



**CITY OF BELVEDERE PLANNING COMMISSION  
MEMORANDUM**

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**REPORT DATE:** June 13, 2022 **AGENDA ITEM: 2**

**MEETING DATE:** June 21, 2022

**TO:** Planning Commission

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

**REVIEWED BY:** Ann Danforth, Assistant City Attorney

**SUBJECT:** **Demolition, Design Review, Exception to Total Floor Area and Variance applications for a new garage and an addition to 31 Alcatraz Avenue**

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**RECOMMENDATION**

The applicant is requesting Demolition, Design Review, Exception to Total Floor Area and a Variance for the property located at **31 Alcatraz Avenue**. The proposal includes the demolition of the existing garage and the construction of a new garage and parking deck to accommodate vehicles as well as a new elevator. The project also includes an addition to the home for a new elevator as well as hardscape and landscape improvements. The applications are included as **Attachment 5** and project plans are included as **Attachment 6**.

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

- MOTION 1** Adopt the Resolution granting Demolition for the garage located at **31 Alcatraz Avenue**, (Attachment 1).
- MOTION 2** Adopt the Resolution granting Design Review for the property located at **31 Alcatraz Avenue**, (Attachment 2).
- MOTION 3** Adopt the Resolution granting Exception to Total Floor Area for the property located at **31 Alcatraz Avenue**, (Attachment 3).
- MOTION 4** Adopt the Resolution granting a Variance for the structure to encroach into the side yard setback at **31 Alcatraz Avenue** (Attachment 4).

## **BACKGROUND**

### *Planning Commission Review – March 15, 2022*

On March 15, 2022, the Planning Commission reviewed the project, heard from staff, the project representative, and the homeowner. One neighbor spoke, George Gness, he was concerned about the overhang of the carport garage and that it would block the view from the street. View the [staff report](#) of the March 15, 2022.

At the March 15, 2022 meeting, the Planning Commissioners had questions and concerns about the story poles, the lights on the landscape plans, the planting plan legend, the carport overhang, trash enclosure, and the retaining wall height at the rear.

### ***Modifications from the March Planning Commission Meeting***

The applicant addressed the Commission's prior concerns with the following email from the architect:

#### **“Bulk and Mass Changes:**

The carport roof overhang has been eliminated from the design. The length of the garage has been reduced to reduce the volume of the garage projecting over the yard; eliminating the story pole of greatest concern at the March 15<sup>th</sup> planning commission meeting. The terrace has been reduced and the associated retaining wall design stepped to allow for landscape screening of the retaining wall. Trash enclosure doors have been added.

#### **Landscape Changes:**

The upper terrace has been reduced in size. Up lights have been removed from the design. Stair riser lights have been replaced w/ sidewall footlights. Screening trees have been added to planting plan to screen the terrace wall. Additional plantings at the retaining wall step along with vines have been added to soften the terrace retaining wall's visual impact. The height of hedge plantings in elevation have been adjusted to clearly illustrate the intent of the design. Simplified plant material symbols on the planting plan and revised planting legend with additional text have been added to further clarify the intent of the landscape design. Notes to save and preserve the existing magnolia and citrus tree for possible re-use have been added to the plans.”

### *Planning Commission – April 19, 2022*

On April 19, 2022, the Planning Commission reviewed the project, heard from staff, the project representative, and the homeowner. The staff report can be viewed here:

[https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/\\_04192022-643?html=true](https://www.cityofbelvedere.org/AgendaCenter/ViewFile/Agenda/_04192022-643?html=true)

At the April 19, 2022 Planning Commission meeting, the Commission raised concerns about the project proposal and asked for modifications. In particular, the Commissioners had concerns with the proposed terracing at the rear of the property and mass and bulk.

***Modifications from the April Planning Commission Meeting***

The applicant addressed the Commission’s prior concerns with the following changes:

**Bulk and Mass Changes:**

Terracing and grading changes to the rear/side hillside garden have been removed from the proposed design eliminating the need to import any fill.

The existing garden stairs, site lighting and terracing are to remain.

