BELVEDERE PLANNING COMMISSION
REGULAR MEETING AGENDA
June 16, 2020 6:00 P.M.
REMOTE MEETING

On March 16, 2020, the Marin County Public Health Officer issued a legal shelter in place order. On March 31, 2020 the Marin County Public Health Officer issued an updated legal order directing all residents to shelter at their place of residence through May 3, 2020, except to perform Essential Activities. The March 31, 2020 Order prohibits the gathering of any number of people occurring outside a household unit, except for the limited purpose of participating in an Essential Activity. Additional information is available at https://coronavirus.marinhhs.org/.

This meeting is necessary so that the City of Belvedere can continue its business and is considered an Essential Activity. Consistent with Executive Orders No. 25-20 and No. 29-20 from the Executive Department of the State of California, the meeting will not be physically open to the public. Members of the Planning Commission and staff will participate in this meeting remotely as permitted under said Executive Orders.

As always, the public may submit comments in advance of the meeting by emailing the Director of Planning and Building at: iborba@cityofbelvedere.org. Please write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the Planning Commission and included in the public record for the meeting. Those received after this time will be added to the record and shared with Planning Commissioners after the meeting.

The meeting will be available to the public through Zoom video conference. Those who do not have access to Zoom may access the meeting by calling the number below.

Join Zoom Meeting

https://us02web.zoom.us/j/87101175614?pwd=SHZ2MnlRSldPQVQ2elBBcVV5RHZmUT09

Meeting ID: 871 0117 5614
Password: 630313
Dial
877 853 5247 US Toll-free
888 788 0099 US Toll-free

The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write “I wish to make a public comment” in the chat section of the remote meeting platform. At the appropriate time, the Clerk will allow oral public comment through the remote meeting platform. Any member of the public who needs special accommodations to access the public meeting should email the Director of Planning and Building iborba@cityofbelvedere.org, who will use her best efforts to provide assistance.

HEARING PROCEDURE:
The Planning Commission will follow the following procedure for all items listed as public hearing items:

1. The Chairman will ask for presentation of the staff report;
2. The Commission will have the opportunity to question staff in order to clarify any specific
A. CALL TO ORDER OF REGULAR MEETING

B. OPEN FORUM
This is an opportunity for any citizen to briefly address the Planning Commission on any matter that does not appear on this agenda. Upon being recognized by the Chair, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more lengthy presentation or Commission consideration will be agendized for further discussion at a later meeting.

C. REPORTS
The Reports agenda item consists of any oral reports from standing Planning Commission committees (if any), an individual member of the Planning Commission, and staff.

D. PRESENTATION and DISCUSSION
1. Planning Commission presentation and discussion regarding Objective Design and Development Standards. The City of Belvedere applied with the County of Marin and other local Marin jurisdictions for a SB 2 (Atkins) Building Jobs and Homes Act planning grant to facilitate Housing Element programs. The County and other local jurisdictions are working together to ensure that design guidelines for multifamily housing developments maintain a high quality and will be context sensitive. An effort is underway to prepare Objective Design and Development Standards (ODDS) that will result in a toolkit of standards that, when adopted, will provide a clear review and approval process. This will also ensure that design and aesthetic of developments address topics such as architectural style while accommodating current and future legislation requirements. Dave Javid from Plan to Place will be presenting.

E. CONSENT CALENDAR
The Consent Calendar consists of items that the Planning Commission considers to be non-controversial. Unless any item is specifically removed by any member of the Planning Commission, staff, or audience, the Consent Calendar will be
adopted by one motion. Items removed will be considered in the sequence as they appear below. If any member of the audience wishes to have an item removed, please step to the microphone, state your name, and indicate the item.

2. Draft Minutes of the May 19, 2020 regular meeting of the Planning Commission.

3. Extension of time for Design Review, Exception to Total Floor Area and Variance approval for a new single-family residence and attached garage located at 218 Bayview Avenue. Property Owner: GCLD LLC; Applicant: Leyla Hilmi. Staff recommends that the Planning Commission adopts the resolutions of approval granting an extension for design review.

Documents:

Item 3 218 Bayview Staff report with attachments.pdf

F. PUBLIC HEARINGS

4. Planning Commission consideration of Design Review to paint the home at 5 GOLDEN GATE AVENUE. The home is currently under construction and the homeowners would like the hardie plank to be painted Artic White. Applicant and Property Owners: Amy DeVincentis and James Mersfelder. Staff recommends that the Planning Commission adopts the required design review resolution for approval.

5. Planning Commission consideration of an application for Design Review for an addition/remodel of the existing home for the property located at 18 EUCALYPTUS ROAD. The proposal includes the remodeling of the existing two bedroom and two bath home to become three bedrooms with four baths. The proposal includes removing one of the existing bedrooms on the upper level and replacing it with a larger master bedroom closet and new stairs to the lower floor of the residence. The lower floor existing recreation room is proposed to be remodeled and an addition of 221 SF is proposed to be added to construct two new bedrooms and bathrooms. Additionally, landscaping modifications are proposed for the addition of 21 new trees (oaks). These trees have already been planted at the front of the property. A Revocable License is also required for improvements in the right-of-way. Applicant/Property Owner: Stephen and Pamela Pasquan. Staff recommends that the Planning Commission adopts the required resolutions of approval. Recused Chair Mark, Commissioners Slaymaker and Hart.

Documents:

ITEM 4 5 GOLDEN GATE AVE STAFF REPORT WITH ATTACHMENTS.PDF
ITEM 5 18 EUCALYPTUS DR AND LANDSCAPING PLANS.PDF
ITEM 5 18 EUCALYPTUS ROAD STAFF REPORT WITH ATTACHMENTS..PDF

APPEALS: The Belvedere Municipal Code provides that the applicant or any interested person may appeal the action of the Planning Commission on any application. The appeal must be in writing and submitted with a fee of $523.00 not later than ten (10) calendar days following the date of the Planning Commission action. Appeals received by City staff via mail after the tenth day will not be accepted. For purposes of filing an appeal, if the final day to appeal falls on a City Hall observed holiday or a day when City hall is closed, the final day to
The Chairman will ask for presentation of the staff report; upon being recognized by the member of the audience wishes to have an item removed, the applicant and the project representative will be allowed to make a presentation, unless any item is specifically removed by any member of the Planning Commission. To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

Planning Commission presentation and discussion regarding Objective Design Objective Design. The applicant will be given an opportunity to respond to comments made by the public hearing. [Government Code Section 65009(b)(2)].

Items removed will be considered in the sequence as they appear on the agenda. Items placed on the Consent Calendar will be heard first. The Commission will have the opportunity to question staff in order to clarify any specific changes or extenuating conditions, be heard. For additional information, please contact City Hall, 450 San Rafael Avenue, Belvedere, CA 94920. (415) 435-3838.

Date Posted: June 9, 2020
RECOMMENDATION
The application is for an extension of Design Review, Exception to Total Floor Area & Variance entitlements approved at the April 18, 2017, regular Planning Commission meeting via Resolutions 2017-011, 012 & 013. The proposed project is for the construction of a single-family residence and related site improvements located at 218 Bayview Avenue.

Staff recommends that the Planning Commission take the following actions:

MOTION 1  Adopt a Resolution granting extension of Design Review, Exception to Total Floor Area and Variance for a new residence at 218 Bayview Avenue (Attachment 1).

BACKGROUND/PROPERTY HISTORY
On April 18, 2017 the Planning Commission considered and approved applications for Design Review, Exception to Total Floor Area and Variance for the construction of a new attached two-car garage, and related site improvements for the subject property at 218 Bayview Avenue. See Attachment 4, Resolutions 2017-011, 012 & 013 of the April 18, 2017, Planning Commission meeting. The staff report and plans of the April 18, 2017 Planning Commission meeting:

http://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/_04182017-182  The design review approval was valid for 12 months.

In April 2018, pursuant to §20.04.060 of the Belvedere Municipal Code, staff administratively granted a one-year extension of the entitlements granted at the April 18, 2017, meeting with a new expiration date of April 18, 2019.

On May 21, 2019, the Planning Commission approved a one-year extension with a new expiration date of April 18, 2020. The applicant is now requesting an additional one-year extension.
**PROJECT ANALYSIS**

The applicant requests a one (1) year extension of the Design Review and Variance approvals for a new expiration date of April 18, 2021.

Belvedere Municipal Code section 20.04.060 provides that, “prior to expiration of the design review approval, extensions of not more than one year from the original date of expiration may be granted by the City Planner, with the approval of the City Manager. Extensions of any duration may be granted by the Planning Commission.” Because the Design Review & Variance approvals have not yet expired, the Planning Commission has the discretion to grant an extension of any duration if it determines that “the criteria of [the Design Review] Chapter would be still be served.”

Here, the applicant has indicated that the property owner is very close to pulling the building permit but due to the Shelter In Place, they are having a difficult time acquiring all of the documents needed to submit to the Building Department. Additional time is needed to complete the building permit process.

No changes to the previously approved Design Review, Exception to Total Floor Area & Variance application are proposed. A draft Resolution of approval is included as **Attachment 1**.

Staff supports the request for the extension for one (1) year given the reasons as noted above, and staff has prepared the attached draft Resolution of approval for the Commission’s consideration for the extension request.

**ENVIRONMENTAL DETERMINATION**

The project was reviewed under the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On June 8, 2020, the proposed project was determined to be categorically from CEQA pursuant to Section 15303 of the CEQA Guidelines - Class 3, which allows the construction of one single-family residence and because it could be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, as defined by CEQA.

**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. At the time of writing this staff report, Staff has not received any written correspondence.

**CONCLUSION**

Staff suggests that there have been no substantial changes in environment or in regulatory review processes since the original approvals that would require renewed analysis of the previously approved project applications. Staff supports the request for the extension for one (1) year and has prepared draft Resolutions of approval for the Commission’s consideration.

