:

- a. Each lot (SFDs, duplex, triplex, fourplex, and apartment) will be treated as a separate project, in regards to building permit application and issuance. Each structure will require separate applications, plans, and permits.
- b. The solar PV installations shall be installed under separate building permits, in addition to the structure's construction building permits.
- c. Outside jurisdictional agency approval will be required prior to the issuance of the building permits: Tiburon Fire Dist., Marin Municipal Water Dist., Marin County Sanitary Dist. 5, PG&E, Reed Union School Dist., and possibly other jurisdictional authorities.
- d. A lockable front entry gate shall be equipped with an approved TFPD Knox Box.
- e. Belvedere Lagoon Property Owners Association (BLPOA) approval is required for the encroachment of the docks into BLPOA land. All dock and bulkhead plans shall be submitted to the BLPOA for review and recommendation in

writing, and the plans shall comply with BLPOA recommendations related to Lagoon water quality and maintenance.

- f. A Demolition permit, or “J number”, is required to be issued by Bay Area Air Quality Management Dist. (BAAQMD), for the demolition of the existing structures.
- g. Structural plans and calculations will be required to be submitted with the building permit application packages.
- h. Stairways with four (4) or more risers shall be equipped with a Code-compliant handrail.
- i. All roofing material shall be rated as Class A or an equivalent assembly.
- j. Further information is needed, at the time of building permit application, on “relocated garage” on adjacent property, identified in the Landscape Plans.
- k. The “2’ wide concrete band”, rolled curb located adjacent to Mallard Rd. shall be constructed consistent with any applicable accessibility standards.
- l. Side-yard property fencing perpendicular to the Lagoon shoreline shall have a maximum height of 36” once the fence is over the shoreline.
- m. Prior to issuance of any building or grading permit, clarification is needed for a more accurate total of cut/fill amounts. At this time, there is a rough estimate of +/- 500 cubic yards. This amount is approximately 25 20-yard truckloads of hauling.
- n. The GeoTechnical engineer shall provide a letter stating that the proposed structural construction of the structures and the proposed site storm-water drainage is in compliance with the GeoTechnical report.
- o. Private improvements in the public right-of-way shall conform to the plans submitted for the Revocable License. If the plans are modified, a new application for a Revocable License may be required.
- p. A Storm Water Pollution Prevention Plan (SWPPP) is required to be developed and maintained throughout the course of the project.
- q. Address signage/identification shall comply with current Code standards. Minimum 4” in height, ½” stroke width, and the address numbers shall not be spelled out.

**ADU:**

- r. The ADU's shall be assessed an independent and separate address, identifiable from the main residence.

**DU/TRI/QUADPLEX/FOURPLEX:**

- s. Shared separation walls between units shall not contain Plumbing/DWV systems.

**APARTMENT:**

- t. Apartment structure and surrounding areas shall comply with all State and Federal accessibility standards.
- u. The apartment building shall be provided with the minimum Code compliant accessible parking stalls.
- v. An accessible path of travel shall be provided from the apartment complex to the City of Belvedere right-of-way.
- w. The cross-walk leading from the corner of Community/Mallard Rd., crossing Community Rd. and terminating at the park, shall have a Code compliant accessible curb-cut.
- x. Accessible parking signage shall comply with design, layout, and color scheme set forth in California Building Code, Chapter 11B.
- y. The submittal for the future Building Permit must detail the construction of the proposed improvements, including compliance with relevant portions of the California Building Code, California Residential Code, Green Building Code, Energy Code, and all other applicable Codes/Sections of the 2022 California Title 24 Code of Regulations, along with a geotechnical investigation report and detailed full engineering design and drawings, etc.

14. A Final Map shall be approved and recorded prior to the issuance of any Building Permit. All requirements of the Public Works Director and City Engineer shall be met as found in the conditions of approval for the Tentative Subdivision Map.

15. Sanitary District No. 5's requirements shall be met as outlined in its June 16, 2022, Will Serve Letter submitted to the City.

16. Marin Municipal Water District's requirements shall be met as outlined in its June 20, 2022, letter submitted to the City.

17. As authorized by Section 20.04.060, this Design Review approval shall expire on March 19, 2026 (twenty-four (24) months from the date of approval) unless the City has issued both a demolition permit for all required demolition and a permit for all subdivision improvements. If the City has issued a demolition permit for all required

demolition and a permit for all subdivision improvements by March 19, 2026, this Design Review approval shall expire on March 19, 2028 (forty-eight months from the date of approval) unless the City has issued building permits for the apartment building, the fourplex, the triplexes, and duplexes. If the City has issued building permits for the apartment building, the fourplex, the triplexes, and duplexes by March 19, 2028, this Design Review approval shall be valid until March 19, 2030 (seventy-two months from the date of approval) for the single-family homes. This approval shall remain valid for active building permits issued prior to expiration of the Design Review approval.