The parking deck has been reduced in size resulting in a reduction in coverage of 1.4%.

The elevator at the garage has been extended down to serve the existing level 1 terrace.

Documentation and detailed information confirming the air conditioner compliance w/ the sound ordinance and location has been provided.

**Landscape Changes:**

Landscaping changes to the rear/side hillside garden have been revised as follows: Existing hillside plantings, and terraces are to remain.

As new planting areas are now minimal, new planting has been reduced to include only privacy screening from the east side of the residence. This includes an appropriately scaled evergreen tree screen and reuse of an existing Magnolia tree.

The height of the new screening has been limited such that it does not extend above the trash enclosure to ensure it will not obstruct the newly created view corridor at the eastern side of the property.

No new exterior landscape lighting is proposed for the rear/side hillside garden, as new stairs and footlights have been eliminated.

**ZONING PARAMETERS**

<b>ELEMENT</b>	<b>PRESCRIBED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Lot Area	7,500 SF	5,286 SF	No Change
Total Floor Area	2,643 SF	4,207 SF	4,619 SF
Lot Coverage	40%	32.1%	35.4%
Left Side Yard Setback	5'	40' (Residence) 7" (Garage)	5' (Garage)
Right Side Yard Setback	5'	2'8"	No Change
Rear Yard Setback	10'	6'4"	No Change
Front Yard Setback	5'	5' (Residence) 1'1" (Garage)	No Change (Residence) 6' (Garage)

Building Height Maximum	36'	44'	No Change
Parking Spaces	2	2	3

**PROJECT ANALYSIS**

As noted above, the current request is for Demolition, Design Review, Exception to Total Floor Area and a Variance for the demolition of the existing garage and construction of a new garage and parking pad, which also includes an elevator. The project also includes an addition for an elevator adjacent to the front door on the right. An extensive landscape plan is proposed, with landscaping proposed behind the new garage. New trees, retaining walls and lights are proposed to help screen the garage from Bellevue Avenue.

The project was reviewed at the Planning Commission on March 15 and April 19, 2022 as noted above. The architect has redesigned the proposed garage so that it is smaller than the previous design, maintaining the footprint of the existing garage to address the concerns about view blockage from the street. The proposed project includes a parking deck, the large roof overhangs as previously proposed were removed in the previous design. The project also proposes an elevator at the garage and a new elevator addition to the residence. The goal of the project is so that the residents can age in place. An interior remodel is also proposed including the bathroom, stairs, and laundry room. The front gate, wall and landscaping is also proposed to be replaced and refreshed to create a cleaner entry into the property. An extensive landscape and hardscape plan is proposed creating new terraces on the property.

The project requires an Exception to Total Floor Area as well as a Variance. The existing total floor area is 4,207 SF and the project is proposing 4,619 SF. The Variance is required for the addition at the house that will accommodate the elevator. The new space will encroach into the side yard setback. The code requires 5 feet, and the project is proposing 2’8” to match the existing wall.

The applications are included as **Attachment 5**. Project Plans are included as **Attachment 6**.

**DEMOLITION PERMIT**

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

Second, the proposed project will not result in the removal of a building which has been recognized as having historical or architectural significance. The City of Belvedere 2030 General Plan Update includes a Historic Resource Sensitivity Map, which categorized the parcels within the City based on the likelihood of containing a historically significant property. The Historic Resource Map contains three levels of historic sensitivity, Low, Medium, and High. The Map designates the project site as having “Medium” historic potential. Medium designated structures are those that are older than 45 years in age. The garage is not considered a historical structure. Also, the home is not listed as a historic resource on any federal, state or local register. The demolition plan provides for adequate site protection during the project and, the demolition timeframe is reasonable; week maximum. Finally, the demolition will not remove a housing unit and is consistent with the City’s Housing Element; the proposal is for the removal of a detached garage. A draft Resolution has been prepared for the Commission’s consideration (**Attachment 1**).