**RECOMMENDATION**

**MOTION 1**

Adopt a Resolution granting extension of Design Review, Exception To Total Floor Area and Variance for the construction of a new residence, attached two-car garage, and related site improvements for the subject property at **218 Bayview Avenue** (Attachment 1).
ATTACHMENTS

Attachment 1: Draft Resolution Granting a One Year Extension for Design Review, Exception to Total Floor Area & Variance for the property at 218 Bayview Avenue.
Attachment 2: Application for Extension of Design Review
Attachment 4: Correspondence
CITY OF BELVEDERE

RESOLUTION NO. 2020-

A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF BELVEDERE
GRANTING EXTENSION OF DESIGN REVIEW APPROVAL GRANTED BY
MEANS OF PLANNING COMMISSION RESOLUTIONS 2017-011, 012 & 013 FOR A
NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED
GARAGE & OTHER SITE IMPROVEMENTS AT 218 BAYVIEW

WHEREAS, proper applications for Design Review, Exception to Total Floor Area and Variance have been submitted pursuant to Title 20 of the Belvedere Municipal Code to allow for the construction of a new single family residence and attached garage at 218 Bayview Avenue; and

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

WHEREAS, the Planning Commission held duly noticed public hearing on the requested Design Review, Exception to Total Floor Area & Variance applications on April 18, 2017; and

WHEREAS, the Planning Commission approved said Design Review, Exception to Total Floor Area and Variance requests on April 18, 2017 via Resolution 2017-011, 012 & 013; and

WHEREAS, on April 18, 2018, pursuant to section 20.04.060 of the Belvedere Municipal Code, staff administratively granted a one-year extension of the entitlements granted at the April 18, 2017 Planning Commission meeting, with a new expiration date of April 18, 2019; and

WHEREAS, on May 21, 2019, pursuant to section 20.04.060 of the Belvedere Municipal Code, the Planning Commission granted a one-year extension of the entitlements granted at the April 18, 2017 Planning Commission meeting, with a new expiration date of April 18, 2020; and

WHEREAS, the Planning Commission finds, based upon the findings set forth in Exhibit A Resolution (No 2017-011, 012 & 013) attached hereto and incorporated herein, the proposed project is in substantial conformance with Design Review criteria specified in sections 20.04.110 to 20.04.210, and conforms with Section 19.78.080 and Section 19.56.060 to allow for the construction of a new single-family residence & attached garage & other site improvements; and

WHEREAS, the Planning Commission also finds, based upon the findings set forth in Exhibit A Resolution (No 2017-011, 012 & 013) attached hereto and incorporated herein that the requested extensions serve the purpose of the Design Review Ordinance, pursuant to Municipal Code section 20.04.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant a one (1) year extension of Design Review approval pursuant to Title 20 of the Belvedere Municipal Code to allow for the construction of a new single-family residence & attached garage & other site improvements at 218 Bayview Avenue subject to findings and conditions of approval as original approved on April 18, 2017 pursuant to Resolutions (No 2017-011, 012 & 013) herein included as Exhibit A with the new expiration date of April 18, 2021.

ATTACHMENT 1
PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 16, 2020, by the following vote:

AYES:

NOES:

RECUSED:

ABSTAIN:

ABSENT:

APPROVED: _____________________________

Peter Mark, Planning Commission Chair

ATTEST: _______________________________

Christina Cook, City Clerk
Exhibit A
Resolution 2017-011
218 Bayview Avenue
CITY OF BELVEDERE

RESOLUTION NO. 2017-011

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL FOR A NEW HOUSE AND ATTACHED GARAGE AT 218 BAYVIEW AVENUE

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for a new house, attached garage and other associated site improvements at 218 Bayview Avenue; and

WHEREAS, the project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction; and

WHEREAS, CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no potential that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. As mentioned above, the project is exempted from CEQA by the Common Sense Exemption. If it can be seen with certainty that a project will not have a significant effect on the environment, it is exempt from CEQA review. (CEQA Guidelines, § 15061(b)(3).) Here, a Cultural Resources Evaluation was done by Archeological Resource Service and concluded that there is a negative result for artifacts and potentially significant cultural resources. Therefore, there is no possibility that any potential Tribal Cultural Resources that may, or may not, exist on the site would be adversely affected; and

WHEREAS, the Planning Commission held a properly noticed hearing on April 18, 2017 and

WHEREAS, the Planning Commission finds based upon the findings set forth in Exhibit A attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.005 and 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code to build a new house and 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 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. This approval is conditioned upon the accuracy of all facts stated in the application and supporting documents.

b) Construction shall conform to the drawings prepared by Leyla Hilmi Design, stamped received by the City of Belvedere on April 10, 2017.
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) Prior to the issuance of a building permit for building permit, the applicant shall submit a tree protection plan for review and approval by the City Planner. The Plan shall identify measures to protect existing trees on adjacent properties that may be affected by demolition and or construction activities at 218 Bayview Avenue. Said protective measures shall be in place prior to issuance of building permit. The plan shall be prepared by a certified arborist, and shall include but not be limited to the following:

1. Installation of orange mesh construction fencing or other protective barrier at the drip line of trees prior to commencement of demolition.

2. Adjustments to protective barrier/fencing anticipated during the different stages of demolition and construction.

3. Excavation and trenching methods used to avoid unnecessary root damage.

4. Communication and coordination with the adjacent property owners regarding tree protection measures, including obtaining consent of property owner, if required, to access property and perform these measures.

e) All requirements of the City Engineer shall be met. Encroachment permits, as distinguished from a Building Permit, shall be obtained prior to commencing work in the City right-of-way.

f) For projects that affect site drainage, a preliminary drainage plan shall be reviewed and approved by the City Engineer prior to issuance of a building permit.

g) The landscape plan shall be reviewed by the Marin Municipal Water District (MMWD) for conformance with the District’s Water Efficient Landscape Ordinance (WELO) prior to issuance of the building permit. Prior to issuance of a building permit the applicant shall demonstrate that the proposed landscape plans comply with MMWD.

h) All requirements of the Fire Marshal shall be met prior to issuance of a building permit including but not limited to:

- Vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin. CFC 304.1.2.

- The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2.

- Approved smoke and carbon monoxide alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10.

- The vegetation on this parcel shall comply with the requirements of TFPD. CFC 304.1.2.
• The fire pit shall comply with TFPD Policy 423.9.

i) All requirements of Public Works shall be met prior to issuance of a building permit including but not limited to:

• An updated Revocable License will be required for private improvements within the public right-of-way and easements.

• 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 review the proposed Grading & Drainage Plans for conformance with their recommendation prior to Building Permit issuance.

• The project will require a detailed Grading Plan & Drainage Plan showing cut and fill earth volumes. Said plans shall incorporate, as appropriate, the MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County. This can be found at the following website:

• 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. 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 will require a Utility Plan (if not shown on the Site Plan) showing the existing site utilities and their alignment and locations, along with any proposed new locations or alignments for sewer, water, irrigation, gas, electrical, telephone, cable TV, etc.

• The project will require an Erosion Control Plan incorporating, as appropriate, the MCSTOPPP Minimum Erosion/Sediment Control Measures for Small Construction Projects

j) An Encroachment Permit is required for all improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Manager.

k) 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 the Director of Planning and Building. The final lighting plan shall clearly indicate the quantity, location and type of exterior light fixtures.
l) Prior to the issuance of a Building Permit, the final design of the garage shall be reviewed and approved by the Planning Commission Chair and the Director of Planning and Building. The final design of the garage shall incorporate reducing the square footage of the garage, narrowing the width on the right hand side and lower the ridge and pitch of the roof.

m) The garage shall conform to Section 19.48.010 of the Belvedere Municipal Code. The garage shall be built no less than 20 feet from the opposite side of the street.

n) 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 Director of Planning and Building.

o) The general contractor shall submit a proposal to the City Manager, for review and approval, addressing the schedule for construction and parking locations for construction vehicles. Prior to the issuance of a building permit, the applicant shall update the Construction Management Plan to the satisfaction of the Building Official.

p) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans.

q) Design Review approvals expire twelve (12) months from the date of approval. This Design Review approval expires on April 18, 2018.

r) Construction shall be completed within the Construction Time Limit established for this project.

s) In the event unanticipated archaeological 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.

T) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.

u) These restrictions shall be binding upon any successor in interest of the property.

v) Prior to the issuance of a building permit the property owner shall demonstrate compliance with State/BAAQMD air quality requirements related to the dust generated by grading and construction.

w) Prior to approval of the framing inspection, the applicant shall provide an elevation survey prepared by a licensed surveyor to the Building Department indicating the height of the new residence.

x) Prior to approval of the foundation inspection, a licensed surveyor shall stake the corners of the foundation (with offset) and shall submit a survey of the foundation stakes to include the boundaries of the property.
y) Prior to issuance of a building permit and where required by the City of Belvedere Municipal Code Section 8.36.090 D., Permanent stormwater controls for new and redevelopment, 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.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on April 18, 2017, by the following vote:

AYES: Paul Rosenlund, Jim Lynch, Peter Mark, Nena Hart, Pat Carapiet, Larry Stoehr
NOES: None
ABSENT: None
RECUSED: Marsha Lasky

APPROVED: 

Paul Rosenlund, Acting Planning Commission Chair

ATTEST: 

Alison Foulis, City Clerk
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.

Much of the landscape will be kept in its natural state. There is one tree proposed for removal required for development of the house. The arborist report indicates that the tree has poor structural rating. The remainder of the landscaping will remain intact, including a large group of oaks at the rear of the property. The landscape plan proposes to plant six additional trees, and many shrubs and perennials. The majority of the landscaping will remain in its natural state.

The building of a new residence and the outdoor patios will require grading. These improvements harmonize with the existing landscaping and the new landscaping will help screen the residence and the outdoor spaces.

The construction of the proposed residence and associated outdoor space complement the topography of the site, there is minimal cut and fill required for the construction, and therefore creation of the residence and associated improvements are in substantial conformance with this finding.

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 project proposal maintains a balanced and harmonious relationship between the structure and its site and adjoining properties because the proposed new residence and attached garage have been designed to relate to and fit with the natural contours of the hillside. The new house and attached garage are designed in a manner as to minimize the building mass and bulk on this steep site and the structure integrates with the site. The residence is built into the hillside and terraced appropriately to work with the contours of the land.

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 residence is designed to avoid appearing monumental or excessively large in size. Viewed from Bayview Avenue the home will have a very low profile as it slopes down the hill. The garage will be visible from Bayview and portions of the roof line of the new home will be visible, however not out of character with the dwellings in the neighborhood. The proposed materials and rooflines are in character with the setting, the
proposed residence and garage 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 call attention to themselves.

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 property slopes downward from the street and the mass and bulk of the residence is minimal given the down-sloping nature of the parcel. The retaining wall proposed at the rear yard is proposed to be covered in river rock. The house is proposed in hardie plank “Baybooth Blue” siding, with arctic white trim. The guardrails are proposed in black metal. Three wood trellises painted white are proposed throughout the property.

Further, the proposed residence and garage would not increase the impression of bulk due to its location on the lot and the abundance of existing trees provide natural screening.

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 building design and materials minimize visual impact, blend with the landform and neighborhood, and do not draw attention. The proposed materials, hardie plank “Baybooth Blue”, arctic white trim, river rock, black metal guardrails, wood trellises, brick chimney, and decorative wood vents are appropriate for the residence in that they are quality materials that blend in well with the surrounding properties. The color palate for the project includes dark greys, white and beige/browns. 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 compatible with the site, preserve privacy, and do not significantly block views. The project includes construction of a new fencing at the side property lines. The fence is proposed to be 6 feet in height and constructed out of wood. The newly proposed fence would not block views from the neighboring property and the additional landscaping will enhance the curb appeal of the residence and maintain privacy. The proposed garage is larger in size (650 SF) to accommodate two cars, storage and garbage cans. There are new posts and gates proposed in the front yard area as well. The posts are proposed in stone and the gates are proposed in black metal.

