

**CITY OF BELVEDERE
RESOLUTION NO. 2023-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
DENYING APPEAL AS TO DESIGN REVIEW APPROVAL AND GRANTING
DESIGN REVIEW APPROVAL FOR A RESIDENTIAL ADDITION AND OTHER
ASSOCIATED SITE IMPROVEMENTS AT 53 ALCATRAZ AVENUE**

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for a residential addition at 53 Alcatraz Avenue; and

WHEREAS, under 14 Cal. Code Regs. 15301, alterations of an existing private structure with negligible expansion of the existing residential use are categorically exempt from the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA"); an

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 is in substantial conformance with the Design Review criteria specified in Design Review Sections 20.04.005, and 20.04.110 to 20.04.210 of the Belvedere Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Chapter 20.04 of the Belvedere Municipal Code to demolish portions of the existing residence and provide residential improvements, including converting the existing carport into a two-car garage 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.
- 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 Matt Zane Studio, stamped received by the City of Belvedere on March 6, 2023.

- c) Construction shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager.
- d) All requirements of the Fire Marshal shall be met prior to issuance of a building permit including:
 - A Vegetation Management Plan (VMP) conforming to the policies of the Tiburon Fire District shall be prepared and implemented at the site including:
 - An automatic residential fire sprinkler system is required per NFPA 13D. Plans, hydraulic calculations and professional cut sheets shall be submitted to the Fire Marshal for review prior to installation.
 - A 'Knox' brand key box or gate switch shall be installed at the premises conforming to TFPD Policy.
- e) All requirements of the City Engineer shall be met including but not limited to the following:
 - 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.
 - The project will be subject to the City of Belvedere **Regulations for Road Closure Applicants**.
 - 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
 - A **Geotechnical Investigation or geotechnical review letter** is required. The geotechnical investigation/letter should address site preparation, foundation, grading and drainage recommendations. The Geotechnical Engineer of record shall also provide a letter indicating their review the proposed Grading & Drainage Plans for conformance with their recommendation prior to Building Permit issuance.
 - **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.
 - The project requires a **Site Plan** showing the property line locations (referencing the survey source and mapping information), any existing easements, building setbacks, encroachments etc.

- The project will require a 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.
- 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 (pages 11-21) 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.
- Prior to issuance of a building permit and where required by City of Belvedere municipal code Section 8.36.090 D., permanent stormwater controls for new and redevelopment projects, the applicant shall develop, submit and implement an approved **Stormwater Control Plan (SCP)** that follows the appropriate template in the most recent version of the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. All water treatment or storm water control feature shall be clearly identified on the plan.
- The project will require a **Utility Plan** (if not shown on the Site Plan) showing the existing site utilities and their current alignment and locations, along with any proposed new locations, alignments or connections for sewer, water, irrigation, gas, electrical, telephone, cable TV, etc.
- 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.
- 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

- o 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
- o 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
- f) All requirements of the Building Official shall be met including but not limited to the following:
 - Outside jurisdictional agency approval will be required prior to the issuance of the building permit: Tiburon Fire Dist., Marin Municipal Water Dist., Marin County Sanitary Dist. 5, Reed Union School Dist., and possible other jurisdictional authorities.
- g) The ADU will be assigned a separate, independent address.
- h) The ADU will be required to have a separate, independent entry, equipped with a side-hinged door, as well as, a Code compliant means of egress.
- i) Structural framing plans, details, and calcs., as well as, a GeoTechnical Report will be required for the proposed project.
- j) A Title 24 Energy analysis will be required for this project.
- k) A lockable front entry gate is required to be equipped with a TFPD approved Knox Box.
- l) Stairways with four (4) or more risers will require a Code compliant handrail to be installed. A detail for stairway/handrail system will be required to be submitted as part of the Building Permit Application. All stairways and handrails shall be identified on the plans. The handrail/guardrail shall be on the open side of the stairway.
- m) A dimensioned guardrail detail shall be provided with the Building Permit Application. It should also identify the proposed guardrail material.
- n) The submittal for the future Building Permit must detail the construction of the proposed improvements, including compliance with relevant portions of the California Residential, Green Building, and Energy Codes, along with a geotechnical investigation report and detailed full engineering design and drawings, etc.
- o) A Construction Time Limit (CTL) of 18 months shall be assessed to the project based on the valuation of construction (project valuation of \$2 million)
- p) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- q) 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 the review and approval by the Planning Commission Chair and Planning staff.
- r) 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. The final landscape plan shall include but not be limited to the following:

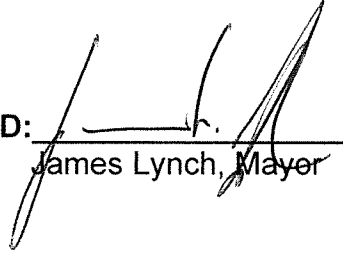
- Provide a tree protection plan for the existing and remaining trees on site.
 - Planted one tree at the southern side of the house facing Corinthian Lane.
 - Plant additional vegetation surrounding the northern side yard privacy fence.
 - The Silver Sheen along the northern side yard shall have a maximum 6-foot height.
- s) Prior to the issuance of a Building Permit, the applicant shall submit a detailed drawing noting all development within the northern side yard abutting 51 Alcatraz Avenue. Said drawing shall be submitted to the Planning Department for approval. Drawing shall include all proposed landscaping, walkways and decks and their distances from the property lines, and all exterior light fixtures, doors, windows, and fences. Accessory structures such as spa's and outdoor barbeques shall be noted and their distances from 51 Alcatraz shall be indicated.
- t) Prior to the issuance of a Building Permit, the property owner shall extend a license agreement with the owner of 49/51 Alcatraz Avenue, allowing 49/51 Alcatraz Avenue the use of the parking pad that bisects 51 and 53 Alcatraz Avenue. The license shall be valid for two years, until April 18, 2025, and shall be accompanied by an exhibit depicting the location of said parking pad.
- u) 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 impacts.
- v) 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.
- w) Any changes to the existing or approved landscaping will require Design Review approval by the City of Belvedere.
- x) Design Review approvals expire twelve (12) months from the date of this approval.
- y) 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.

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

Resolution 2023-26
53 Alcatraz Avenue
June 12, 2023
Page 6

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

APPROVED:



James Lynch, Mayor

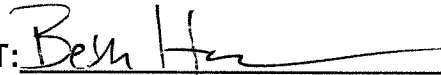
ATTEST: 
Interim City Clerk

EXHIBIT A

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

The existing site is developed with structures, hardscape, and landscaping. The project would remove four trees, with one being a 21” diameter at breast height Oak tree, which is considered ‘visually significant’ in Belvedere. Staff recommends the Planning Commission consider the applicant plant additional replacement trees if the Oak tree is removed. The project will keep cut and fill at a minimum (65 cubic yards of cut, 94 cubic yards of fill) by placing the residential addition on relatively flat, developed portion of the lot. Minimal grade changes will occur, and the project will keep in harmony with the general 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 residential addition will be placed at a centrally located, developed portion of the site between the existing residence and carport. The addition provides a harmonious relationship between the structures and provides the owner residential access internally from the garage. The residence will be setback between 30 and 38-feet from structures at 74 Bellevue Avenue to the south, and 21-feet from structures to the north at 51 Alcatraz Avenue. The home will have a maximum height of 24-feet (top of roof parapet) which is lower than the 28-foot maximum allowed in the R-1C Zoning District. These design improvements, along with the proposed landscaping, will integrate the structure with the site to minimize building mass and bulk.

Minimizing bulk and mass.

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

The residential addition and associated improvements will not appear excessively large or out of character with other dwellings in the neighborhood. The project proposes a single-level, 1,780 square-foot residence in the R-1C Zoning District which allows for 2,230 square-feet. The residence will be stepped back into the hillside, with the garage and master bedroom having a maximum height between 14’-2” and 16’-8”-feet tall from existing grade, respectively. The modest height of these structures will not appear excessively large and will fit in with the neighborhood and natural contours of the site.