### **DESIGN REVIEW FINDINGS**

The Design Review criteria 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 proposed project includes replacing the garage in a similar footprint as the existing and a small addition to the dwelling to accommodate an elevator. The proposed addition to the house and the garage is designed to be balanced and harmonious with the site and the surrounding areas. In staff’s review, the requested modifications to the house and garage comply with Design Review criteria and are aesthetically compatible with the site and with the surrounding properties. The proposed garage is within the same footprint as the existing and the proposed elevator is located in the existing volume of the house which creates a balanced and harmonious addition. The proposed addition is not monumental or excessively large and would blend into the existing architecture of the home. Staff believes that the project meets all the Design Review criteria as attached in the draft Resolution (**Attachment 2**).

### **FLOOR AREA EXCEPTION**

The applicant requests Planning Commission approval of a floor area of 4,619 SF. The maximum permitted FAR in the R-C Zoning District is 2,643 SF. The lot is 5,286 SF, the existing home exceeds the maximum allowed floor area at 4,207 SF. The applicant is requesting to further exceed the maximum allowed floor area with an additional 412 SF.

***ETFA Findings:*** Pursuant to Section 19.52.120(A)(1) of the B.M.C., to grant an Exception to Total Floor Area, the Planning Commission must make each of the following findings:

- a. That primary views from adjacent properties, as well as from the street, are not significantly impaired by the additional square footage;
- b. That there are unusual characteristics applicable to the parcel which minimize the impact of a 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; and
- d. That the additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties.

In staff's opinion, the evidence can support the required findings for a Floor Area Exception.

First, primary views from adjacent properties, as well as from the street, would not be significantly impaired by the additional square footage. The project proposes two small additions so that the homeowners can age in place. The additional square footage does not impact views because the location of the proposed garage and elevator are in the same footprint as the existing garage. The addition on the home, is tucked away in the existing footprint of the home. As proposed, the project is designed to maintain the footprint and basic size of the existing house and garage, with a small addition at the garage to make the existing property flow more cohesively.

Second, the unusual characteristics of the parcel that minimize the impact of the greater floor area include the steep slope of the lot and how the house and garage are sited on the lot. Much of the garage addition is proposed below the garage structure. While the addition will be visible from the street, it will not block any views given the location of the proposed additional floor area.

Third, the addition will not be visually out of place within the context of the neighborhood or the site. The project is similar in mass, bulk, and character for the parcel, the neighborhood, and the zoning district, and meets all design review criteria

Finally, Staff can make the finding that the project does not substantially reduce the privacy otherwise available to residents of adjoining properties due to the thoughtful design of the addition in relation to the adjacent neighbors and the surrounding neighborhood, the site, and with the existing residence. Staff has provided the Commission with a draft Resolution of approval for the requested Exception to Floor Area (**Attachment 3**).

### **VARIANCE SIDEYARD**

The applicant requests Planning Commission consideration and approval of a Variance from Sections 19.24.040 of the Belvedere Municipal Code (BMC) to encroach into the required side yard setback in the R-1C zone. Key provisions of the BMC that relate to this Variance request are below:

The applicants have applied for a Variance for encroachment into the five-foot side yard setback. The existing roof eave currently sits 2 feet 8 inches from the side property line. As mentioned above, the Belvedere Municipal Code allows:

*Section 19.76.030 Alterations and additions to nonconforming structures.*

*A. A nonconforming structure may be repaired or otherwise maintained, or portions thereof replaced in order to keep the structure in good condition.*

*B. A nonconforming structure may be enlarged, extended to occupy a greater volume of space or different area of land than is occupied at the time it first became nonconforming, or its exterior design altered, where such enlargement, alteration or extension conforms in its entirety to all current laws and regulations, so long as the total floor area added during any ten -year period does not exceed fifty percent of the existing gross floor area of the building.* The applicants are doing an interior remodel and addition which will affect the building wall that encroaches into the side yard setback. The addition includes continuing the existing wall and roof eave in the same plane as the existing wall and roof eave. The project does not comply with Subsection B above and therefore requires a Variance. Under the Municipal Code, the Planning Commission must make the following findings to grant the Variance:

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.
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.
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.