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

Building placement, and window size and placement has been selected to consider the privacy of adjacent buildings. Given the topography of the lot, the mature landscaping that exists, the proposed landscaping and the location of the proposed residence, the windows are placed on the structure 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 two car garage conforms to BMC section 19.48.190(F), proposing a zero front setback for the structure. The proposed garage is designed to integrate into the residence, and with the neighboring properties. The garage is proposed to be 650 square feet which is on the larger side for Belvedere however the garage is intended to be used as a two car garage, storage and a trash enclosure. The new garage will provide off street parking for the house, the design of the garage provides adequate back-up distance for the vehicles exiting the garage. The driveway is in harmony with the design of the new garage and existing residence 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 applicant proposes exterior lighting that will not create glare, hazard or annoyance to neighboring properties or to passerby’s; all proposed light fixtures are shielded and or directed downward. On the front elevation, there would be two shielded sconce lights on either side of the garage door, and two shielded sconce lights on either side of the trellis. Nine sconce lights are proposed on the rear elevation at the rear decks and patio. The cedar timber steps proposed at both sides of the property and the front and will have a step light every two risers, for a total of 21 lights. One wall sconce is proposed on the right side of the home and three sconces are proposed on the left side of the property at the entry level landing.

**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 proposed project includes requests a Floor Area Exception and a Variance to exceed the allowable lot coverage. The Floor Area Exception request is to allow an additional 1,574 SF of floor area to be constructed.

The proposed Floor Area Exception would allow construction of an additional 1,574 SF to the proposed residence. The permitted floor area for the property is 2,063 SF and the proposed floor area is 3,637. Given the topography of the site and where the residence and garage are proposed on the site, the added floor area is mitigated. The fact that the lot is very small, asking for a 3,637 SF home is not unreasonable.

The proposed Variance is to allow 34% lot coverage where 30% is permitted. The elimination of the proposed Variance does not seem reasonable as the lot is very small and the house is comparable to homes in the vicinity.

Given that both the Variance and Exception to Floor Area findings are satisfied, it is not reasonable nor feasible to condition the project on the removal of these nonconformities.

**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 in the front, side and rear yards of the property. Six new trees are proposed to be planted, including a cherry plums and Japanese maples in the front and rear yards. Burmese Plumbago is proposed at the side property lines to help soften and screen the new home. Additional plantings are proposed at the lower patio and the front yard. 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 proposed landscape is in substantial conformance with this finding as it includes six new trees, which are native to California as well as variety of smaller shrubs that are low water use and include slow and fast growing species.
Exhibit A
Resolution 2017-012
218 Bayview Avenue
CITY OF BELVEDERE

RESOLUTION NO. 2017-012


WHEREAS, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code to permit a maximum floor area of 3,637 square feet where 2,063 square feet is permitted at 218 Bayview Avenue; and

WHEREAS, the project has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303 Class 3 (a) of the CEQA Guidelines; and

WHEREAS, CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no potential that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. As mentioned above, the project is exempted from CEQA by the Common Sense Exemption. If it can be seen with certainty that a project will not have a significant effect on the environment, it is exempt from CEQA review. (CEQA Guidelines, § 15061(b)(3).) Here, a Cultural Resources Evaluation was done by Archeological Resource Service and concluded that there is a negative result for artifacts and potentially significant cultural resources. Therefore, there is no possibility that any potential Tribal Cultural Resources that may, or may not, exist on the site would be adversely affected; and

WHEREAS, as conditioned in the Design Review Resolution of approval, condition letter “l” and in no event to exceed 3,637 square feet;

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Floor Area Exception on April 18, 2017; and

WHEREAS, the Planning Commission made each and every one of the following findings of fact, as required by section 19.52.120(A)(1) of the Belvedere Municipal Code:

a. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage.

The proposed project is a new single family home and attached garage. Primary views from adjacent properties are not significantly impaired by the additional square footage of the home as the house is proposed to step down the hillside with the garage at the street level. The views from the street will be impacted however not significantly. Given the site constraints there is no other feasible place to locate the garage and any development would impact the views from the street. The design of the home is well thought out, and minimizes impacts when viewed from the street.
b. That there are unusual characteristics applicable to the parcel which minimize the impact of a greater floor area.

The unusual characteristic of the parcel that minimizes the impact of the greater floor area is that the lot is extremely steep; it's about a 60 percent slope. The house is designed to step into the hillside on different levels, minimizing the impact of the greater floor area. Given the size and steepness of the lot in relation to the excess square footage the design reduces the impact of the greater floor area.

c. That the proposed structure(s) are appropriate in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meet(s) all design review criteria.

The project meets all Design Review criteria and it fits in with the size, scale, and mix of classic and modern-style homes in the R-15 Zoning District. The house fits in well to the character of the existing neighborhood. The front entry gate, entry trellis, garage, fence and landscaping will add the character of the neighborhood.

d. That the additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties.

The new home and garage are designed to have minimal impact on the adjacent properties. Windows and other fenestration elements have been strategically placed and appropriately sized so that they do not substantially reduce the privacy otherwise available to the adjacent neighbors, and the walls are properly located to protect the privacy between adjoining dwellings without obstructing important view corridors. The project was designed this way intentionally to avoid or minimize privacy issues.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant an Exception to Total Floor Area to allow a maximum floor area of 3,637 square feet where 2,063 square feet is permitted at 218 Bayview Avenue.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on April 18, 2017, by the following vote:

AYES: Paul Rosenlund, Jim Lynch, Peter Mark, Nena Hart, Pat Carapiet, Larry Stoehr
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Marsha Lasky

APPROVED: 

Paul Rosenlund, Acting Planning Commission Chair

ATTEST: 

Alison Foulis, City Clerk
Exhibit A
Resolution 2017-013
218 Bayview Avenue
WHEREAS, a proper application has been submitted for a Variance from 19.26.040 of the Belvedere Municipal Code to allow a total lot coverage of 34 percent where 30 percent is permitted at the property at 218 Bayview Avenue; and

WHEREAS, as conditioned in the Design Review Resolution of approval, condition letter “l” and in no event to exceed 34 percent lot coverage;

WHEREAS, the Planning Commission held a duly noticed public hearing on the requested Variance on April 18, 2017; and

WHEREAS, the Planning Commission made the following findings of fact:

1. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;

   Granting a lot coverage variance does not constitute a grant of special privilege to this particular lot because the project will allow the property owners to enjoy a home of similar size to those in the vicinity and zone. The project proposes 34% lot coverage where 30% is permitted. Given the steepness of the lot and the fact that the 34% is not excessive, the granting a Variance is diminimus and would not be considered a special privilege.

2. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance section would deprive this property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss;

   The special circumstances of the property are the steepness of the slope and the unusually small lot size for the Zone. Due to the special circumstance of the steepness of the lot and the design of the home, the strict application of the lot coverage requirements would deprive the owners of the lot any potential for development of a home. Due to the steepness of the lot, additional decks are necessary to provide useable outdoor space for the home owners.

   Given that the additional lot coverage is minimal, only 4% greater than what is permitted, the strict application of the lot coverage requirements of the Zoning Code would deprive the owners of the ability to enjoy a moderate size home similar to that enjoyed by other properties in the vicinity under identical zoning classifications.

3. The granting of this Variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, or to the quiet enjoyment of their premises.

   The granting of the Variance for lot coverage will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of owners of other premises, as all construction will be governed by the uniform Building Code requirements as well as regulations restricting the construction impacts.
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant a Variance from the requirements of Title 19 of the Belvedere Municipal Code to allow lot coverage of 34 percent where 30 percent is permitted on the property at 218 Bayview Avenue.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on April 18, 2017, by the following vote:

AYES: Paul Rosenlund, Jim Lynch, Nena Hart, Pat Carapiet, Larry Stoerh, Jim Lynch
NOES: None
ABSENT: None
RECUSED: Marsha Lasky

APPROVED: 

Paul Rosenlund, Acting Planning Commission Chair

ATTEST: Alison Foulis, City Clerk
APPLICATION FOR EXTENSION OF DESIGN REVIEW APPROVAL

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
Ph. 415-435-3838 • Fax 415-435-0430 • www.citvotabelvedere.org

FOR STAFF USE ONLY

Date: ____________ Rec'd by: ________ Amount: __________ Receipt No.: __________
Assessors Parcel No: ___________________ Zone: __________________

TO BE COMPLETED BY APPLICANT

Address of Property: 218 BAYVIEW AVENUE, BELVEDERE

Type of Property: RESIDENCE

Record Owner of Property: GCLD LLC

Mailing Address: 718 FAXON AVENUE
                SAN FRANCISCO
                CA 94112

Daytime Phone: 415 810 8809
Fax: ___________________
Email: guojil234@yahoo.com; designmaxsf@yahoo.com

Owner's Representative: LEYLA HILMI

Mailing Address: P.O. BOX 684
                SAN ANSELMO
                CA 94979

Daytime Phone: 415 688 1878
Fax: ___________________
Email: leyla@hilmidesign.com

Date Design Review approval was granted: 05/21/2019

Duration of requested extension (not to exceed one year): ONE YEAR

Description of previously approved project:
CONSTRUCTION OF NEW RESIDENCE & GARAGE ON VACANT LOT, WITH ASSOCIATED LAND IMPROVEMENTS

Application for Extension of Design Review Approval • Page 1 of 2 • City of Belvedere
EXTENSION OF DESIGN REVIEW APPROVAL

Prescribed by Section 20.04.060, Duration of Approval, Conditional Approval and Exceptions, of the Belvedere Municipal Code:

Approval or conditional approval of Design Review applications shall be valid for one year from the date of action by the Planning Commission, or by the City Council on appeal, unless a building permit has been issued for the project within said one-year period, in which case the Design Review approval shall be valid as long as there is an active building permit of the project. In granting approval or conditional approval, the Planning Commission may designate a later expiration date if it determines that the criteria of this chapter would still be served. Design Review Exceptions shall be valid for one year from the date of approval indicated on the plans pursuant to section 20.04.020(B), unless a building permit has been issued for the project within said one-year period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project. Prior to expiration of the Design Review approval, extensions of not more than one year from the original date of expiration may be granted by the Planning Manager, with the approval of the City Manager. Extensions of any duration may be granted by the Planning Commission.

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 extension to Design Review approval 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,

Signature: ___________________________ Date: 5/19/20

Name: GC111 LLC
CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT

REPORT DATE: June 9, 2020
AGENDA ITEM: 4

MEETING DATE: June 16, 2020

TO: City of Belvedere Planning Commission

FROM: Rebecca Markwick, Associate Planner

REVIEWED BY: Irene Borba, Director of Planning and Building
Emily Longfellow, City Attorney

SUBJECT: Design Review for 5 Golden Gate Avenue to change the existing color of the residence to Arctic White.

RECOMMENDATION

The applicant requests Design Review to paint the exterior of their residence a shade of white named “Arctic White,” eliminate the side light at the front door and change the color of the door from black to blue. No other interior or exterior improvements to the existing single-family residence, existing onsite landscaping, or fencing are proposed. The application is included as Attachment 2.

Staff recommends that the Planning Commission conduct the required public hearing and take the following actions.

MOTION 1 Adopt the Resolution granting Design Review for the property located at 5 Golden Gate Avenue (Attachment 1).

PROPERTY SUMMARY

Project Address: 5 Golden Gate Avenue
APN: 060-111-16
Project Applicant/Owner: Amy DiVincentis and James Mersfelder
GP Designation: Low Density Residential SFD: 1.0 to 3.0 units/net acre
Zoning: R-15 Single Family Residential District, Belvedere Island
Existing Use: Single Family Residential

Site Characteristics: The project site is an approximately 6,650-square foot parcel with steeply sloping topography in the R-15 Zoning District. The project site is currently under construction to remodel the existing home. The approved project includes a 3,327 single-family residence, and an extensive landscape plan.

