

**CITY OF BELVEDERE**  
**RESOLUTION NO 2023-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
DENYING APPEAL AS TO DEMOLITION PERMIT AND GRANTING A  
DEMOLITION PERMIT TO DEMOLISH PORTIONS OF THE ROOF AND  
WALLS AT THE RESIDENCE LOCATED AT 53 ALCATRAZ AVENUE**

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**WHEREAS**, a proper application has been submitted for a Demolition Permit pursuant to Chapter 16.28 of the Belvedere Municipal Code to remove portions of the roof and walls at 53 Alcatraz Avenue; and

**WHEREAS**, under 14 Cal. Code Regs. 15301(l), demolition of a single-family structure is categorically exempt from the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA"); and

**WHEREAS**, on April 18, 2023, the Planning Commission held a properly noticed public hearing and approved Design Review, Demolition Permit, and Variance applications for a residential addition and associated site improvements located at 53 Alcatraz Avenue; and

**WHEREAS**, on April 26, 2023, the City Clerk received a timely letter of appeal from attorney Elizabeth Brekhus representing Petra Hansen, property owner of 49-51 Alcatraz Avenue regarding said approvals; and

**WHEREAS**, the City Council held a duly noticed public hearing on appeal on June 12, 2023 and considered all evidence in the record and presented at the public hearing; and

**WHEREAS**, at said public hearing the City Council found, based upon the findings set forth in Exhibit A attached hereto and incorporated herein, as set forth in the accompanying staff report incorporated herein by reference, and as stated during the public hearing, that the proposed project satisfies the criteria set forth in Chapter 16.28 of the Belvedere Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Belvedere does hereby grant approval pursuant to Chapter 16.28 of the Belvedere Municipal Code to allow removal of portions of the walls and roof at 53 Alcatraz Avenue, with the following conditions:

- a) The property owners 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 Demolition approval, shall cooperate with the City in the defense of any such action, with counsel acceptable to the City in its discretion, and shall indemnify the City for any award of damages and/or attorneys' fees and associated costs that may result.
- b) All requirements of the Building Official shall be met. A permit for demolition must be issued by the Building Department before the commencement of work.
- c) All work shall be completed within three weeks of the commencement of demolition unless deconstruction methods are used in which case 12 weeks is permitted. "Commencement of demolition" shall mean the date of the

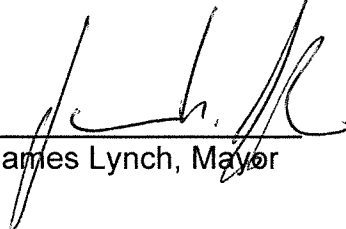
issuance of the building permit for demolition or a start date specified in written correspondence from the property owner and approved by the Building Official prior to issuance of the permit for demolition.

- d) Obstruction or blockage, partial or complete, of any street so as to leave less than ten feet of unobstructed horizontal clearance for vehicles, shall not be permitted without first obtaining, twenty-four hours in advance, a street closure permit. Twelve feet of clearance shall be required for debris boxes or building materials. Streets shall be left clean and free of any debris at the end of each workday.
- e) Demolition shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager. Demolition is prohibited on City holidays except in special circumstances after obtaining written permission from the City Manager. The City Manager is urged to impose a very high-level of scrutiny in the determination of "special circumstances."
- f) The site shall be left clean and free of all debris and materials from the demolition at the completion of work.
- g) All requirements of the Tiburon Fire Protection District (TFPD) shall be met.
- h) The general contractor shall submit a proposal to the City Manager for review and approval that addresses the demolition schedule and vehicle parking locations.
- i) Prior to the issuance of a building permit for demolition, the applicant shall demonstrate compliance with State and BAAQMD air quality requirements related to the control of dust generated by the demolition and construction, and shall prepare and submit a plan for the re-use and recycling of demolition materials.
- j) These restrictions shall be binding upon any successor in ownership of the property.
- k) In the event that archeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

**PASSED AND ADOPTED** at a public hearing of the City Council of the City of Belvedere on June 12, 2023, by the following vote:

**AYES:** Cooper, Kemnitzer, Mark, Wilkinson, Lynch  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**ATTEST:**   
Interim City Clerk

**APPROVED:**   
James Lynch, Mayor

## EXHIBIT A

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

The proposed demolition will not have an adverse impact upon the public health, safety, and/or welfare of the City and will be required to comply with Building and Fire Code regulations.

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

The demolition will not remove a building of recognized historical or architectural significance. The project does not propose to remove the existing building, however, more than 50 percent of the roof and building walls are proposed for removal, thus qualifying as a demolition per Belvedere Municipal Code Section 19.08.136. In conjunction with the preparation of City of Belvedere General Plan 2030, a Historic Resource Sensitivity Map was created in 2009, which categorizes each parcel in Belvedere according to its likelihood to contain a historic resource. The map displays three levels of historic sensitivity: Low, Medium and High. The property at 53 Alcatraz Avenue was *not* determined to have a “High” historical resource value; therefore, it was designated as having “Medium” sensitivity. Parcels with this designation include those with structures between 45 and 100 years of age (which is most of the Belvedere Lagoon neighborhood) and those with an unknown construction date, and not previously listed as a historic resource. The residence at 53 Alcatraz Avenue, constructed in 1955, is not listed as a historic resource on any federal, state or local register.

In accordance with General Plan Preservation Policy 2.1.3, staff completed an assessment to determine if there is any evidence to suggest that property at 53 Alcatraz Avenue is eligible for listing in Belvedere’s local historical register or whether the property could be considered a historic structure under CEQA. As part of this assessment, staff requested a historical evaluation of the project site from the applicant. The applicant provided a report by Connor Turnbull Preservation Consulting titled, “Historic Resource Evaluation, 53 Alcatraz Avenue,” dated November 2022. The report concluded that the site was not significant under the California Register of Historical Resources criteria, nor did it constitute a historical resource per CEQA. Additionally, the report concluded the site did not meet the City of Belvedere Title 21 criteria to be considered as an historic resource under the City of Belvedere Historic Preservation Ordinance.

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

The demolition plan would provide adequate site protection during and following the demolition. The demolition phase would result in minimal disturbance to on-site soils. There will be approximately 29 cubic yards of demolition debris. The applicant states that this material will be hauled off site in the bed of a full-sized pickup truck and an erosion control plan will be put in place.

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

The applicant’s estimated three-week time frame for accomplishing the

deconstruction and demolition is reasonable.

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

A housing unit is not proposed to be removed as part of this project.

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

The proposed renovations require demolition of the existing residences walls and roof (more than 50%). The project itself will further Goal 2 of the Housing Element (Maintain and Enhance the Quality of Existing Housing and Residential Neighborhoods) and will not conflict with any of the other goals.