In addition, Section 65906 of the California Government Code provides the following in pertinent part:

Variations from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Staff finds that the proposed Variance for encroachment into the side yard setback would not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone because the Variance will allow the applicant to maintain the existing house with a small addition at the side similar to homes in the vicinity. Given the scope of work, it will allow the applicant to maintain the existing house in the same location, the requested small change to the existing building would not be considered a

special privilege inconsistent with limitations upon other properties in the area. The homeowners would like to age in place, given the slope of the lot the encroachment into the side yard setback will allow the addition of an elevator and granting the encroachment will not be considered a special privilege. The special circumstance applicable to the property is that the slope of the lot is very steep. The addition of the elevator at the proposed location, given the steepness of the lot allows the property owners to age in place, and the ability to enjoy a moderate size home similar to that enjoyed by other properties in the vicinity under identical zoning classifications and similar to what currently exists. 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.

Staff recommends that the findings for the Variance can be made as reflected in the attached draft Resolution (**Attachment 4**).

### **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 March 15, 2022, the proposed project was determined to be categorically exempt from CEQA pursuant to Section 15301 Existing Facilities because the proposed project consists of a renovation of the existing single-family dwelling. City action is required by June 13, 2022 or the project may be deemed approved.

As explained more fully above, 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 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 subject property is categorized as a Medium Sensitivity site for Tribal Cultural Resources and the proposed construction is in already disturbed areas of the property.

Also as explained above, staff finds that the property is not historic under CEQA, nor eligible for listing in the local historic register. The discussion regarding CEQA historical issues is incorporated here by reference.

### **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. Staff has not received any new correspondence regarding the project proposal as currently designed.

### **CONCLUSION**

Staff believes that sufficient evidence exists to support the findings required for the Demolition, Design Review, Exception to Total Floor and Variance and has prepared Resolutions recommending approval.



**RECOMMENDATION**

Staff recommends that the Planning Commission conduct the required public hearing, consider all evidence in the records, direct staff to make any changes to the draft resolutions that the Planning Commission deems appropriate and take the following actions:

**MOTION 1** Adopt the Resolution granting Demolition for the garage located at **31 Alcatraz Avenue**, (Attachment 1).

**MOTION 2** Adopt the Resolution granting Design Review for the property located at **31 Alcatraz Avenue**, (Attachment 2).

**MOTION 3** Adopt the Resolution granting Exception to Total Floor Area for the property located at **31 Alcatraz Avenue**, (Attachment 3).

**MOTION 4** Adopt the Resolution granting a Variance for the structure to encroach into the side yard setback at **31 Alcatraz Avenue** (Attachment 4).

**ATTACHMENTS**

- Attachment 1: Draft Demolition Resolution
- Attachment 2: Draft Design Review Resolution
- Attachment 3: Draft Exception to Total Floor Area Resolution
- Attachment 4: Draft Variance Resolution
- Attachment 5: Project Applications
- Attachment 6: Project Plans
- Attachment 7: Correspondence

**CITY OF BELVEDERE**  
**RESOLUTION NO 2022 -**  
**A RESOLUTION OF**  
**THE PLANNING COMMISSION OF THE CITY OF BELVEDERE**  
**GRANTING A DEMOLITION PERMIT TO DEMOLISH AN EXISTING**  
**GARAGE AT 31 ALCATRAZ AVENUE**

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**WHEREAS**, a proper application has been submitted for Demolition Permit pursuant to Title 16 of the Belvedere Municipal Code to demolish an existing garage, built in 1918 at 31 Alcatraz; and

**WHEREAS**, the demolition project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines; and

**WHEREAS**, at its June 21, 2022 regular meetings, the Planning Commission held a public hearing and determined that the subject property did not constitute a Historical Resource nor did the property contain or constitute Tribal Cultural Resources under CEQA;

**WHEREAS**, staff has recommended conditions of approval, listed below, to ensure that the proposed demolition complies with Chapter 16.28 of the Municipal Code; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the requested Demolition Permit on June 21, 2022; and