PROPERTY HISTORY:

2003- Planning Commission Design Review and Exception to Total Floor Area for a master bedroom addition. This project was never built.
2003- Staff Design Review Approval to move the previously approved fireplace to a different location in the home to accommodate the existing doors and windows.

2005- Planning Commission Design Review and Exception to Total Floor Area for a master bedroom addition; the same project that was approved in 2003.

2006- Staff approval to enclose a small portion of the entry niche to expand the foyer, install new entry transom window and modify the front yard steps. 2011- Design Review Exception approval for a bathroom remodel, new skylight, and a soffit vent.

2018- Planning Commission approval of Design Review, Exception to Total Floor Area and a Variance to allow for an addition to the home and to convert the existing carport into a garage.

PROJECT DESCRIPTION ANALYSIS

The applicant requests Design Review approval to paint the exterior of the existing 3,327 square-foot residence a shade of white named “Arctic White” and to remove the side lights from the door and change the approved door color from black to blue. The extensive remodel was approved in 2018 and is currently under construction. During the course of construction, the applicant has proposed to change the James Hardie Pearl Gray shingles to James Hardie lap siding in Arctic White. Additionally, the applicant has proposed to remove the side lights at the door and proposes it in blue instead of black. The applicant does not propose any other improvements to the exterior of the existing residence, nor are any improvements to the interior of the residence.

Design Review Permit:

Outlined in Title 20 of the Belvedere Municipal Code, all new buildings, new structures, and other exterior physical improvements, including any relocation or exterior addition, the extension or exterior change of a structure, landscaping changes, or any change to a previously approved project proposal, shall be subject to Design Review. Physical changes and improvements subject to design review under the foregoing shall include, but are not limited to, exterior textures and colors for new construction, or for exterior repainting or refinishing if colors or materials are inconsistent with the provisions of Section 20.04.140.

Belvedere’s Design Review ordinance states that paint colors should be soft and muted, in the earth and wood tone range. (Bel. Mun. Code, § 20.04.140). Any other exterior paint color that falls outside of these preferred colors must receive Planning Commission Design Review approval.

Here, because white exterior paint does not comply with Belvedere’s preferred color scheme, Design Review approval is required.

First, staff suggests that painting the exterior of the existing single-family residence a shade of white named “Arctic White” will fit appropriately and will conform with the color palette of the existing residence and surrounding single family properties. The applicant does not propose any additional exterior modifications except removing the side lights and changing the color of the front door.

Painting the exterior of the existing single-family residence will not increase the bulk, impact surrounding residential properties, nor affect the privacy of the surrounding property owners. Staff has provided the Commission with a draft Resolution of approval for the requested Design Review application.
**Administration Policy Consistency:**

As outlined in Chapter 324 of the Belvedere Administrative Policy, *Appropriate Colors and Materials*, the exterior of a single-family residence shall be painted earth tone colors such as beige, brown, and grey ranges or “woodtones” which include colors in the brown and muted green range. The predominant color of a structure should not cause a structure to stand out. Only the Planning Commission can approve the use of colors outside of the “earthtone” or “woodtone” range if they determine that the colors and materials are compatible with the building setting and are compatible with those of other buildings in the vicinity.

The proposed paint color “Arctic White” will be consistent with the paint color of the surrounding residential properties. Specifically, the house located at 5 Tamalpais Avenue is painted light gray with white trim, the house located at 3 North Point Circle is light beige. Additionally, the home at 5 North Point Circle was approved to be painted white last year.

The painting of the exterior of the residence a shade of white will not cause the residence to draw attention or stand out. Specifically, the project site is located within close vicinity to residences which have incorporated paint palettes which focus on light gray, tan, and white trim. The shade of grey, for example, incorporated into the exterior of these residences is rather of a light shade and like that of a white paint palette. In addition, the project site (5 Golden Gate Avenue) is heavily screened by trees and will not be visible or stand out given its location.

**ENVIRONMENTAL DETERMINATION**

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. On June 9, 2020, it was determined by City staff that the project is Categorically Exempt from an initial environmental analysis per Categorical Exemption Section 15301 (Existing Facilities) as the proposed project involves no expansion of an existing use. In addition, the project is exempt from CEQA by the Common Sense Exemption, per CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment. The project scope includes painting the exterior of the existing residence a shade of white and the installation of a new hot tub and does not include any other improvements to the exterior nor the interior of the residence or existing landscaping and fencing.

Based on the analysis provided above, staff has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) per section 15301 (Existing Facilities) and the Common Sense Exemption under Section 15061(b)(3) of CEQA.

**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 comments from neighbors.

**CONCLUSION**

Staff determines that all the findings can be made for the Design Review and Staff has prepared a Resolution recommending approval of the Design Review application.
RECOMMENDATION

MOTION 1  Adopt the Resolution granting Design Review for the property located at 5 Golden Gate Avenue (Attachment 1).

ATTACHMENTS

Attachment 1:  Draft Design Review Resolution
Attachment 2:  Project Application
Attachment 3:  Correspondence
CITY OF BELVEDERE

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW APPROVAL TO PAINT THE EXTERIOR OF AN EXISTING SINGLE-FAMILY RESIDENCE A SHADE OF WHITE AT 5 GOLDEN GATE AVENUE.

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code to paint the exterior of an existing single-family residence a shade of white named “Arctic White” at 5 Golden Gate Avenue; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission held duly a noticed public hearing on June 16, 2020; and

WHEREAS, the Planning Commission finds based upon the findings set forth in Exhibit A attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.005 and 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code and Chapter 324 of the Administration Manual to paint the exterior of an existing single-family residence a shade of white named “Arctic White” at 5 Golden Gate Avenue with the following conditions:

a) The property owner shall defend and 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) Design Review approvals expire twelve (12) months from the date of approval.

c) These restrictions shall be binding upon any successor in interest of the property.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 16, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

APPROVED: __________________________
Peter Mark, Planning Commission Chair

ATTEST: __________________________
Christina Cook, City Clerk
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 landscaping, including the removal of trees, vegetation, rock, and soil, will not occur as the project scope proposes to paint the exterior of the existing single family residence a shade of white.

Relationship between structures and the site. There should be a balance 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 proposed project will create a harmonious relationship among the existing residence and residential structures on the adjoining properties. Specifically, the project site is surrounded by residential properties which are painted light gray, brown, and beige. Painting the existing residence white will not draw significant attention to the residence and will be consistent with the color palette of the surrounding residences.

Minimizing bulk and mass.

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.

Inapplicable as the project does not propose any exterior improvements which may result in the impression of bulk or large expanses of any one material on a single plane retaining wall. The project will have no impact.

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.

As outlined in Chapter 324 of the Belvedere Administrative Policy, Appropriate Colors and Materials, the exterior of a single-family residence shall be painted earth tone colors such as beige, brown, and grey ranges or “woodtones” which include colors in the brown and muted green range. The predominant color of a
structure should not cause a structure to stand out. Only the Planning Commission can approve the use of colors outside of the “earhtone” or “woodtone” range if they determine that the colors and materials are compatible with the building setting and are compatible with those of other buildings in the vicinity.

The proposed paint color of “Arctic White” of the single-family residence will be consistent with the paint color of the surrounding residential properties. Specifically, the house located at 5 Tamalpais Avenue is painted light gray with white trim, the house located at 3 North Point Circle is light beige. Additionally, the home at 5 North Point Circle was approved to be painted white last year.

The painting of the exterior of the residence a shade of white designated as “Arctic White” will not cause the residence to draw attention or stand out. Specifically, the project site is located within close vicinity to residences which have incorporated paint palettes which focus on light gray, tan, and white trim. The shade of gray, for example, incorporated into the exterior of these residences is rather of a light shade and like that of a white paint palette.

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 the project scope will not involve the alteration to the existing fencing of the property.

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

The project does not propose any improvements which could potentially impact the privacy of the neighboring residential properties.

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.

Inapplicable as the proposed project will not result in the alterations of existing walkways, driveways, curb cuts or off-street parking which would necessitate further review from staff.

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 does not propose to add or alter any exterior lighting to the existing residential property. If lighting were to be proposed, the applicant would be required to design the lighting fixtures to face in a downward angle and/or be shielded so as not to create glare, hazard or annoyance to neighboring property owners or the surrounding community.

**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 proposed project was reviewed in compliance with Title 19 of the Belvedere Municipal Code and it was determined that the project would not result in any nonconformities.

**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.

**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. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

Inapplicable as the project scope would not result in any alterations to the existing landscaping.
**APPLICATION FOR DESIGN REVIEW**

**CITY OF BELVEDERE • PLANNING COMMISSION**

450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336

Ph. 415-435-3838 • Fax 415-435-0430 • www.cityofbelvedere.org

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**FOR STAFF USE ONLY**

Date: 5-19-2020  Rec'd. by: ____________  Planning Comm. Approval  □

Amount: $551.00  Receipt No.: ____________  Design Review Exception  □

Parcel No.: 000-111-10  Zone: R-15  Staff Approval  □

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**SECTION 1 • PROJECT SUMMARY**

Does this project have an active building permit?  No □  Yes □  Permit No.: 20190177

Does this project have Planning Commission approval?  No □  Yes □

Address of Property: 5 Golden Gate Ave Belvedere

Record Owner of Property: Amy DeVincentis  &  James Mersfelder

Mailing Address: 5 Golden Gate Ave  Belvedere, CA 94920  Daytime Phone: 917-750-3721

Fax: ____________  Email: devincentisamy@gmail.com

Owner's Representative: Shawn Peterson, Beyond Basics Const.

Mailing Address: 1680 Tiburon Blvd  Suite 5  Tiburon, CA 94920  Daytime Phone: 415-891-0657

Fax: ____________  Email: Shawn@BB-GC.com

Project Description:

- Would like to change exterior house color from James Hardie Evening Pearl Gray Shingles (approved to James Hardie lap siding in Arctic White).

- Also would like to eliminate side light from front entry. Change entry door color from black to Cascade Blue from Marvin doors.

