



**CITY OF BELVEDERE PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: 4/12/2022 **AGENDA ITEM: 3**
MEETING DATE: 4/19/2022 **CONSENT CALENDAR**
TO: City of Belvedere Planning Commission
FROM: Samie Malakiman, Planning Consultant
REVIEWED BY: Irene Borba, Director of Planning and Building
Ann Danforth, Assistant City Attorney
SUBJECT: Design Review for interior additions and new deck located at 13 Crest Road.

RECOMMENDATION

The applicant requests Design Review to add 481 square feet of floor area at the residence and a 463 square foot deck and walkway. The project will convert an unfinished basement into living area and add windows, doors, and exterior light fixtures as well. The application is included as **Attachment 2** and project plans are included as **Attachment 3**.

Staff recommends that the Planning Commission conduct the required public hearing, consider all evidence in the record, make any changes to the attached draft resolution that the Planning Commission deems appropriate and take the following actions:

MOTION 1 Adopt the Resolution granting Design Review for the property located at **13 Crest Road (Attachment 1)**.

PROPERTY SUMMARY

Project Address: 13 Crest Road
APN: 060-163-14
Project Applicant: Carl Oldenburg
Property Owner: David and Diane Williams
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 a large 19,440-square-foot lot with steeply sloping topography. The site is adjacent to single-family homes. The property is located on a private road, Crest Road, and is developed with a two-story home and off-street garage parking.



ZONING PARAMETERS

ELEMENT	PRESCRIBED	EXISTING	PROPOSED
Lot Area	15,000 SF	19,440 SF	No Change
Total Floor Area	4,850 SF	4,228 SF	4,709 SF
Lot Coverage	30% for structures	13%	No Change
	50% structures and decks	17%	19% (3,600 SF)
Left Side Yard Setback	10'	40'-2"	34'-9"
Right Side Yard Setback	10'	12'-1"	No Change
Rear Yard Setback	20'	37'-6"	No Change
Front Yard Setback	15'	33'-10"	No Change
Building Height	36'	32'	No Change
Parking Spaces	2	4	No Change

PROPERTY HISTORY

There has been minimal work done to the property located at 13 Crest Road since the home was constructed in 1961.

2008- Design review approval to remove diseased Oak trees.

2022- Ministerial approval of an interior Accessory Dwelling Unit.

PROJECT ANALYSIS

The applicant requests Design Review to add 481 square feet of floor area at the residence by converting 204 square feet of crawl space into living area and adding a 463 square foot deck and walkway (277 square feet of which is underneath an existing deck). An existing unfinished basement will be converted into living area as well. Four windows, two doors, and light fixtures would be added at the lower level of the home. Brick steps are proposed at the front (western) portion of the home, along with a concrete staircase and stepping stones at the left side yard. The residence meets all development standards in the R-15 zoning district. No additional modifications are proposed.

The applications are included as **Attachment 2** and project plans are included as **Attachment 3**.

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.

The home will retain its existing height and footprint from original construction in 1961. The project will add 481 square feet of floor area by expanding the crawl space 204 square feet and adding a 463 square foot lower-level deck (277 square feet of which is beneath the main deck). The unfinished basement will be converted to create new living area as well. The project will add brick steps at the front of the home, along with a concrete staircase and steppingstones that lead to the left side yard. Four windows, two doors, and exterior lighting fixtures will be added at the rear and left side of the lower level.

The proposed deck will be made with grey composite materials to match the grey deck on the main level. New railings are proposed in natural-finished redwood posts and stainless-steel horizontal cables. New posts and footings will be installed to support the deck as well. Two glass panel fiber doors will be placed at both sides of the lower level (one new and one to replace existing). Two sliding doors will be replaced, and one new sliding door will be added at the rear. Four temper-glazed, gliding windows will be added at the rear as well. Additionally, twelve wall mounted exterior light fixtures will be added at the rear and western side to match the existing exterior light fixtures. The main level railing will be replaced on the eastern side of the home as well. No additional modifications are proposed.

As detailed in the draft Resolution, staff believes that the evidence in the record supports all Design Review findings. The project provides new living space without increasing the bulk and mass of the building by maintaining the existing height and building footprint. The new deck provides an egress and ingress route for the new living area and will be placed beneath the main deck's footprint. The home is on a steeply sloped downhill lot and surrounded by numerous mature trees on all sides. The deck will not affect views or increase the buildings mass or bulk. Additionally, the new windows will not impact privacy for neighboring properties. A condition of approval will require the exterior light fixtures to have covered bulbs and downward casting. No additional

modifications are proposed. The project compliments the existing single-family homes found on Belvedere Island.