**WHEREAS**, the Planning Commission has reviewed the evidence in the record and determined that it can and hereby does make the findings listed in Exhibit A, which is attached hereto and incorporated herein, with respect to the project as conditioned in this resolution, as required by section 16.28.110 of the Belvedere Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Belvedere does hereby grant approval pursuant to Title 16 of the Belvedere Municipal Code to allow the demolition of an existing garage at 31 Alcatraz Avenue, with the following conditions:

- a) The property owners shall defend with counsel acceptable to the City 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 Demolition approval, shall cooperate with the City in the defense of any such action with counsel acceptable to the City in its discretion, and shall indemnify the City for any award of damages and/or attorneys' fees and associated costs that may result.
- b) All requirements of the Building Official shall be met. A permit for demolition must be issued by the Building Department before the commencement of work
- c) All work shall be completed within 70 days of the commencement of demolition unless deconstruction methods are used in which case 12 weeks is permitted. "Commencement of demolition" shall mean the date of the issuance of the building permit for demolition or a start date specified in written correspondence from the property owner and approved by the Building Official prior to issuance of the permit for demolition.

- d) All requirements of the City Engineer shall be met. Encroachment permits, as distinguished from a Building Permit, shall be obtained for all improvements, work activities, and staging or storage of equipment and materials within the public right-of-way prior to commencing work, subject to approval of the Public Works Manager.
- e) Obstruction or blockage, partial or complete, of any street to leave less than ten feet of unobstructed horizontal clearance for vehicles, shall not be permitted without first obtaining, twenty-four hours in advance, a street closure permit. Twelve feet of clearance shall be required for debris boxes or building materials. Streets shall be left clean and free of any debris at the end of each workday.
- f) Demolition shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except in special circumstances after obtaining written permission from the City Manager. Demolition is prohibited on City holidays except in special circumstances after obtaining written permission from the City Manager. The City Manager is urged to impose a very high-level of scrutiny in the determination of “special circumstances.”
- g) The site shall be left clean and free of all debris and materials from the demolition at the completion of work.
- h) All requirements of the Tiburon Fire Protection District (TFPD) shall be met.
- i) The general contractor shall submit a proposal to the City Manager for review and approval that addresses the demolition schedule and vehicle parking locations.
- j) Prior to the issuance of a building permit for demolition, the applicant shall submit for review and approval an Erosion Control Plan incorporating, as appropriate, the MCSTOPPP Minimum Erosion/Sediment Control Measures for Small Construction Projects:  
<https://secureservercdn.net/198.71.233.106/hx9.6b8.myftpupload.com/wp-content/uploads/2020/09/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf>
- k) Prior to the issuance of a building permit for demolition, the applicant shall demonstrate compliance with State air quality requirements related to the control of dust generated by the demolition and construction and prepare a plan for the re-use and recycling of demolition materials.
- l) These restrictions shall be binding upon any successor in ownership of the property.
- m) In the event that archeological or paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified archaeologist or paleontologist to identify the appropriate actions that shall be undertaken.

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**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission held on June 21, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk

### **DEMOLITION FINDINGS**

Given that the existing residence and garage are proposed to be demolished, a Demolition Permit is required pursuant to Belvedere Municipal Code Section 19.08.136 and Chapter 16.28. BMC Section 19.08.136, defines Demolition as “the razing of a building, removal of a dwelling unit, or the removal of more than fifty percent of the total exterior wall and roof area from the grade up...Removing a residential second unit or converting a duplex into a single unit is considered demolition.” In approving the Demolition Permit, the Planning Commission hereby makes the following findings:

**A. That the demolition, as conditioned by the Planning Commission, will not have an adverse impact upon the public health, safety and/or welfare of the City;**

The proposed demolition will not have an adverse impact upon the public health, safety, and/or welfare of the City because the demolition must satisfy the requirements for a demolition permit from the Building Department and must also comply with all Building and Fire Code regulations. Further, staff finds that, with a condition of approval stating that the applicant demonstrates compliance with State air quality requirements; this demolition project would not have an adverse impact upon the public health, safety and/or welfare of the City.