- Current Approved Exterior Trim is Still Benjamin Moore Super White BM Super White OC-152.
APPLICATION FOR DESIGN REVIEW
CITY OF BELVEDERE • PLANNING COMMISSION
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
Ph. 415-435-3838 • Fax 415-435-0430 • www.cityofbelvedere.org

FOR STAFF USE ONLY
Date: 3-19-2020 Rec’d. by: ________________ Planning Comm. Approval ☐
Amount: $551.00 Receipt No.: ________________ Design Review Exception ☐
Parcel No.: 060-111-168 Zone: R-15 Staff Approval ☐

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes ☑ Permit No.: 20190177
Does this project have Planning Commission approval? No ☐ Yes ☑
Address of Property: 5 Golden Gate Ave Belvedere
Record Owner of Property: Amy DeVincentis & James Mersfelder
Mailing Address: 5 Golden Gate Ave Belvedere, CA 94920
Daytime Phone: 917-750-3721
Fax: ____________________________
Email: devincentsamy@gmail.com
Owner’s Representative: Shawn Peterson, Beyond Basics Const
Mailing Address: 1680 Tiburon Blvd Suite 5
Daytime Phone: 408-891-0657
Fax: ____________________________
Email: Shawn@BB-GC.com

Project Description:
- Would like to change exterior house color from James Hardie Evening Pearl Gray Shingles to James Hardie Lap Siding in Arctic White.
- Also would like to eliminate side light from front entry. Change Entry Door color from Black to Cascade Blue from Marvin Doors.
- Current Approved Exterior Trim is Still Benjamin Moore Super White BM Super White OC-152.
ZONING PARAMETERS:  

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>15,000</td>
<td>16,500</td>
<td>NO CHANGE</td>
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<tr>
<td>Lot Coverage</td>
<td>1995</td>
<td>21,025</td>
<td>23,440</td>
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<tr>
<td>Total Floor Area</td>
<td>2,194</td>
<td>2,613</td>
<td>3,287</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>10’</td>
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<td>Left Sideyard Setback</td>
<td>7’</td>
<td>7’</td>
<td>7’</td>
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<tr>
<td>Right Sideyard Setback</td>
<td>7’</td>
<td>3’-6”</td>
<td>7’</td>
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<tr>
<td>Rear Yard Setback</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
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<tr>
<td>Building Height Maximum</td>
<td>28’</td>
<td>23’</td>
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<tr>
<td>Building Height Average</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>TWO</td>
<td>TWO</td>
<td>NO CHANGE</td>
</tr>
</tbody>
</table>

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

Date Filed: 12-18-17  
(To Be Completed by Applicant)

General Information
1. Name and address of developer or project sponsor:  
James Forsfelder  
Amy DeVincenzi
2. Address of project:  
5 Golden Gate Ave, Belvedere
3. Name, address, and telephone number of person to be contacted concerning this project:  
Amy DeVincenzi, 5 Golden Gate Ave, 917-7SD-3721
4. Indicate number of the permit application for the project to which this form pertains:  
20190177
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:  

6. Existing zoning district:  
R-15
7. Proposed use of site (Project for which this form is filed):  
SF D
8. Year built: 1954?  
Original architect: ?

Project Description
9. Site size:  
6,550 SF
10. Square footage:  
11. Number of floors of construction:  
Garage & 2 Floors
12. Amount of off-street parking provided:  
2 Spaces
13. Plans attached?  
NO - already on file
Project Address: 5 Golden Gate Ave

14. Proposed scheduling. **Already in progress**
15. Associated projects, such as required grading or staging.

16. Anticipated incremental development.

17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. **One unit**

18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. **Variance for lot coverage granted**

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

20. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours. ☐ ☑

21. Change in scenic views or vistas from existing residential areas or public lands or roads. ☐ ☑

22. Change in pattern, scale or character of general area of project. ☐ ☑

23. Significant amounts of solid waste or litter. ☐ ☑

24. Change in dust, ash, smoke, fumes or odors in vicinity. ☐ ☑

25. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. ☐ ☑

26. Substantial change in existing noise or vibration levels in the vicinity. ☐ ☑

27. Site on filled land or on slope of 10 percent or more. ☐ ☑

28. Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. ☐ ☑

29. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). ☐ ☑

30. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). ☐ ☑

31. Relationship to a larger project or series of projects. ☐ ☑

32. Changes to a structure or landscape with architectural or historical value. ☐ ☑

33. Changes to a site with archeological or cultural value such as midden soil. ☐ ☑

Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. **EXISTING SFD PHOTOS ON FILE**

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. **EXISTING SFD PHOTOS ON FILE**
SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this form does not apply. Design Review approvals expire twelve (12) months from the date of approval.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code. “As part of any application for Design Review, the applicant shall file a reasonable estimate of the cost of the proposed construction, and based thereon, a construction time limit shall be established for the project in accordance with Section 20.04.035(b) of the Belvedere Municipal Code. Compliance with such time limit shall become a condition of design review approval.” The maximum time for completion of construction shall not exceed six months for additions and remodeling up to $100,000 in value; 12 months for construction up to $500,000 in value; and 18 months for construction valued at more than $500,000. Failure to complete construction in the agreed upon time will result in fines ranging from $400 per day to $800 per day with a $200,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.

Estimated cost of construction: $600,000

Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

☐ 1. For new construction, the demonstrable value of which is estimated to be less than $500,000.
   Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 2. For new construction, the demonstrable value of which is estimated to be more than $500,000.
   Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $100,000.
   Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.

☐ 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $500,000.
   Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than $500,000.
   Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or wish to exceed the time limit that was approved by the Planning Commission, the following outlines the “Extension of Construction Time Limit” (20.04.035D) process:
1. Within twelve months following the original approval of Design Review for the construction, and provided that no construction activity has yet commenced on the project, the applicant may apply for an extension of the established construction time limit, not to exceed an additional six months.

2. An application for an extension of the construction time limit shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, and a fee, as established by City Council resolution.

3. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City’s Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant’s option, the applicant and/or any other representatives of the applicant. At the completion of such review, the committee shall make a recommendation to the Planning Commission whether to approve the requested extension.

4. The committee’s recommendation shall be placed on the next available Planning Commission agenda and noticed as an amendment to the applicant’s existing Design Review approval. Any modification by the Planning Commission of the original construction time limit shall not extend the existing expiration date of the Design Review approval.

5. Administrative extension. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City’s Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant’s option, the applicant and/or any other representatives of the applicant. The committee may recommend to the Planning Commission, and the Planning Commission may approve, an extension if it is determined that any one or more of the following factors presents an unusual obstacle to complying with the standard construction time limit:
   a. Site topography;
   b. Site access;
   c. Geologic issues;
   d. Neighborhood considerations;
   e. Other unusual factors.
At the completion of such review, the committee shall make a written recommendation to the Planning Commission whether or not to approve the requested extension and setting forth the findings it has made justifying its decision. The Committee shall have the authority to administratively approve requests for extension, subject solely to the guidelines of Paragraphs 2 and 3 above, provided however that such extensions do not result in a construction time line exceeding 18 months.

**SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS**

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Hourly billing costs as of July 1, 2008, (subject to change without notice):

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Manager</td>
<td>$ 67.07</td>
</tr>
<tr>
<td>Assistant Planner</td>
<td>$ 39.29</td>
</tr>
<tr>
<td>City Attorney</td>
<td>$ 185.00</td>
</tr>
<tr>
<td>Specialized Planning Consultant</td>
<td>Actual costs + 25% overhead</td>
</tr>
</tbody>
</table>
For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. It has been found that there are often misunderstandings regarding changes to building plans that receive Design Review. This occurs when construction plans are submitted to the Building Department for permit issuance after planning approval has been achieved. Another common occurrence is a change to the project while it is underway without first obtaining an approval from the City for the deviation from the original plan.

To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be identical to the plans approved for design review. (Authority: Belvedere Municipal Code Section 20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.

2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.

3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.

4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)
SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site at least twenty (20) days prior to the first meeting date at which this application will be heard. Final Story Poles must be placed at the site at least ten (10) days prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 5 Golden Gait Ave

Assessor’s Parcel No(s). of subject property: 060-111-14

Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity

Please provide proof of ownership and of the signer’s authority to enter into contracts regarding this property. One of (or a combination of) the following documents may contain the necessary information. For trusts: the trust document or a certificate of trust, including any attachments thereto; property deed; certificate of title insurance. For other entities: articles of incorporation; partnership agreement; property deed; certificate of title insurance; written certification of facts by an attorney. Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.
I, ____________________________, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, “Acknowledgement of Responsibilities,” above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

Signed this ______ day of __________, 20___, at Belvedere, California.

Signature __________________________

Title(s) __________________________

☐ Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other ______________

Name of trust, LLC, corporation, or other entity: __________________________

> Properties Owned by Individuals

I, ____________________________, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, “Acknowledgement of Responsibilities,” above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

Signed this ______ day of __________, 20___, at Belvedere, California.

Signature __________________________
Designation of Owner’s Representative (Optional)

I, Amy DelVecchio, hereby authorize Shawn Peterson to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finaled or until the designation is rescinded in writing.

Signature of Owner: _______________________________ Date: 5-19-20
Signature of Representative: ___________________________ Date: 5-19-20
Cover Site Plans and Project Information

General Notes

2. Revised Project Information and Site Plans can be updated.

Project Description/Application
1. Remodel (E) lower floor and add 221 sq ft, to become 2 bedrooms.
2. Remodel (E) first floor to remove bedroom 2, extend master closet and add (N) stairs to lower level.
3. Property Line S51d20E - 55.38ft
4. Lot size - 0.55ac
5. Average Slope - 41.84%
6. Services - Municipal Water/District, District Electric, District Tele, Gas, State Water/Hour, Waste, Phone
7. Existing Eucalyptus Road 1769 sq ft (1837 sq ft - (N) stairs 68 sq ft)
8. Lot size - 0.55 ac
9. Building Area - 606 sq ft
10. Roof Area - 331 sq ft
11. F - 15ft
12. R = 15ft
13. R-15

Project Information
1. Address: 18 Eucalyptus Road Belvedere Ca 94920
2. Owner: Michael and Stephen Pasquan
3. Attorney: Michael Roberts
4. Phone: 707 695 0711
5. Fax: 707 695 0712
6. Size: 606 sq ft
7. Bed: 2
8. Bath: 2
9. F - 15ft
10. R = 15ft
11. R-15
12. Energy: Green (E)
14. z = 15ft
15. U = 15ft
16. Lot size - 0.55 ac
17. Parcel: 060-162-09
18. Building Area: 606 sq ft
19. Roof Area: 331 sq ft
20. Lot size - 0.55 ac
21. Building Area: 606 sq ft
22. Roof Area: 331 sq ft
23. Proposed Areas:
   a. Total Lower Floor: 606 sq ft
   b. Proposed Lower Floor: 606 sq ft

Site Plan

1. Cover Site Plans and Project Information
2. Proprietary Plans
3. Revision and Section

General Notes
1. Sparling Cad. PC's
2. All drawing areas are true to scale unless noted otherwise.
3. Property Line: S41d40W - 206.75ft
4. Rear setback: 15'-0" 18'-8"
5. Side setback: 20'-0" 62'-0"
6. Front setback: 48'-5" 200
7. B = 15ft
8. R-15
9. Eucalyptus Road
10. Slope:
   a. Ridge: 1:5
   b. Edge of roadway: 1:5
11. Elevation: 1:5
12. Southern exposure: 1:5
13. Site Plan: 1" = 20 feet
14. Cover site plans and project information
15. DO NOT SCALE DRAWINGS!
Part Landscape Plan

- **Lands of Partridge Trust**
- **Main House**
- **Guest and Garage**
- **16 Eucalyptus**
- **18 Eucalyptus**
- **(E) Espalier fence line**
- **(E) level garden area**
- **(E) sloping garden area**
- **Indicates area of addition on lower floor**
- **(E) oak**
- **220**
- **210**
- **No change**
- **20'-0" 20 ft Easement per 5 RM 68**
- **10'-0" Additional 10 ft Road Easement in Title Report per 735 or 229**
- **12'-0" 12 ft dedicated Road width**
- **10'-0" 10 ft Road easement in Title Report per 735 or 229**
- **Gravelled area for car parking**
- **Front setback**
- **Side setback**
- **S51d22'07" - 55.57ft edge of (E) roadway**
- **S63d42'27" - 72.32ft edge of (E) roadway**
- **Irvin Klein Design Services**
- **Pasquan Residence**
- **18 Eucalyptus Road,** **Belvedere 94920**
- **4.15.2020**

### New 10 and 15 gal California Live Oak
*(Quercus Agrifolia Californiaii)*
- **Size:**
  - 10gal: 11 ft
  - 15gal: 10 ft
- **Spacing:**
  - 4ft oc
- **Mature size:**
  - 10ft - pruned regularly to remain small
  - 10ft - pruned regularly to remain small

### Watering
New trees to have 5gph emitters and to be watered 4 minutes every other day.

- **Watering**
  - New trees to have 5gph emitters and to be watered 4 minutes every other day.
RECOMMENDATION

The proposed project includes Design Review for an addition/remodel to the existing residence at 18 Eucalyptus Road. Additionally, the proposal includes design review approval for the planting of Oak trees (21 Oak trees) at the front of the property that have already been planted. An updated Revocable License is required for improvements in the City right-of-way on Eucalyptus Avenue. The applications are included as Attachment 2 and project plans are 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 as conditioned granting Design Review for the addition and remodel, and denying Design Review for the planting of Oak trees at 18 Eucalyptus Road. (Attachment 1).