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 *April 19, 2022* the proposed project was determined to be categorically exempt from CEQA pursuant to *Section 15301 Existing Facilities* because the proposed project includes the construction of an addition/remodel involving negligible or no expansion of use beyond that existing. It can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, as defined by. City action is required by *June 19, 2022* 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. Additionally, there are no unusual circumstances applicable to the project under CEQA.

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, § 21061(b)(3).) Here a categorical exemption is appropriate because there is no possibility that the project would cause a substantial adverse effect on any potential Tribal Cultural Resources that may, or may not, exist on the site. The project is proposed on previously disturbed soil and will be infilling areas under the house. The subject property is categorized as a Medium Sensitivity site for Tribal Cultural Resources in the Belvedere 2030 General Plan Historical Resources Map.

CORRESPONDENCE

A copy of the public hearing notice for this item was published in *The ARK* newspaper and mailed to all property owners within 300 feet of the subject property. As of writing this report, staff has not received any correspondence from the neighbors.

CONCLUSION

Staff believes that all of the findings can be made for the Design Review request. As stated in the summary above staff finds that the proposed modifications are compatible with the architecture, the site and neighborhood.

RECOMMENDATION

Staff recommend that the Planning Commission consider all evidence in the record, make any changes to the attached draft resolution that the Planning Commission deems appropriate and take the following action:

MOTION 1 Adopt the Resolution granting Design Review for the property located at **13 Crest Road** (Attachment 1).

ATTACHMENTS

Attachment 1: Draft Design Review Resolution
Attachment 2: Project Applications
Attachment 3: Project Plans
Attachment 4: Correspondence

CITY OF BELVEDERE
RESOLUTION NO. 2022-

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN
REVIEW APPROVAL FOR AN ADDITION AT 13 CREST ROAD**

WHEREAS, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code for an addition at 13 Crest Road; and

WHEREAS, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines. There are no unusual circumstances applicable to the project under CEQA; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 19, 2022; and

WHEREAS, the Planning Commission based upon the evidence in the record makes the findings set forth in Exhibit A attached hereto and incorporated herein, determining that 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 for an addition with the following conditions:

- a) The property owner shall hold the City of Belvedere and its officers harmless in the event of any legal action related to or arising from the granting of this Design Review approval, shall cooperate with the City in the defense of any such action, and shall indemnify the City for any and all awards of damages and/or attorneys' fees and all associated costs that may result; counsel in any such legal action shall be selected by the City in its sole reasonable discretion. This approval is conditioned upon the accuracy of all facts stated in the application [by the property owner] and supporting documents.
- b) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans and shall conform to the drawings prepared by Carl C. Oldenburg, stamped received by the City of Belvedere on March 31, 2022.
- c) Any new exterior lighting shall be shielded and directed downward and shall be reviewed and approved by planning. Any new lighting may require further planning review/approval.
- d) All requirements of the Fire Marshal shall be met prior to issuance of a building permit. Vegetation on this parcel shall comply with the requirements of the Tiburon Fire Protection District and the recommendations of Fire Safe Marin.
- e) 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
- f) An Encroachment Permit if applicable shall be obtained prior to commencing work in the City right-of-way, as required by the City Engineer.

- g) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- h) An **Encroachment Permit** is required from the contractor for temporary and permanent improvements, work activities, and staging or storage of equipment and materials within the public right of way, subject to approval of the Public Works Director.
- i) The project May be subject to the City of Belvedere Regulations for Road Closure Applicants, see the following link:
<http://www.cityofbelvedere.org/documentcenter/view/68>
- j) 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.
- k) **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.
- l) The project requires a **Site Plan** showing and identifying the property line locations (referencing the survey source and mapping information), any existing easements, building setbacks, encroachments etc.
- m) Please provide an **Erosion and Sediment Control Plan (ESCP)** for approval by the City prior to the issuance of a Building Permit. The ESCP should indicate all proposed measures to control erosion and sediment controls. Please also submit the Erosion and Sediment Control tracking documentation for the Marin County Stormwater Pollution Prevention Program (MCSTPPP) [Construction Erosion and Sediment Control Plan Applicant Package](#), revised November 2015. At a minimum, the ESCP must include the applicable MCSTOPPP minimum erosion control, sediment control, and good housekeeping BMPs described in the [MCSTOPPP Minimum Control Measures for Small Construction Projects](#). The ESCP must provide a rationale for the selected BMPs including, if needed, soil loss calculations.
- n) 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.
- o) There are no known paleontological or unique archeological resources on the project site. In the event unanticipated unique archaeological or paleontological resources are uncovered during construction, all work must be immediately halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate mitigation measures to avoid any significant environmental impact.
- p) This Design Review approval does not include any changes to existing exterior features other than those specifically listed herein and or shown on the approved plans. Other changes not listed or shown may require separate Design Review approval.
- q) Any changes to the existing or approved landscaping will require Design Review approval by the City of Belvedere. All lights shall be down lit with covered bulbs.
- r) Design Review approvals expire twelve (12) months from the date of this approval.
- s) A ten (10) day appeal period is applicable and shall be observed prior to work commencing. Construction activities shall not take place until the appeal period has ended and provided that no appeal has been filed