**B. That the demolition will not remove from the City a building of recognized historical or architectural significance, until potential preservation options can be reviewed;**

Demolition will not remove a building of recognized historical or architectural significance. The project site is designated as medium in terms of historic and prehistoric resource sensitivity. The Planning Commission also reviewed all information before it during the public hearing and determined in its discretion that there is no substantial evidence in the record to determine that the property constitutes an historical resource.

**C. That the demolition plan presented by the applicant, as approved, provides for adequate site protection during and following the demolition.**

The plan presented in the application, and as conditioned, would provide adequate site protection during and following the demolition. The applicant states that an erosion control plan will be put in place. Demolition is expected to take 30 days to complete.

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

The applicant’s estimated 30-day time frame for accomplishing the demolition is reasonable.

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

Not applicable because the demolition does not involve any housing unit.

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

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- G. The proposed demolition is required for the project to go forward. The project itself will further Goal 2 of the Housing Element (Maintain and Enhance the Quality of Existing Housing and Residential Neighborhoods) and will not conflict with any of the other goals.

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING DESIGN REVIEW  
APPROVAL FOR AN ADDITION TO  
THE RESIDENCE AND GARAGE AT 31 ALCATRAZ AVENUE**

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**WHEREAS**, a proper application has been submitted for Design Review pursuant to Title 20 of the Belvedere Municipal Code to replace the existing garage and an addition to the existing residence at 31 Alcatraz Avenue; and

**WHEREAS**, the project been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities; and

**WHEREAS**, CEQA categorical exemption Section 15301 is appropriate because the proposed project involves no expansion of an existing use and allows for minor alteration of existing private structures and there is no potential that the project would cause a substantial adverse effect on any Tribal Cultural Resources that may, or may not, exist on the site because proposed project will be constructed on previous disturbed soil and therefore there is no resource integrity and the property is listed as Low Sensitivity for cultural resources; and

**WHEREAS**, the Planning Commission held a properly noticed hearing on June 21, 2022; 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 renovate the existing residence, 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, with counsel selected by 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) 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 Weir Andrewson Associates, Inc Architects and Engineers stamped received by the City of Belvedere on June 2, 2022.
- c) Prior to issuance of the building permit the side yard property lines shall be staked
- d) A separate landscaping and lighting plan shall be submitted and reviewed and approved by the Planning Commission Chair and Director of Planning and Building prior to the issuance of the building permit.
- e) Changes to existing landscaping and exterior lighting not approved as part of this project shall require planning review and approval.

**ATTACHMENT 2**

- f) Within five (5) days of approval a Notice of Exemption shall be filed with the County of Marin County Clerk by the City of Belvedere Planning Department. A \$50.00 filing fee is required. A check shall be provided to the City of Belvedere Planning Department and made payable to the County of Marin.
- g) 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.
- h) All requirements of the City Engineer shall be met including but not limited to the following:
- An **Encroachment Permit** is required from the City 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. 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.
  - The project requires a **Site Plan** showing the property line locations (referencing the survey source and mapping information), any existing easements, building setbacks, encroachments etc.
  - The project will be subject to the City of Belvedere Regulations for Road Closure Applicants, see the following link:  
<http://www.cityofbelvedere.org/documentcenter/view/68>
  - The project requires a **Site Plan** showing the property line locations (referencing the survey source and mapping information), any existing easements, building setbacks, encroachments etc.
  - The project will require a **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 15<sup>th</sup> and April 15<sup>th</sup>, an action plan for storm water pollution prevention and erosion and sediment control prior to an anticipated rain event
- i) All requirements of the Fire Marshal shall be met prior to issuance of a building permit.
- j) 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.
- k) Plans submitted to the Building Department for permit issuance shall be consistent with the approved Planning Commission plans.
- l) Design Review approvals expire twelve (12) months from the date of approval.
- m) Construction shall be completed within the Construction Time Limit established for this project.
- n) 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.
- o) These Conditions of Approval shall be printed on the Building Permit Construction Plan set of drawings.
- p) These restrictions shall be binding upon any successor in interest of the property.
- q) 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.
- r) Any new exterior lighting shall require planning review/approval.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk

## **EXHIBIT A**

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

There are two small trees and two small fruit espalier proposed for removal. The rest of the mature landscaping will remain on this site. The existing landscaping will be maintained in its natural state and preserved. There is minimal cut and fill proposed with this project.

