

**CITY OF BELVEDERE  
RESOLUTION NO. 2023-30**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
DENYING APPEAL AND UPHOLDING THE PLANNING COMMISSION'S  
DENIAL OF DESIGN REVIEW APPROVAL TO REMOVE NINE EUCALYPTUS  
TREES AT 101 GOLDEN GATE AVENUE**

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**WHEREAS**, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code to remove nine Eucalyptus trees and two Monterey Pine trees, and plant ten new trees and nine bushes at 101 Golden Gate Avenue; and

**WHEREAS**, the Planning Commission held a properly noticed hearing on May 16, 2023; and

**WHEREAS**, on May 16, 2023, the Planning Commission made and approved two motions, the first to approve the removal of two Monterey Pine trees; and the second motion to deny the removal of nine Eucalyptus trees; and

**WHEREAS**, on May 26, 2023, the City Clerk received a timely letter of appeal from attorney Elizabeth Brekhus representing Hiba Hassan, property owner of 101 Golden Gate Avenue regarding said project denial; and

**WHEREAS**, the City Council held a duly noticed public hearing on appeal on July 10, 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 *not* 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.

**WHEREAS**, Public Resources Code Section 21080(b)(5) provides that disapproved projects are exempt from review under the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA").

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Belvedere hereby denies approval of the Design Review application pursuant to Chapter 20.04 of the Belvedere Municipal Code to remove nine Eucalyptus trees from the property located at 101 Golden Gate Avenue.

**PASSED AND ADOPTED** at a public hearing of the City Council of the City of Belvedere on July 10, 2023 by the following vote:


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

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

  
Jim Lynch, Mayor

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

  
Beth Haener, Interim City Clerk

## EXHIBIT A

The Planning Commission makes the following findings with respect to the requirements of Sections 20.04.005 and 20.04.110 to 20.04.210 of the Belvedere Municipal Code.

**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 is *not* in conformance with this finding. The project will remove nine visually significant Eucalyptus trees from 23" to 58" diameter at breast height (dbh). The project will add ten trees, including seven Toyon from 8 to 15 feet tall, and three Coastal Live Oaks between 25 and 80 feet tall at mature height. The Toyon will be planted in 5 gallon pots and the Coastal Live Oaks in 15 Gallon pots. The Eucalyptus trees are aesthetically significant at the site, replacing them with seven Toyon and three Coast Live Oak in 5-to-15-gallon pots will not preserve landscape in its natural state.

**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.

Not applicable as no structures are proposed to be added or removed.

**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.

Not applicable as no structures are proposed to be added.

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.

Not applicable as no structures are proposed to be added.

**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.

Not applicable as there will be no change to the building design, materials, or colors.

**Fences and screening.**

A. Fences and physical screening should be located so as to be compatible with the design of the site and structures as a whole, should conceal and screen garbage areas, mechanical equipment, and structural elements from public view, should preserve privacy between adjoining dwellings, where practical, and should not significantly block views.

Not applicable as no fencing is proposed to be added or removed.

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

Not applicable as no structures are proposed to be added.

**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 plantings will not increase traffic flow or affect parking and circulation.

**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.

Not applicable as no lighting is proposed.

**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.

Not applicable as the project will not add or alter existing structures.

**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 landscaping is *not* in conformance with this finding as the Coastal Live Oaks and Toyon will be in 5 to 15 gallon pots which are not large enough to soften the appearance of structures from Golden Gate and Belvedere Avenue.

**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 trees which are native to Northern California and Marin County including three Coastal Live Oaks, five California Lilac and four San Rafael Flannel Bush.