MOTION 2  Recommend to City Council approval of an updated Revocable License for improvements located in the public street rights-of-way along Eucalyptus Road and roadway easement.

PROPERTY SUMMARY

Project Address: 18 Eucalyptus Road
APN: 060-161-09
Property Owner/Applicant: Stephan and Pamela Pasquan
GP Designation: Low Density Residential SFD: 1.0 to 3.0 units/net acre
Zoning: R-15 Zoning District, Belvedere Island
Existing Use: Single Family Residential

Site Characteristics: The subject property is within the R-15 Zoning District, Belvedere Island. The 22,138SF site is developed with an existing residence and other site improvements. The subject property is contiguous to Eucalyptus Road and Belvedere Avenue.
ZONING PARAMETERS

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<th>ELEMENT</th>
<th>PRESCRIBED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
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<td>Lot Area</td>
<td>15,000 SF</td>
<td>22,138 SF</td>
<td>No Change</td>
</tr>
<tr>
<td>Total Floor Area</td>
<td>4,850 SF</td>
<td>3,355 SF</td>
<td>4,496 SF</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>6,807 SF (30%)</td>
<td>3,355 SF (15.2%)</td>
<td>No Change</td>
</tr>
<tr>
<td>Left Side Yard Setback</td>
<td>10’</td>
<td>13’</td>
<td>No Change</td>
</tr>
<tr>
<td>Right Side Yard Setback</td>
<td>10’</td>
<td>16’-2”</td>
<td>No Change</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>15’</td>
<td>86’</td>
<td>No Change</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>15’</td>
<td>24’7”</td>
<td>No Change</td>
</tr>
<tr>
<td>Building Height Maximum</td>
<td>36’</td>
<td>38’(house)</td>
<td>No Change</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>2</td>
<td>3</td>
<td>No Change</td>
</tr>
</tbody>
</table>

BACKGROUND/PROPERTY HISTORY

1960s – Original home was constructed. Exact date unknown.

2008 – Planning Commission approval of Demolition of the existing home and Replacement with new home and associated landscaping. Two Revocable Licenses were approved relative to the project. This approval was later extended in 2009 but withdrawn in 2010.


2010 – Planning Commission approval to remodel and add 39 square feet to an existing 2,531-square-foot residence, to construct a new 1,264-square-foot garage/bedroom structure, and to add retaining walls, fences, and preliminary landscaping and exterior lighting. Resolution 2010-003.

2011 – Planning Commission approval of Retroactive Design Review and Design Review to increase the approved scope of demolition, modify floor plans and building elevations, and modify approved project landscaping. Resolution 2011-008.

2011 – Two Design Review Exceptions for changes to original approvals including landscaping with trees, low site wall at Belvedere Avenue frontage, finishes on home, entryway pilasters and paving at Eucalyptus Road frontage.

2012 – Revocable License issued #2012-009 for improvements in public right of way on Eucalyptus Road and Belvedere Avenue. (Replaced two prior Revocable Licenses from 2008).

2013 – Design Review Exception to remove one Monterey Pine tree on downslope of property. No replacement tree was required.
The current application before the Commission was submitted as a Design Review Exception (DRE). However, because the project involves review of 21 Oak trees that have already been planted, and due to the concerns from staff and the Commission Vice Chair regarding the number and tree locations, it was decided that the application request should be considered at the Commission level.

Staff originally was informed about the planting of the trees from a member of the public. On July 17, 2019, Genaro Muniz, Building Inspector conducted an inspection of 18 Eucalyptus Road and observed the trees planted at the front of the property in violation of Chapter 20 Architectural and Environmental Design Review of the Belvedere Municipal Code.

**PROJECT ANALYSIS/DESCRIPTION**

The applicant requests Planning Commission approval for Design Review for an addition and remodel of the existing residence, and for the existing planting of 21 Oak trees. The remodel proposal includes the remodeling of the existing two bedroom and two bath home to become three bedrooms with four baths. The proposal includes removing one of the existing bedrooms on the upper level and replacing it with a larger master bedroom closet and new stairs to the lower floor of the residence. The lower floor existing recreation room is proposed to be remodeled and an addition of 221SF is proposed to be added to construct the two new bedrooms and bathrooms. The colors and materials of the new addition will match existing.

Additionally, the applicant seeks Design Review approval for 21 Oak trees (Quercus Agrifola – California live Oak) that were planted without previous approval. The trees are located at the front of the property behind the existing fence and adjacent to the road. No other site improvements are proposed at this time. The trees that were planted were a combination of 10 and 15 gallon containers.

An updated Revocable License is required for improvements in the city right-of-way along Eucalyptus Road (discussed further below in report).

**DESIGN REVIEW**

The Design Review findings, specified in Belvedere Municipal Code Title 20, state that all new structures and additions should be designed to avoid 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 should not attract attention to themselves. To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided. Vertical and horizontal elements should be used to add architectural variety, to break up building planes, and to avoid monotony. Landscaping will also soften and screen structures and maintain privacy.

As detailed in the draft Resolution (Attachment 1), staff recommends that all Design Review findings are satisfied as conditioned for the remodel of the home. However, explained below, staff suggests that the findings for the existing 21 oak trees cannot be made.

The addition is designed to be unobtrusive and the addition is proposed on the lower level of the residence and colors and materials will match existing. The new addition will blend in and be in harmony with the existing home and with the site and surrounding area and will not be visible from the street. All new or modified windows and have been designed with the adjacent neighbors
in mind and should not be noticeable or provide impacts to privacy for the neighbors. The project as designed fits in and relates to the other dwellings in the neighborhood and to the project site.

Noted above, the trees have already been planted. The Planning Commission reviews the tree plantings pursuant to the findings in the Design Review Code. Additionally, if the Commission determines that the applicant intentionally proceeded with the plantings without receiving Design Review, then the project may be denied on this ground alone.

Staff suggests that as planted, the existing 21 Oak Trees at the front of the property do not comply with Design Review. Staff recommends removal of the trees. Staff has concerns with proximity of the tree placement to the road and with the number of trees that have been installed. There is a concern that the Oak trees would not survive given the close spacing of the trees. Additionally, given how large an Oak tree can get there is a concern regarding their proximity to the road and that they may eventually impact the integrity of the existing roadway. Staff suggests that the trees are not compatible with the character of the site and surrounding developed properties. Additionally, the trees do not take into consideration the future impact that the trees may have in significantly obstructing views from nearby dwellings.

In summary, staff recommends Design Review approval for the remodel portion of the project, and does not recommend Design Review approval for the 21 existing Oak trees. Due to the extensive plantings, staff suggests that a new Design Review application would be required appropriately analyze the project.

**REVOCABLE LICENSE**

A Revocable License was executed in 2012 for the subject property (RL No. 2012.09) for: concrete pavers, planter areas, landscaping, and trees located on the City roadway easement for Eucalyptus Road; and for an 18-inch curb wall, landscaping and trees located on the Belvedere Avenue right-of-way.

Public Works is requiring an updated revocable license is required for the subject property to accurately reflect improvements in the Eucalyptus Avenue right-of-way and roadway easement for concrete pavers, stairs, planter areas, landscaping, fencing and trees.

Staff would recommend that the Commission recommend to Council approval of a revocable license for the existing improvements along Eucalyptus Avenue pursuant to the administrative policy. The project benefits the public, as these proposed improvements enhance the aesthetic appeal of the property frontage and will provide access to the garage/home.

Staff recommends that the Planning Commission review the Revocable License application for consistency with Administrative Policy section 272.05, and recommends, approval to the City Council to allow for the Revocable License.

**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 June 9, 2020 the proposed project was determined to be categorically exempt from CEQA pursuant to Section 15301 Existing Facilities because the proposed project involves no expansion of an existing use. It can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment. City action is required by August 9, 2020 or the project may be deemed approved.
CEQA provides certain exceptions where categorical exemptions may not be used. Under one such exception, a CEQA categorical exemption may not be used if the project has the potential to cause a substantial adverse effect on a CEQA Tribal Cultural Resource. Here a categorical exemption is appropriate because there is no potential that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. Here, the project has been identified as “Medium” on the Prehistoric Resource Sensitivity Map. Here the project is proposed on previously disturbed soil, meaning there is no required integrity for historical or Tribal Cultural Resource purposes, and the project involves the addition/remodel and other site improvements for an existing residence.

**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. At the time of writing this staff has received one letter of support from the property owner of 20 Eucalyptus Road, Elizabeth Mitchell. At this time no other written correspondence has been provided

**CONCLUSION**

Staff believes that the findings can be made for Design Review for the proposed addition/remodel, but that the findings for the 21 Oak trees cannot be made, as indicated in the attached Draft Resolutions.

Additionally, staff recommends approval of a Revocable License to allow for the existing improvements in the City right-of-way.

**RECOMMENDATION**

Staff recommends the Commission consider the following actions:

**MOTION 1** Adopt the Resolution as conditioned granting Design Review for the addition and remodel, and denying Design Review for the planting of Oak trees at 18 Eucalyptus Avenue (Attachment 1).

**MOTION 2** Recommend to City Council approval of an updated Revocable License for improvements located in the public street rights-of-way along Eucalyptus Avenue and roadway easement.