**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 landforms 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 additions to the house have been designed to relate to and fit in with the existing house and topography of the site. The additions are designed to minimize the bulk and mass. The additions are designed to integrate with the existing house as well as integrating into the existing neighborhood. The additions are designed to fit into the natural landforms and the existing landscaping will provide screening to help minimize the mass and bulk. The garage is located in the same footprint as the existing garage, which will integrate into the structure and the site. The square footage proposed behind the garage is designed to maintain balance with 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 modifications are designed to avoid appearing monumental or excessively large. The modifications will not add bulk or mass as the new garage is proposed in a similar footprint to the existing. The additions and remodel will blend into the neighborhood and is in character with the surrounding dwellings. The garage is proposed in the similar footprint as the existing, and the addition behind the garage is in character with other dwellings in the neighborhood. The elevator addition on the home is designed in a manner to be balanced and harmonious with the home and the neighborhood.

**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 same materials and colors are proposed to match existing colors and materials. There is not a large expanse of one material on a single plane. The new fence and gate at the front of the property will add architectural interest and variety.

**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 proposed materials: will match the existing home. The materials are appropriate for the residence in that they are quality materials that blend in well with the surrounding properties and match the existing dwelling. The existing materials are Mediterranean in style and the proposed additions will match the existing dwelling. The colors are soft and muted and blend in with the neighborhood which is an eclectic mix of architectural styles.

**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 fencing is proposed.

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

Building placement, and window and door size and placement has been selected to consider the privacy of adjacent buildings. There are no new windows and doors proposed except the garage door which has no privacy implications with the adjacent buildings.

**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 project proposes to redesign the driveway, garage and circulation to create better traffic flow, and a safer parking situation on the lot. Alcatraz Avenue is extremely challenged in terms of parking and the proposed project will create a safer flow. Additionally, the design does not conflict with the appearance 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.

As conditioned any new lighting will be required to meet this finding & any new lighting will require planning review/approval.

**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 applicant requests an Exception to Total Floor Area that would allow the property to further exceed the maximum allowable floor area in the R-1C zoning district for the size lot. Additionally, the applicant requests a Variance to encroach into the side yard setback. Because the findings for a Floor Area Exception and Variance can be made, it is not reasonable or feasible to mitigate or eliminate the proposed nonconformity. The space proposed for the additional floor area is in the existing volume of the home, and the encroachment into the side yard setback will match the existing non-conforming building wall.

**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.

Landscaping is proposed at the rear of the property to provide additional screening from what currently exists. The existing landscaping, which provides screening for the entire property, will remain.

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
BELVEDERE GRANTING AN EXCEPTION FROM SECTIONS 19.24.040 OF THE  
BELVEDERE MUNICIPAL CODE FOR THE PROPERTY  
LOCATED AT 31 ALCATRAZ AVENUE**

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**WHEREAS**, a proper application has been submitted for an Exception to Total Floor Area from the zoning provisions of the Belvedere Municipal Code for an addition/remodel of an existing residence and garage to allow a maximum floor area of 4,619 SF where a maximum of 2,643 SF is permitted and where 4,207 SF currently exists at 31 Alcatraz 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 hearings on the requested Floor Area Exception on June 21, 2022; and

**WHEREAS**, the Planning Commission made each 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.**

Due to the topography of the lot (downward slope from the street above) and the placement of the existing garage and residence on the downslope of the lot, and due to the design of the proposed garage and elevator additions largely within the existing building envelope, primary views from adjacent properties and the street are not significantly impaired by the additional square footage. The proposed addition/remodel as designed is mostly contained within the envelope of the existing structures, the garage and residence. The additional square footage will not be visible from the street or neighboring properties.