18. All exterior lighting shall be shielded and directed downward. Prior to the issuance of a Building Permit, a final exterior lighting plan shall be submitted for review and approval by the Planning Commission Chair and Planning Director.
19. Prior to the issuance of a Building Permit, a final landscape plan shall be submitted for review and approval by the Planning Commission Chair and Planning Director.
20. Any changes to the approved plans will require Design Review approval by the City of Belvedere pursuant to BMC 20.04.015(B).
21. A ten (10) day appeal period, beginning from the date of Planning Commission approval, 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.
22. Prior to approval of a Final Map, or issuance of a Building Permit or Demolition Permit, whichever is earliest, the applicant shall enter into an affordable housing agreement with the City, as approved by the City Attorney, that shall be recorded in the Official Records of the County of Marin ("Affordable Housing Agreement"). The Affordable Housing Agreement shall require construction of the apartment building containing the four replacement housing units prior to the issuance of building permits for any other dwelling unit in the project, and the apartment building shall receive a certificate of occupancy or final inspection, as applicable, prior to the issuance of certificate of occupancy or final inspection, as applicable, for any other dwelling unit in the project. The four replacement units shall be made available to and rented by low and very low income households for a term of 55 years from the issuance of a certificate of occupancy or final inspection, as applicable. Three of the units shall be made available and rented to low income households, as defined in Section 50079.5 of the Health & Safety Code, and one of the units shall be made available and rented to very low income households, at affordable rent, as defined in Section 50105 of the Health & Safety Code. All four units shall contain a minimum of two-bedrooms, three of which shall have minimum sizes of 869, 869, and 985 square feet. The affordable units shall be accessed by the common entrance, have equal access to all site amenities, and shall not be located on one floor of the building or a portion of one floor. Lower income households that occupied the housing units that will be demolished shall be provided a right of first refusal to occupy two low income units and the very low income unit, as applicable.



23. The City shall retain and direct a relocation consultant at the applicant's expense to determine relocation benefits for the lower income tenants that occupied the existing residential units on the property either at the time of project application or at project approval, and the applicant shall provide those benefits prior to approval of a Final Map, or issuance of a Building Permit or Demolition Permit, whichever is earliest,

24. All tenants must be allowed to remain until at least six months prior to the start of construction activities. If the project applicants decide not to proceed with the project and return the buildings to the rental market, the existing tenants are entitled to return to the units at their current rent. Prior to approval of a Final Map, or issuance of a Building Permit or Demolition Permit, whichever is earliest, the City shall verify that all lower income tenants have received those relocation benefits required by the Housing Crisis Act of 2019 (Government Code Section 66300.5 et seq. or successor provision). The applicants shall provide contact information to the City for all existing tenants so that they may be informed of their rights should the project not proceed.

25. This Design Review approval shall not be effective until the Tentative Subdivision Map and Revocable License are approved by the Belvedere City Council.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on March 19, 2024 by the following vote:

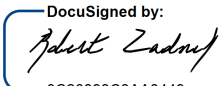
**AYES: Marsha Laskey, Ashley Johnson, Kevin Burke, Alex Seidel, Claire Slaymaker**

**NOES: Pat Carapiet**

**ABSENT: Nena hart**

**RECUSED:**

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

**ATTEST:**   
Beth Haener, City Clerk by Robert Zadnik City Manager

## **EXHIBIT A Design Review Findings**

The Planning Commission Findings that the application is in substantial conformance with the criteria set forth in Section 20.04.005 and 20.04.110 through 20.04.210 of the Belvedere Municipal Code, based upon the findings listed below. Under the Housing Accountability Act (HAA), the project cannot be denied or reduced in density based on inconsistency with the findings listed below because they are not objective standards as defined by the HAA. Objective design standards (ODDs) adopted by the City are not applicable to the project because the ODDs were adopted after the applicant submitted a preliminary application containing all required information. In addition, the project has been “deemed consistent” with the findings listed below because no inconsistencies were identified in writing to the applicant within the required time period.

### **Purpose (Section 20.04.005)**

Section 20.04.005 provides the general intent of design review, and Sections 20.04.110 through 20.04.210 provide specifics of the design standards.