**ATTACHMENTS**

Attachment 1: Draft Design Review Resolution
Attachment 2: Applications
Attachment 3: Project plans
Attachment 4: Departmental Reviews
Attachment 5: Correspondence
WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code to an addition/remodel and landscaping improvements (the planting of 21 oak trees at front of property) for the subject property located at 18 Eucalyptus Road; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 Existing Facilities because the proposed project includes the construction of an addition/remodel involving negligible or no expansion of use beyond that existing; and

WHEREAS, the project is exempted from CEQA by the Common Sense Exemption CEQA Guideline section 15061(b)(3), because it can be seen with certainty that the project will not have a significant effect on the environment; the property is fully developed with an existing residence and other site improvements and the proposed modification would be constructed in a developed area of the property, where the soil and grounds are already disturbed. The project site is categorized as a site of Medium Sensitivity for Tribal Cultural Resources; and

WHEREAS, the Planning Commission held a properly noticed hearing on June 16, 2020; and

WHEREAS, the Planning Commission finds based upon the findings set forth in Exhibit A attached hereto and incorporated herein, that with the conditions listed below, the proposed project is in substantial conformance with the Design Review criteria specified in Section 20.04.110 to 20.04.120 of the Belvedere Municipal Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby grant approval of the Design Review application pursuant to Title 20 of the Belvedere Municipal Code an addition/remodel and other site improvements with the following conditions:

a) The property owner shall defend and 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 and/or associated project, shall cooperate with the City in the defense of any such action with counsel selected by the City in its discretion, and shall indemnify the City for any and all awards of damages and/or attorneys’ fees and all associated costs that may result.

b) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans prepared by Irvin Klein, Design Services stamped received by the City of Belvedere on June 8, 2020 with the exception the following modification:

- The 21 oaks trees as shown on the landscaping plan are not approved and shall be removed.
• The oak trees shall be removed within 90 days from the date of project approval or any pending appeals, whichever is later. If the property owner/applicant fails to comply with this condition, the existing trees on the project location shall be removed within 10 days of the City giving written notice enforcing this condition. In addition to, and not in replacement of this condition, the City retains the authority to pursue all available code enforcement and/or nuisance abatement actions to enforce this condition and require removal of the existing structure, which actions include the right to recover all attorneys’ fees and administrative costs incurred in bringing such action. All remedies are expressly cumulative.

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 City Engineer shall be met at time of building permit including but not limited to:

1. A Revocable License will be required for private improvements within the public right-of-way and easements for private improvements previously made within the “additional 10’ easement per 735 OR 229.”
2. Provide a Title Report (including the grant deed and title items) and show all existing road dedications, easements and other relevant title items on the Site Plan, Landscaping Plan, and other plans as appropriate.
3. Verify, and update as necessary, the location of the “additional 10 ft. Road Easement in Title Report per 735 or 229”. The location of the additional 10 ft. easement conflicts with existing Revocable License No. 0812.
4. Verify the location of the “12 ft dedicated road width”.
5. 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 Manager.
6. The project will be subject to the City of Belvedere Regulations for Road Closure Applicants, see the following link:

http://www.cityofbelvedere.org/documentcenter/view/68

7. 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.
8. **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.

9. 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.

10. The project will require a detailed **Grading and Drainage Plan** showing cut and fill earth volumes, existing drainage facilities and all drainage improvements. Said plans shall incorporate, as appropriate, the MCSTOPPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County. This can be found at the following website:


11. 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
   - 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
   - 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 **MCSTOPPPP Minimum Control Measures for Small Construction Projects** for list of effective BMPs.

   e) All requirements of the Fire Marshal shall be met at time of building.

   f) The general contractor shall submit a proposal to the City Manager, for review and approval, addressing the schedule for construction and parking locations for construction vehicles. Prior to the issuance of a building permit, the applicant shall update the Construction Management Plan to the satisfaction of the Building Official.

   g) Design Review approvals expire twelve (12) months from the date of approval, unless a Building Permit has been issued or an extension has been granted.

   h) Construction shall be completed within the Construction Time Limit established for this project.
i) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.

j) In the event unanticipated archaeological 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.

k) These restrictions shall be binding upon any successor in interest of the property.

l) Prior to the issuance of a building permit the property owner shall demonstrate compliance with State/BAAQMD air quality requirements related to the dust generated by grading and construction.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on June 18, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED: Chair Mark, Commissioners Hart and Slaymaker

APPROVED: ______________________________________
Pat Carapiet, Planning Commission Vice Chair

ATTEST: ________________________________
Christina Cook, City Clerk
EXHIBIT “A”

DESIGN REVIEW FINDINGS

The following sections are edited versions of Sections 20.04.110 to 20.04.120 of the Belvedere Municipal Code and the Design Review Criteria. In order for a design review application to be approved, the Planning Commission must find the project to be in substantial conformance with these criteria.

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 majority of the existing landscaping will be preserved and is in keeping and harmony with the appearance of the neighborhood. There is minimal cut and fill with the proposed project. Therefore, the construction of the addition and the modifications to the residence and to the site are in substantial conformance with this finding.

Relationship between structures and the site. There should be a balance 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 proposed modifications are in keeping with the existing style, architecture and form of the residence and is balanced and harmonious with the existing structures on the site and with adjoining properties. The design elements and selection of materials will complement existing colors and materials and they will match. Additionally, the project as designed conforms to the site and integrates into the existing structure.

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 addition and modifications have been designed in such a way that it will fit well on the site and will be compatible with the existing residence on the property and other residences in the neighborhood. The proposed modifications would not be massive or out of scale with the site or surroundings. The proposed improvements fit in with others in the neighborhood and are not designed to draw attention to it.

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 the impression of bulk. The design includes a mix of vertical and horizontal elements that will add architectural variety and blend nicely with the landscaping and other properties in the neighborhood. There is no monotony or impression of bulk, or large expanse of any one material and as designed the addition provides some articulation and interest to the existing unique architectural structure.

**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.

Colors and materials for the addition will blend in with the existing residence as they will math existing materials and colors therefore minimizing visual impacts and would not attract attention to the structures themselves.

**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 new fences are proposed.

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

The addition and window replacement is proposed on the property to avoid privacy impacts to the 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.

Not applicable as these are not being modified.

**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 new lighting is proposed at this time however the standard condition has been included that any new lighting shall be shielded and directed downward.
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 there appear to be no existing nonconformities.

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.

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. Plant materials native to northern California and Marin County, and those that are drought tolerant, are encouraged. Because of high water usage, turf areas should be minimized and narrow turf areas, such as in parking strips, should be avoided.

The findings cannot be made for the 21 Oak trees planted on the property, and design review for this portion of the project is denied. The trees are planted too close to the road and will likely interfere with the integrity of the road. The trees are too numerous for the location and placed too close together, and therefore do not harmonize with the neighborhood or site. The trees are not compatible with the character of the site and surrounding developed properties. Additionally, the trees do not take into consideration the future impact that the trees may have in significantly obstructing views from nearby dwellings.
APPLICATION FOR DESIGN REVIEW
CITY OF BELVEDERE • PLANNING COMMISSION
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
Ph. 415-435-3838 • Fax 415-435-0430 • www.cityofbelvedere.org

For Staff Use Only

Date: City of Belvedere Rec'd by: ___________________________ Planning Comm. Approval ☐
Amount: ___________ Receipt No.: ___________ Design Review Exception ☑
Parcel No.: ___________________________ Zone: ___________ Staff Approval ☐

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☐ Yes ☐ Permit No.: ___________
Does this project have Planning Commission approval? No ☐ Yes ☐
Address of Property: 18 Eucalyptus Road Belvedere 94920
Record Owner of Property: Stephen and Pamela Pasquan
Mailing PO Box 10222 Daytime Phone: 415 435 8100
Address: San Rafael Ca 9491 Fax: 415 435 8199
Owner's Representative: Irvin Klein
Email: michaelpasquan@gmail.com
Mailing 676 Speers Road Daytime Phone: 707 695 0711
Address: Santa Rosa Ca 95409 Fax: ___________________________ Email: irvin@sonic.net
Project Description: Remodel (E) 2 bed 2 bath 2 level house to become 3 bed 4 bath
Remove existing bed 2 on upper level and replace with enlarged master closet and new stairs to lower floor. Remodel existing lower floor recreation room and add 221 sqft to become two bedrooms with 2 baths
**ZONING PARAMETERS:**

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<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Lot Area</td>
<td>15,000</td>
<td>22,138 sqft</td>
<td>no change</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>6807 (30%)</td>
<td>3,355 sqft (15.2%)</td>
<td>no change</td>
</tr>
<tr>
<td>Total Floor Area</td>
<td>4,850 sqft</td>
<td>3,833 sqft (17.3%)</td>
<td>4,496 sqft</td>
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<tr>
<td>Front Yard Setback</td>
<td>15 ft</td>
<td>29 ft house 3 ft garage</td>
<td>no change</td>
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<tr>
<td>Left Sideyard Setback</td>
<td>10 ft</td>
<td>13 ft</td>
<td>no change</td>
</tr>
<tr>
<td>Right Sideyard Setback</td>
<td>10 ft</td>
<td>16.25 ft</td>
<td>no change</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>15 ft</td>
<td>8.6 ft</td>
<td>no change</td>
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<tr>
<td>Building Height Maximum</td>
<td>36 ft</td>
<td>38 ft house 27 ft garage</td>
<td>no change</td>
</tr>
<tr>
<td>Building Height Average</td>
<td>28 ft</td>
<td>18.5 ft</td>
<td>no change</td>
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<tr>
<td>Parking Spaces</td>
<td>2</td>
<td>2</td>
<td>no change</td>
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### SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

**Date Filed:** 1.13.2020

**General Information**

1. Name and address of developer or project sponsor: As Owner
2. Address of project: 18 Eucalyptus Road Belvedere Ca 94920
3. Name, address, and telephone number of person to be contacted concerning this project: Michael Pasquaran, 18 Eucalyptus Road Belvedere 415 755 5776
4. Indicate number of the permit application for the project to which this form pertains: 1
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: none
6. Existing zoning district: R-15
7. Proposed use of site (Project for which this form is filed): Residential
8. Year built: unknown Original architect: unknown

**Project Description**

9. Site size. 0.55 ac
10. Square footage. 24,065 sqft
11. Number of floors of construction. remodel reuse existing space and existing underfloor undeveloped area
12. Amount of off-street parking provided. 2
13. Plans attached? yes
Project Address: 18 Eucalyptus Road

15. Associated projects, such as required grading or staging. none

16. Anticipated incremental development. not anticipated
17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. single family, unknown rental or sale as unique property
18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. n/a
19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. n/a

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>20.</td>
<td>Change in existing features of any bays, tidal lands, beaches, or hills, or substantial alteration of ground contours.</td>
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<td>21.</td>
<td>Change in scenic views or vistas from existing residential areas or public lands or roads.</td>
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<td>22.</td>
<td>Change in pattern, scale or character of general area of project.</td>
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<td>23.</td>
<td>Significant amounts of solid waste or litter.</td>
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<td>24.</td>
<td>Change in dust, ash, smoke, fumes or odors in vicinity.</td>
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<td>25.</td>
<td>Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.</td>
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<td>26.</td>
<td>Substantial change in existing noise or vibration levels in the vicinity.</td>
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<td>27.</td>
<td>Site on filled land or on slope of 10 percent or more.</td>
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<td>28.</td>
<td>Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.</td>
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<td>29.</td>
<td>Substantial change in demand for municipal services (police, fire, water, sewage, etc.).</td>
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<td>30.</td>
<td>Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).</td>
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<td>31.</td>
<td>Relationship to a larger project or series of projects.</td>
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<td>32.</td>
<td>Changes to a structure or landscape with architectural or historical value.</td>
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<tr>
<td>33.</td>
<td>Changes to a site with archeological or cultural value such as midden soil.</td>
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Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

Single family dwelling on two levels with panoramic views of the bay. The house is built on a slope and the lower floor includes undeveloped space behind existing retaining wall to accommodate future development. There is a separate existing guesthouse/garage building uphill of the main house. The house, guesthouse and garage are uphill near the road, and the rest of the lot is heavily vegetated.