The western (rear) portion of the home will be set on the downward sloping portion of the site and will have a maximum height of 24-feet from existing grade. The 24-foot height will not appear excessively large as the structure is built into the slope. Additionally, the exterior deck will soften the structures appearance by providing a tiered or stepped-back image from the rear and side elevations.

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

The project avoids monotony and bulk by dividing the massing with horizontal and vertical elements. Horizontal composite wood slats and vertical fiberglass and aluminum trimmed windows and doors will be used to break up the massing. The proposed dark, steel framed canopy adds architectural variety, and the tan stucco, and stone veneer help break building planes.

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 project proposes three siding materials for the residence, including tan/beige three-layer stucco, dark brown/copper-stained horizontal shiplap composite wood, and stone veneer in a Santa Barbara Sandstone color. The roof canopies, gutters, and fascia will be steel framed and painted dark bronze. The roofing will include a PVC membrane roofing system in a Cool Sand/ Beige color. The deck and staircase will consist of horizontal cables with steel posts painted dark bronze.

These proposed colors and materials provide a soft, earthtone to the residence that is common in many homes on Corinthian Island where tans, whites, and beiges are prevalent. The window and door trim of dark aluminum and fiberglass are complimentary in color and material.

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 5'-10" tall wood privacy fence at the northern side yard surrounding the proposed spa. A 5'-8" tall entry gate with a 7'-6" arbor is proposed as well. No fencing at the rear or southern side yard is proposed. As designed, the fencing is compatible with the structures and will preserve privacy without blocking views of Belvedere Cove. The entry gate and arbor will not block views from Alcatraz Avenue or the residence above at 80 Alcatraz Avenue.

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

The residence and attached garage are centrally located on the parcel, with the rear of the residence set downslope from the side-adjacent residences. Window and door placement will respect the privacy of adjacent neighbors and are primarily oriented rearward, where views are directed toward Belvedere Cove. On the northern side of the home, the project will have two windows, a reduction from the existing three windows that currently face the adjacent 51 Alcatraz Avenue. At the southern side of the home, windows and doors will not impact the privacy for 74 Bellevue Avenue given the neighboring residences layout.

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.

Access to the site would not be altered. The project will convert the existing carport into a new two-car garage in the same location. The project will be conditioned to include any relative frontage improvements required by Department of Public Works, including curb/gutter, curb ramp, and driveway approach improvements in conformance with the latest Marin County Uniform Construction Standards, if applicable.

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 project proposes four types of exterior light fixtures. Eight wall-mounted downlights will be added, with two the garage, two at the entry gate, two at the patio and entry, and one on the rear deck. Four ceiling mounted recessed lights will be placed on the exterior soffits to cast down onto the deck around the master bedroom. At the rear deck, four ceiling mounted downlights would cast downwards outside the living room. Eight recessed step lights would be included, with six at the exterior stairs leading to the Accessory Dwelling Unit, and two at the entry steps. The exterior lights will be shielded to not create glare or annoyance to neighboring properties or views from Belvedere Cove.

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 existing residence has a nonconforming side and rear yard setbacks. The existing carport roof eave encroaches Corinthian Lane at the southern side yard property line. This roof eave will be removed to no longer encroach Corinthian Lane as a result of the new two-car garage. The existing deck in the rear yard

encroaches the rear yard setback. The project will expand this nonconformity by increasing the rear yard deck an additional 93 square-feet into the rear yard setback. A Variance is required to allow a deviation from the 10-foot setback standards in the R-1C Zoning District. The project will conform to all other development standards.

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 project includes new landscaping throughout the property. 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 landscaping is in conformance with this finding as it includes a variety of shrubs and perennials along the front, side, and rear yards. The project proposes 54 English Lavender and 46 Silver Sheen, primarily surrounding the rear deck and side yards. The Silver Sheen would grow to a mature height of 12 feet and the Lavender to 2-feet. and Lavender would be planted within the front entry as well. The English Lavender would have a mature height of two feet. Creeping Fig is proposed at the southern side and front of the home. The Creeping Fig would have a mature height of 15 feet and width of 6 feet. The Creeping Fig and English Lavender are moderate growing plants, while the Silver Sheen will have a fast growth rate, at 3 feet per year.