AYES:

NOES:

RECUSED:

ABSENT:

APPROVED: _____
Patricia Carapiet, Planning Commission Chair

ATTEST: _____
Beth Haener, 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.

As proposed, cut and fill will be minimal and applied to the existing footprint for a new foundation wall and crawlspace. Minor excavation is expected for the additional posts and footings which will support the new deck. No trees are proposed for removal.

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 deck will provide a method of ingress and egress for the converted living area. The deck will be made with grey composite materials to match the main deck's grey wood finish. The horizontal stainless-steel cable railing and natural-finished redwood posts will provide an upgraded design. Additionally, the deck will be placed beneath the overhang of the main deck to further minimize building bulk. Multiple mature trees screen the proposed lower-level deck from the view of adjacent properties to the northwest, southeast, and downslope to the east. =

Minimizing bulk and mass.

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 new deck and staircase will not be visible from the private road due to it being downslope and setback from Crest Road. The parcel is situated near the end of a cul-de-sac on a private road and receives minimal traffic beyond neighbors going to and from their homes. A single-family home sits downslope from the project site on Madrona Avenue but will not be affected due to multiple mature trees which screen the home. The height and footprint of the home will not be altered. The new deck and staircase are compatible with other homes single-family homes on Belvedere Island. The project is designed to avoid appearing monumental or excessively large, the addition is designed to integrate into the site and surrounding area.

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 will avoid expansive single plane designs by incorporating seven glass windows and sliding doors at the lower level where the deck will be placed. The stainless-steel cable railing and redwood posts add vertical and horizontal elements for architectural variety. The new brick steps, concrete staircase, and steppingstones on the left side yard bring a variety of new materials to compliment the stucco and wood siding of the main home.

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 no 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.

All materials and colors of the home will remain the same which include grey and beige wood and stucco siding. The new lower deck will be made of a composite material and painted grey to match the wooden deck on the upper level. Windows and sliding doors will be made with tempered glass with grey trim to match the existing home. The door at the lower west elevation will be glass panel, fiberglass trim and painted to match the existing door on the east elevation.

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.**

There are no changes proposed to the existing fencing.

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

There are four windows and one sliding door proposed at the rear of the home. One door will be placed at the western side yard as well. The proposed new doors and windows will be placed at the lower level of the home and screened by multiple mature trees in all directions. The new windows and doors will match existing. The windows and doors will be completely screened from public view due to their placement on site and will have no impact to privacy as they will not be visible to adjacent property owners.

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 parcel is toward the end of a cul-de-sac and will retain the existing off-street parking it currently uses. This project will not impact circulation on Crest Road.

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.

Twelve wall mounted exterior light fixtures are proposed at the rear and western side yard along the lower level of the home. The proposed lights will be down lit and have covered bulbs.

Consideration of nonconformities. The proposed work shall be viewed in relationship to any nonconformities, as defined in Title 19, and where it is determined to be feasible and reasonable, consideration should be given to conditioning the approval upon the mitigation or elimination of such nonconformities.

The existing site is consistent with all development standards in the R-15 zoning district. The project does not propose any alterations that require a Variance or would result in a nonconformity at the site.

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.

No landscaping is proposed with this project all existing landscaping will remain



APPLICATION FOR DESIGN REVIEW

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

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Planning Comm. Approval
Design Review Exception
Amount: _____ Receipt No.: _____ Staff Approval
Parcel No.: _____ Zone: _____
Located in Flood Zone AE VE N/A

SECTION 1 • PROJECT SUMMARY

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

Is this property adjacent to a City Owned Lane? No Yes

Is there an Existing Revocable License for this property? No Yes Lic # _____

Does this project have Planning Commission approval? No Yes

Address of Property: 13 Crest Road, Belvedere

Record Owner of Property: David and Diane Williams

Mailing 13 Crest Road Daytime Phone: 415-680-4777

Address: Belvedere, CA 94920 Fax: _____

_____ Email: dwilliamsiii@comcast.net

Owner's Representative: Carl Oldenburg AIA (Architect)

Mailing 6843 Wilton Drive Daytime Phone: 781-799-5687 (cell)

Address: Oakland, CA 94611 Fax: _____

_____ Email: carl@oldenarch.com

Project Description: Interior remodeling within existing building volume and addition of 2 exterior doors, 2 windows, and exterior decks and elevated walkways.