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and the scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

Surrounding Single family houses also from 70's and heavily remodelled and upgraded, custom on individual lots. They are sited to take advantage of the views and are also built on sloped lots. All the houses in the area have intense and mature landscaping.
SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this form does not apply. Design Review approvals expire twelve (12) months from the date of approval.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code. "As part of any application for Design Review, the applicant shall file a reasonable estimate of the cost of the proposed construction, and based thereon, a construction time limit shall be established for the project in accordance with Section 20.04.035(b) of the Belvedere Municipal Code. Compliance with such time limit shall become a condition of design review approval." The maximum time for completion of construction shall not exceed six months for additions and remodeling up to $100,000 in value; 12 months for construction up to $500,000 in value; and 18 months for construction valued at more than $500,000. Failure to complete construction in the agreed upon time will result in fines ranging from $400 per day to $800 per day with a $200,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.

Estimated cost of construction: $ 250,000

Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

☐ 1. For new construction, the demonstrable value of which is estimated to be less than $500,000. Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 2. For new construction, the demonstrable value of which is estimated to be more than $500,000. Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $100,000. Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.

☐ 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than $500,000. Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.

☐ 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than $500,000. Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or wish to exceed the time limit that was approved by the Planning Commission, the following outlines the "Extension of Construction Time Limit" (20.04.035D) process:
1. Within twelve months following the original approval of Design Review for the construction, and provided that no construction activity has yet commenced on the project, the applicant may apply for an extension of the established construction time limit, not to exceed an additional six months.

2. An application for an extension of the construction time limit shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, and a fee, as established by City Council resolution.

3. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City's Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant's option, the applicant and/or any other representatives of the applicant. At the completion of such review, the committee shall make a recommendation to the Planning Commission whether to approve the requested extension.

4. The committee's recommendation shall be placed on the next available Planning Commission agenda and noticed as an amendment to the applicant's existing Design Review approval. Any modification by the Planning Commission of the original construction time limit shall not extend the existing expiration date of the Design Review approval.

5. Administrative extension. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City's Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant's option, the applicant and/or any other representatives of the applicant. The committee may recommend to the Planning Commission, and the Planning Commission may approve, an extension if it is determined that any one or more of the following factors presents an unusual obstacle to complying with the standard construction time limit:
   a. Site topography;
   b. Site access;
   c. Geologic issues;
   d. Neighborhood considerations;
   e. Other unusual factors.
   At the completion of such review, the committee shall make a written recommendation to the Planning Commission whether or not to approve the requested extension and setting forth the findings it has made justifying its decision. The Committee shall have the authority to administratively approve requests for extension, subject solely to the guidelines of Paragraphs 2 and 3 above, provided however that such extensions do not result in a construction time line exceeding 18 months.

SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Hourly billing costs as of July 1, 2008, (subject to change without notice):

- Planning Manager: $67.07
- Assistant Planner: $39.29
- City Attorney: $185.00
- Specialized Planning Consultant: Actual costs + 25% overhead
For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. It has been found that there are often misunderstandings regarding changes to building plans that receive Design Review. This occurs when construction plans are submitted to the Building Department for permit issuance after planning approval has been achieved. Another common occurrence is a change to the project while it is underway without first obtaining an approval from the City for the deviation from the original plan.

To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be identical to the plans approved for design review. (Authority: Belvedere Municipal Code Section 20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.

2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.

3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.

4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)
SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site at least twenty (20) days prior to the first meeting date at which this application will be heard. Final Story Poles must be placed at the site at least ten (10) days prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.

STATEMENT OF PROPERTY OWNERSHIP, CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 18 Eucalyptus Road Belvedere Ca 94920

Assessor's Parcel No(s). of subject property: 060-162-09

➤ Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One of (or a combination of) the following documents may contain the necessary information. For trusts: the trust document or a certificate of trust, including any attachments thereto; property deed; certificate of title insurance. For other entities: articles of incorporation; partnership agreement; property deed; certificate of title insurance; written certification of facts by an attorney. Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.
I, ____________________________________________, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

Signed this ________ day of _____________, 20____, at Belvedere, California.

Signature ____________________________________________

Title(s) ____________________________________________

☐ Trustee(s)   ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other ____________________

Name of trust, LLC, corporation, or other entity: _________________________________________

Properties Owned by Individuals

I, ____________________________________________, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

Signed this ____________ day of _____________, 20____, at Belvedere, California.

Signature ____________________________________________

Design Review Application • Page 8 of 9 • City of Belvedere

U:\planningmanager\Planning Forms\PLANNING FORMS - LATEST EDITION\APPLICATION FOR DESIGN REVIEWrev1-11-11.doc
Designation of Owner's Representative (Optional)

I, ________________, hereby authorize ________________ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finalized or until the designation is rescinded in writing.

Signature of Owner: ____________________________ Date: __________/________/________

Signature of Representative: ____________________________ Date: __________/________/________
FOR STAFF USE ONLY

Date: 5/26/2020  Rec’d. by: D.T.B.  Amount: _________  Receipt No.: _________
Parcel No.: ____________________  Zone: ____________________
City property to be encroached upon: ____________________

TO BE COMPLETED BY APPLICANT

Address of Property: 18 Eucalyptus Rd.

Type of City Property to Be Encroached Upon (e.g., street right-of-way, view easement, tide lot):
Roadway Easement

Record Owner of Property: Stephen Pasquyan and Pamela Pasquyan
Mailing Address: P.O. Box 10222
San Rafael, CA 94912
Daytime Phone: (415) 435-8100
Fax: Cabosolus@small.com
Email: Cabosolus@small.com
Owner’s Representative: Michael Pasquyan
Mailing Address: Same
Daytime Phone: (415) 755-5716
Fax: Same
Email: Same

Description of Encroachment Requested and Its Purpose (include list of private improvements, both existing and proposed, that will encroach onto public property):
Oak Trees that are planted behind the front fence.

Applicants, please attach a scale diagram showing your property line and the encroachments. FOLLOW INSTRUCTIONS ON PAGE 3

See Plans previously submitted.

Revocable License Application • Page 1 of 7 • City of Belvedere
IMPORTANT! This application will first be reviewed by the City Staff and/or Planning Commission. If the application successfully passes this review, a revocable license agreement will be drawn up by City Staff and a formal recommendation will be made to the City Council to approve it. The property owner(s) will need to sign the agreement document and have the signature(s) acknowledged by a notary public or the Deputy City Clerk before the agreement can be ratified by the City Council. A specimen copy of the revocable license agreement is attached for your information. **THE OWNER'S FAILURE TO EXECUTE THE AGREEMENT WILL PREVENT THE ISSUANCE OF ANY BUILDING PERMIT ASSOCIATED WITH THE LICENSE.**

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 revocable license 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: [Signature]

Name: [Name]

Date: [Date]
REVOCABLE LICENSE

18 EUCALYPTUS ROAD
BELVEDERE, CA.
A.P. No. 060 - 162 - 09

SCALE: 1/16" = 1'-0"

LICENSE AREA SHOWN SHADED
March 17, 2020

City of Belvedere
Design Review Comments
18 Eucalyptus Road

Public Works Department - Review Comments

Review of the Pasquan Residence plans – submitted Feb. 18, 2020:

The Public Works Department has reviewed the subject application and has the following comments:

1. Many aspects of the submitted plan set are illegible. For example, all dimensions and smaller notes are unreadable. Please update all future submittals to be fully legible.

2. Please provide site plan consisting of existing conditions and proposed improvements.

Should plans be submitted for Building Permit, the following conditions of approval shall be satisfied:

Conditions of Approval:

3. 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 Manager.

4. The project will be subject to the City of Belvedere Regulations for Road Closure Applicants, see the following link: http://www.cityofbelvedere.org/documentcenter/view/68

5. 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.

6. 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.

7. 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.
8. The project will require a detailed **Grading & Drainage Plan** showing cut and fill earth volumes, existing drainage facilities and all drainage improvements. Said plans shall incorporate, as appropriate, the MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County. This can be found at the following website:


9. 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
- 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
- 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.

End of comments.
Memorandum: Floodplain and Building Department
Comments for Design Review Application

Date: March 12, 2020

To: Irene Borba, Planning & Building Director

From: Brian Van Son, Building Official & Floodplain Administrator

Project Location: 18 Eucalyptus Rd.
Project Description: Design Review for Interior Remodel of Single Family Dwelling.

The Building Department has the following comments for this project based on the information submitted or available at this time, for inclusion with the Planning Department Design Review:

Comments related to the Planning applications:

1) The Building Department has the following comments regarding the Design Review application 18 Eucalyptus Rd. The Building Department is able to approve the current conceptual drawings submitted for this planning entitlement.

Building Department / Comments related to the future submittal for the Building Permit:

2) A site plan depicting existing conditions, as well as, the proposed construction.

3) Plans are not legible. Many aspects of the plans and project could not be deciphered.

4) No directional arrow was provided for the stairway. Dependent on the direction of travel, additional measures may need to be provided in the stairway construction.

5) A construction time limit (CTL) will be imposed on any project meeting the requirements of BMC 20.035.04. The time limit will be assessed per the valuation of the proposed project. Per the valuation given, $250,000.00, a twelve (12) month timeline will be assessed to this project.

6) 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.
7) No other Building Department issues are foreseen at this time. Full compliance with all relevant Codes, will be conducted during the thorough plan review process by all involved agencies, after submittal of application, plans and related documents for a building permit.

Please do not hesitate to contact me if there are any concerns or questions regarding these comments.

Thank you,
Brian Van Son, CBO
Building Official / Floodplain Administrator
City of Belvedere
bvanson@cityofbelvedere.org
March 7, 2020

Ms. Irene Borba  
Director of Planning and Building and  
Mr. Brian Van Son Code Enforcement Official  
Belvedere Building Department  
450 San Rafael Avenue  
Belvedere, CA 94920

Project: Pasquan Residence Alteration  
18 Eucalyptus Road, Belvedere

Dear Irene and Brian

I am writing regarding the Design Review of the Pasquan Residence located at 18 Eucalyptus Road, Belvedere. I am the owner of 20 Eucalyptus Road, directly next to the Pasquan’s house and want to state for the record that I have no objections of the design submitted to the city for design approval.

Sincerely,

Elizabeth Mitchell
18 Eucalyptus Road – Photos

Street view – looking at garage doors and entry gate

Inside property looking at main house from garage

RECEIVED
FEB 20 2020
City of Belvedere
Inside Lower level looking towards space under floor for proposed addition

Inside Lower level looking towards Neighbors at SE
Existing covered outdoor space, part used for addition

Looking upslope at lower and upper levels. Neighbors house just visible
Looking out at bay from existing underfloor space

Looking back upslope at existing underfloor space