- A. To preserve and enhance the beauty of the City’s natural and manmade environment;**
- B. To encourage the maintenance of a scale and character of individual buildings consistent with the overall scale and character of the community;**
- C. To discourage development of individual buildings which will dominate the Cityscape or attract attention to themselves through color, mass, or inappropriate architectural expression;**
- D. To ensure that new development, and/or the alteration or enlargement of existing development, occurs in a manner which maintains the attractiveness and character of the City, especially when the project is viewed from the City’s streets, lanes, paths, and from adjacent properties, neighboring communities and the water;**
- E. To maintain and improve the quality of, and relationship between, individual buildings, and between structures and their sites, so that they contribute to the attractiveness of the neighborhood and the community;**
- F. To ensure that landscaping provide visually pleasing settings for structures on the site, and that the proposed landscaping blends harmoniously with the natural landscape, is appropriate to the design and function of the structures, and serves to soften or screen the structures when viewed from off-site;**
- G. To encourage the highest quality of architectural design, the use of natural materials, and emphasis on construction methods which are least disruptive to the site and community;**
- H. To balance private prerogatives and preferences with the public interest and welfare**

Overall, the project meets the purpose and intent for design review in that the project has been designed to avoid monotony and is designed so it is not excessive in scale. The proposed architectural elements, stepping back, louvers and quality materials provide relief from the large scale. The proposed materials and colors found on the Project's material board photographs and in the proposed drawings are earth toned and are appropriate with the proposed architectural styles selected for the buildings. All materials are durable, and the paint colors selected for the project are mostly soft and fall into the more muted natural earth tones. The fencing proposed blends in with architecture style and design of each proposed waterfront residential building and preserves privacy between adjacent dwellings without significantly blocking views. The proposed landscape plans incorporate a combination of trees, flowering shrubs, perennials, and ground-covering plants, which provide screening for each of the new single-family homes, duplex units, and the proposed apartment building, as viewed from the roadway. Thus, the project meets the purpose of design review by maintaining a design standard in character with the City.

**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 site is no longer in a natural condition. The project proposes to remove the majority of the landscaping, except for ten trees, and to provide new landscaping. Seven of the existing olive trees will be removed and transplanted to the lot containing the apartment building. The existing coast live oak tree along Community Road will remain. The project proposes minimal cut and fill, and grade changes are kept to a minimum. The existing three lots are relatively flat, and grade changes are minimal which keeps the project in harmony with the appearance of the neighboring landscape.

**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 physical parameters of the project buildings, with the application of qualifying waivers, are consistent with objective standards and not subject to discretionary review. The project is designed to maintain a balanced and harmonious relationship between the structures on the site and adjoining properties. The proposed new single-family homes, duplexes, triplexes, fourplex, and single apartment building have been designed to relate to and fit with the structures on the adjoining properties - they vary in size, shape, color, and materials which help blend into the site and neighborhood. The project is proposed

on a flat lot consistent with the surrounding neighborhood and thus does not implicate any sloping land. The structures are balanced in size, material, and location on the lots. Mallard Road is a private road that provides a natural separation between the apartment houses and the single-family homes and duplexes, helping to balance the development over the 2.8-acre site. Additionally, the Lagoon is on the largest side of the project, which also provides a natural separation from the adjoining properties.

**Minimizing bulk and mass.**

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

While a number of the proposed single-family homes surpass the applicable R-1L FAR requirements, the utilization of qualifying waivers removes this matter from discretionary review. The single-family homes and duplexes are designed with quality materials that will help the structures blend into the neighborhood. Viewed from Mallard and Community Road, the majority of the single-family homes and duplex structures will not be visible, as the proposed Community Road developments will block them. Viewed from the Lagoon, the single-family homes and duplexes are designed consistent with other Lagoon fronting residences.

The apartment building, fourplex, and triplexes have also been designed to avoid appearing monumental or excessively large. The structures are proposed to have wood-constructed louvered screens and horizontal V-groove siding, which add to the visual interest and help to break up the mass and bulk of the structure. The first and second stories of the apartment building are stepped back, with decking and decorative fencing, which are design features that help the structure fit into the neighborhood. The facades are well-articulated through the use of earth-tone colors, a mix of building materials, varied roof lines, and balconies.

The proposed materials and rooflines for all the proposed structures are in character with the setting, and the proposed structures appear in character with the mixed architectural style of the dwellings in the neighborhood. The design does not include features that would be obtrusive or draw attention.

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

The proposed project is designed so that it does not include large expanses of any one material. The single-family homes and duplexes are well articulated, with the second-story stepping back and a variety of colors and materials that break up building planes and avoid monotony.

