



CITY OF BELVEDERE PLANNING COMMISSION  
STAFF REPORT

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**REPORT DATE:** 1/09/2019

**CONSENT CALENDAR**

**AGENDA ITEM: 3**

**MEETING DATE:** 1/15/2019

**TO:** City of Belvedere Planning Commission

**FROM:** Irene Borba, Director of Planning & Building

**REVIEWED BY:** Emily Longfellow, City Attorney

**SUBJECT:** Demolition request for 419 Belvedere Avenue to remove an existing detached garage.

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**RECOMMENDATION**

The applicant requests Demolition permit to remove an existing dilapidated detached garage on the subject property, at 419 Belvedere Avenue.

The application is included as **Attachment 2** and project plans (site plan only) is 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 Demolition Permit for the property located at **419 Belvedere Avenue**, as conditioned (**Attachment 1**) for the removal of existing detached garage.

**PROPERTY SUMMARY**

**Project Address:** 419 Belvedere Avenue (Ganz Properties)  
**APN:** 060-221-19  
**Project Applicant:** Mark Swanson, Jamba Construction  
**Property Owners:** Peggy Homestead Trust  
**GP Designation:** Low Density Residential SFD: 1.0 to 3.0 units/net acre  
**Zoning:** R-15 Zoning District, Belvedere Island

**ZONING PARAMETERS**

Not applicable, as the proposed project does not affect zoning parameters.

**PROPERTY HISTORY**

On December 18, 2018, the Planning Commission approved a Design Review request to allow for the removal and clean-up of existing site improvements on the subject properties, known as the

“Ganz Properties”. Said removal/clean-up included the removal of existing lava rock, concrete, wood and steel construction debris and other miscellaneous construction materials from property. The requested design review application included the construction of a new fence along the Belvedere Avenue property frontages and guardrails in various locations on the property. As part of the project approval for the Design Review, the Commission conditioned for the demolition/removal of the existing dilapidated detached garage on 419 Belvedere Avenue located at the front of the property.

## **PROJECT ANALYSIS**

### **DEMOLITION PERMIT**

As noted above, the application request is for a Demolition Permit to remove the existing dilapidated detached garage located at the front of the property.

Staff suggests the findings for a Demolition Permit can be made pursuant to BMC Section 19.08.136 and Chapter 16.28. First, the project has been conditioned and designed to avoid adversely impacting the public health, safety, and/or welfare of the City because the project will be required to adhere to the requirements for a Demolition Permit from the Building Department, such as preparing an Erosion Control Plan, and must comply with all Regulations from the Building and Fire Code. Adequate measures will be implemented during and after grading activities to provide adequate site protection and the project will be conditioned to identify how the project complies with State air quality requirements.

Second, the proposed project will not result in the removal of a building which has been recognized as having historical or architectural significance. The garage structure does not appear to be historically significant and the proposed project will not affect the locally designated structure. The existing garage is dilapidated and in disrepair and not structurally safe.

Third, the demolition plan provides for adequate site protection during the project and fourth, the demolition time-frame is reasonable; week maximum. Finally, the demolition will not remove a housing unit and is consistent with the City’s Housing Element; the proposal is for the removal of a detached garage. A draft Resolution has been prepared for the Commission’s consideration (**Attachment 1**).

### **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 **January 9, 2019** the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Class 1(14)* because the proposed project consists of removal of an existing dilapidated garage.

It can be seen with certainty that there is no possibility that the activities in question may have an effect on the environment, as defined by CEQA.

City action is required by **March 9, 2019** or the project may be deemed approved.

### **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. As of writing this report, staff has not received any written correspondence regarding the removal of the detached garage.

**CONCLUSION**

Staff recommends that the required findings for the requested application can be made as included in the attached Draft Resolution.

**RECOMMENDATION**

**MOTION 1**            Adopt the Resolution granting Demolition Permit for the property located at **419 Belvedere Avenue**, as conditioned (**Attachment 1**) for the removal of existing detached garage.

**ATTACHMENTS**

- Attachment 1:        Draft Demolition Resolution
- Attachment 2:        Demolition Application
- Attachment 3:        Project Plans (site plan only)
- Attachment 4:        Correspondence

**CITY OF BELVEDERE**

**RESOLUTION NO 2019 -**

**A RESOLUTION OF  
THE PLANNING COMMISSION OF THE CITY OF BELVEDERE  
GRANTING A DEMOLITION PERMIT TO DEMOLISH AN EXISTING  
DETACHED GARAGE LOCATED AT 419 BELVEDERE AVENUE**

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**WHEREAS**, a proper application has been submitted for a Demolition Permit pursuant to Title 16 of the Belvedere Municipal Code to demolish an existing detached garage located at 419 Belvedere Avenue; and

**WHEREAS**, the demolition project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission held duly a noticed public hearing on the requested Demolition Permit on January 15, 2019; and

**WHEREAS**, the Planning Commission finds, based upon the findings set forth in Exhibit A attached hereto and incorporated herein, and with the conditions listed below, the proposed project is in substantial conformance with the findings specified in section 16.28.110 of the Belvedere Municipal Code,

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Belvedere does hereby grant approval pursuant to Title 16 of the Belvedere Municipal Code to allow the demolition of an existing detached garage, 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 two weeks of the commencement of demolition of the detached garage 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 work day.