ZONING PARAMETERS:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	15,000	19,440	19,440
Lot Coverage	50%	17%	18%
Total Floor Area	4,850	4,228	4,641
Front Yard Setback	15'	33.83'	33.83'
Left Sideyard Setback	10'	40.17'	34.75'
Right Sideyard Setback	10'	12.10'	12.10'
Rear Yard Setback	20'	37.50'	37.50'
Building Height Maximum	36'	32'	32'
Building Height Average	28'	23.63'	23.63'
Parking Spaces	2	4	4

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

(To Be Completed by Applicant)

Date Filed: Dec. 6, 2021

General Information

1. Name and address of developer or project sponsor: David and Diane Williams
2. Address of project: 13 Crest Road, Belvedere
3. Name, address, and telephone number of person to be contacted concerning this project: Diane Williams; 13 Crest Road, Belvedere, CA 94920; 415-680-4777
4. Indicate number of the permit application for the project to which this form pertains: _____
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): Single-family residence (alteration)
8. Year built: 1963 Original architect: _____

Project Description

9. Site size. 19,440 sf
10. Square footage. 4,641 sf
11. Number of floors of construction. 2 (existing)
12. Amount of off-street parking provided. 4
13. Plans attached? Yes
14. Proposed scheduling. Start winter 2022

15. Associated projects, such as required grading or staging. Exterior staging at proposed decks.
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16. Anticipated incremental development. 395 s.f. of exterior decks. No new building footprint.
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 plus ADU
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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. _____

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

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

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 single family dwelling on steep downslope lot, moderately wooded, partially landscaped.
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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, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. Neighborhood of similar single-family dwellings on similar-size lots.
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SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this section does not apply. Design Review approvals expire twelve (12) months from the date of approval unless granted a longer duration by the Planning Commission.

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.

B. Construction Time Limit Required. This Chapter shall apply to any project for which a design review approval is required, any project requiring a building permit with an estimated construction value of \$50,000 or greater, and/or any landscaping project with an estimated construction value of \$50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The maximum time for completion of project 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 \$600 per day to \$1200 per day with a \$300,000 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 that wish to exceed the time limit that was approved by the Planning Commission, the following is the “**Extension of Construction Time Limit**” process (BMC Section 20.04.035(D)):

D. Extension of Construction Time Limit.

1. An applicant may request a construction time limit extension at the time of the design review hearing or after the issuance of a building permit. An applicant is limited to one construction time limit extension per project.

2. The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection. The Planning Commission’s decision may be appealed in writing to the City Council.

3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant’s option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee’s decision to the Planning Commission and the Planning Commission’s decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.

4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.

5. Projects with an initial 18-month construction time limit may receive a maximum 6-month extension for a total time limit of 24 months. Projects with an initial 6 or 12-month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.

6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90-day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.

7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:

- a. Site topography
- b. Site access
- c. Geological issues
- d. Neighborhood considerations
- e. Other unusual factors
- f. Extreme weather events
- g. Unanticipated discovery of archeological resources
- h. Other conditions that could not have been reasonably anticipated at the time of project application

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, 2018, (subject to change without notice):

Director of Planning & Building	\$ 85.00
Associate Planner	\$ 59.00
City Attorney	\$ 240.00
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. To avoid misunderstandings regarding changes to building plans that have received Design Review, please read and acknowledge the below information. 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. (BMC §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: 13 Crest Road, Belvedere

Assessor's Parcel No(s). of subject property: 060-163-14

➤ **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 or more 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.

I understand that the contents of this document are a Public Record. If more than one signature is required by the owner entity to make this application, please have all signers sign below.

Signed this _____ day of _____, 20____, at Belvedere, California.

Signature _____ Signature _____

Title(s) _____ Title(s) _____

Trustee(s) Partners: Limited or General Corporation Other _____

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

➤ **Properties Owned by Individuals**

I, Diane Williams, 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.

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

Signed this 6th day of December, 2021, at Belvedere, California.

Signature Diane Williams

➤ **Designation of Owner's Representative (Optional)**

I hereby authorize Carl C. Oldenburg AIA 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: *Hiliane W. Williams* Date: 12/6/2021

Signature of Representative: *Carl C. Oldenburg* Date: Dec. 6, 2021