The façades of the apartment building, triplex, and fourplex along Community Road, are broken up with different materials as mentioned above. The open space between the apartment building and the fourplex adds architectural variety and breaks up the building planes. The mix of building materials adds visual interest and avoids monotony. The proposed unoccupied clubhouse room on the roof of the apartment does have a large uninterrupted expanse of glazing. As a mitigating factor, this room is significantly set back from the north, south, and east façades of the building and behind a 4-foot parapet.

The project proposes an extensive landscape plan which helps screen the project and adds to the architectural variety. There are no retaining walls proposed for this project.

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

The proposed materials for the single-family and duplexes include a mix of vertical board, smooth panel, and shingle siding, with weathered teak decks, concrete walls, and shingled roofs. These colors and materials relate and fit in with structures in the neighborhood, blend with the landscape, and include soft and muted colors in the earth tone range. The use of concrete on the exterior walls does not dominate the façade and is used in moderation.

The traditional architectural style of the apartment building, fourplex, and triplex is complementary to City Hall and is heavily influenced by buildings in Belvedere designed by Albert Farr. The building materials include shingle and textured siding with a shingled roof. All exterior colors are muted earth tone and provide variations in color, similar to other structures in the area.

The colors and materials for the project are soft and muted and will complement the surrounding neighborhood without drawing attention to the proposed project.

**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.**

Fences are proposed along the property line between the single-family homes and duplexes, consisting of six-foot-high horizontal natural wood slat fencing. These fences are compatible with the architecture and design of each proposed waterfront residential

building and will preserve privacy between adjacent dwellings without significantly blocking views. New fencing is proposed along portions of Community Road and Mallard Road, consisting of 36-inch metal fencing on top of a 24-inch brick wall. The proposed fencing is compatible with the proposed architecture of the buildings and will preserve privacy to the open spaces along Community and Mallard Roads.

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

The single-family homes and duplexes are designed to maximize privacy with adjacent buildings. The proposed structures on Lots 2 and 11, which are adjacent to existing homes, provide stepped back second stories to increase privacy. The apartment building, fourplex and triplexes are not located immediately adjacent to nearby residences, and are separated by Mallard Road on the east and the single-family homes and duplexes to the west.

Building placement, window size, and window placement have been selected to protect the privacy of adjacent buildings. Given the topography of the lot, the proposed landscaping, and the location of the proposed residence, the windows are placed on the structures with minimum impact to the adjacent neighbors.

**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 proposed access to the project site will be from Mallard Road. Mallard Road will be reconfigured, providing a more traditional, perpendicular intersection, which is more common and safer than the existing conditions, such as semi-blind turns while exiting Mallard Road onto Community Road. The project enhances pedestrian circulation by installing high-visibility crosswalks and ADA-compliant curb ramps at all intersections along Community Road and at the northeast corner of the intersection with the western Mallard Road intersection; filling the sidewalk gap on the east side of the Mallard Road (east) intersection; and increasing street lighting.

The reconfiguration of Mallard Road for vehicles and pedestrians is in harmony with the design of the new structures and existing residences in the neighborhood and does not intrude on the privacy of or conflict with the appearance or use of neighboring properties.

**Exterior lighting, skylights, and reflectivity. Exterior lighting should not create glare, hazard, or annoyance to neighboring property owners or to passersby. Lighting should be shielded and directed downward, with location of lights**

**coordinated with the approved landscape plan. Skylights should not have white or light-opaque exterior lenses.**

The proposed exterior LED lighting fixtures on the buildings, signs, and landscaping are shielded and downlit and will not create any excessive glare, hazard, or annoyance to any of the immediate neighbors or any passerby. The proposed lights are downlit and have covered bulbs. No skylights are proposed. There are no large areas of glass oriented toward nearby structures.

**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, as proposed, will not create any new nonconformities beyond those permitted by State law.

**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.**

The proposed landscape plans incorporate a combination of trees, flowering shrubs, perennials, and ground-covering plants, which fully complement each of the new single-family homes, duplex units, fourplex, triplexes, and the proposed apartment building, as viewed from the roadway. From the water's edge and viewed from the homes located to the east across the Lagoon, 24-inch box magnolia and western redbud will be planted. Further, substantial landscaping is provided at the apartment building street level along Community Road with cypress trees and heavy shrubbery.

The landscaping is in substantial conformance with this finding as it includes natural and native vegetation, is compatible with the character of the site and the surrounding properties and is designed to provide screening of architectural elements.

**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.**

The majority of the plants are drought-tolerant and native to northern California. There is a combination of evergreen and deciduous trees, including both fast- and slow-growing species of shrubs, trees, and ground-covering plants. There is minimal use of turf, and groundcover consists of native grasses and shrubs.