- 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 regular meeting of the Belvedere Planning Commission on January 15, 2019 by the following vote:

**AYES:**

**NOES:**

**RECUSED:**

**ABSENT:**

**APPROVED:** \_\_\_\_\_  
Marsha Lasky, Acting Planning Commission Chair

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

- 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 from the City a building of recognized historical or architectural significance. The subject structure has no historically distinguishing features. The removal of the proposed project will not affect a designated locally historic structure. The main residence is the designated local historic structure, not the detached garage which is the structure to be demolished. Additionally, the garage does not have integrity, which is required for any structure to be considered historic under CEQA, because it is in a dilapidated condition.

- 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 of the detached garage would result in minimal disturbance to on-site soils. Demolition of the existing garage is expected to last 1 week. The existing detached garage represent approximately 30 yards of material to be hauled off-site.

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

The time frame for accomplishing the demolition is reasonable; the applicant has indicated that the demolition for the detached garage will take approximately 4 days. The applicant's estimated 4 day time frame for accomplishing the demolition is reasonable. While it is preferable to complete the demolition as soon as possible, in the event that demolition may take longer, 2 weeks would still be a reasonable timeframe to complete the demolition for the detached garage.

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

No housing unit is proposed to be removed.

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

The demolition of the existing detached garage will not have an impact on the availability of housing units in Belvedere, as a housing unit is not proposed to be demolished.

Project Address: 419 Belvedere Avenue



# APPLICATION FOR DEMOLITION PERMIT

RECEIVED

DEC 19 2018

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

City of Belvedere

## FOR STAFF USE ONLY

Date: 12/19/18 Rec'd. by: NSM Amount: \$261<sup>00</sup> Receipt No.: \_\_\_\_\_  
Assessors Parcel No: 060-221-19 Zone: R15

## TO BE COMPLETED BY APPLICANT

Address of Property: 419 Belvedere Ave.

Type of Property: \_\_\_\_\_

Record Owner of Property: Peggy Homestead Trust

Mailing 70 W Madison St. Daytime Phone: \_\_\_\_\_

Address: Chicago IL 60602-4232 Fax: \_\_\_\_\_

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

Owner's Representative: Mark Jensen

Mailing 1550 Tiburon Blvd. #222 Daytime Phone: 415 342-0096

Address: Tiburon CA Fax: \_\_\_\_\_

94920 Email: mark@jambaconstruction.com

Square Footage of Structure to be Demolished: ~ 600<sup>sq</sup>

1. Name of demolition contractor and state contractor license number: \_\_\_\_\_

Jamba Construction # 897278

2. Location where demolition debris will be disposed of: Main Resource Recovery

3. Size, location, and duration for debris boxes to be placed on City streets: No debris

boxes are planned to be used.

4. Route(s) to be taken by demolition trucks into and out of the City: We will likely

remove some debris by barge but we may haul some of  
the garage debris north on Belvedere Ave down to  
Tiburon Blvd since the work will be performed close to the  
street.

Project Address: 419 Belvedere Avenue

5. Size/Type of trucks used to haul demolition material: 10 yard debris hauling trucks, Pickup truck w/ trailer
6. Estimate of cubic yards of demolition material to be removed: 30 yards
7. Proposed development plan and development timetable for the site once demolition is completed: Retain Apron only
8. Period of time demolition is expected to take: 7 days
9. Size and location of trees or other vegetation and location of any drainage system to be removed in conjunction with the demolition: No trees or drainage to be removed
10. Erosion, sedimentation, and /or drainage control plans for the site following demolition: wooded, silt fence, seeding
11. Relocation provision for tenants, if any, occupying building to be demolished: N/A
12. Year building to be demolished was constructed: 1970's ?
13. Official designation of historical or architectural significance, if any: NONE
14. Other: \_\_\_\_\_

**Note:** The demolition contractor will be required to provide the City with a certificate of worker's compensation insurance and may be required to post a bond. The contractor must also secure a City of Belvedere business license before the actual demolition permit can be issued by the Building Official.

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 the demolition permit 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.

I understand that the contents of this document are a Public Record.

Signature: 

Name: Mark Swanson

Date: 12/19/18

399, 401, 415 and 419 Belvedere Avenue Proposed Fence Location

Dimensions shown are approximate distances from property line to Belvedere Avenue Fence to be set back approximately 16" from edge of road, along inside of existing rock wall