- b. **That there are unusual characteristics applicable to the parcel which minimizes the impact of a greater floor area.**

The unusual characteristics of the parcel that minimize the impact of the greater floor area include the steep topography of the property and the unusually small size of the lot. First, the topography of the lot is steep as the property slopes sharply down from the street above. The additional square footage is proposed behind the garage and will have minimal impact when viewed from the street. Finally, the project as designed is mostly contained within the envelope of the existing structure and is visually reduced because the area is behind the garage on a steeply sloping lot. The above-mentioned unusual characteristics of the parcel minimize 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 proposed project is appropriate in mass, bulk and character for the parcel, neighborhood, and zoning district because the additional floor area is designed to be well integrated into the existing architecture and site. The new and existing materials that will be used in constructing the addition are proposed to blend into the existing residence and will add some architectural interest to the existing structure. As proposed the bulk and mass of the proposed addition/remodel as designed is mostly contained within the envelope of the existing structure. Additionally, the project meets all Design Review criteria.

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

The additional square footage will not substantially reduce the privacy otherwise available to residents of adjoining properties due to the placement of the home on the downslope of the property and due to the design of the proposed addition/remodel, which is largely within the existing building envelope. As designed, the proposed addition/remodel is oriented so that the proposed new square footage will not cause any substantial reduction in privacy from what currently exists to residents of adjoining properties.

**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 4,619 square feet where 2,643 square feet is permitted at 31 Alcatraz Avenue.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission held on June 21, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

**APPROVED:**

\_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022 -**

**A RESOLUTION OF THE CITY OF BELVEDERE GRANTING A  
VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS OF  
THE BELVEDERE MUNICIPAL CODE FOR THE PROPERTY  
LOCATED AT 31 ALCATRAZ AVENUE**

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**WHEREAS**, a proper application has been submitted for a Variance from 19.24.040 of the Belvedere Municipal Code to allow for the home to encroach into the side yard setback at 31 Alcatraz Avenue; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the requested Variance on June 21, 2022; 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 side yard setback variance and allowing the home to encroach into the side yard of the property does not grant a special privilege to this particular lot because the project will allow the property owners to enjoy an interior remodel to an existing home which will make their home more functional, similar to improvements enjoyed by homes in the vicinity and zone. Given where the existing residence is sited on the property it is infeasible to require the structures to be moved to accommodate the required setback in the R-1C zoning district. Due to the size and the location of the existing house on the lot, it is not feasible to require the homeowners to reconfigure the house so that the building wall is outside of the setbacks. Granting a Variance to allow the building wall to be built in the setbacks is not considered a special privilege given the circumstances described above.

- 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.**

Due to the special circumstance of the location of the existing structures on the lot, the strict application of the setback code sections would deprive the owners of a functional interior floor plan to age in place. The special circumstances applicable to the property include the existing siting and location of the home and the fact that the home is on a very steep hillside. The building wall currently sits in the side yard setback and the project proposes to enclose the volume of the home under a large window overhang, which was constructed in 1918. It is infeasible to require the property owner to move the dwelling so that the wall would be out of the setbacks. Given the location of the dwelling the strict application of the zoning ordinance would be unnecessary hardship on the property owner.

- 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 the building wall in a setback 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 the house to encroach into the side yard setback at 31 Alcatraz Avenue.

**PASSED AND ADOPTED** at a regular meeting of the Belvedere Planning Commission on June 21, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

**APPROVED:** \_\_\_\_\_  
Pat Carapiet, Planning Commission Chair

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk



**ZONING PARAMETERS:**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	April Mtg.
Lot Area . . . . .	7500 sf	5286 sf	No Change	
Lot Coverage . . . . .	40 %	1695 sf 32.1 %	1873 sf 35.4 %	1945 sf 36.8 %
Total Floor Area . . . . .	2643 sf	4207 sf	4619 sf	4624 sf
Front Yard Setback . . . . .	5'	5' RES., 1'-1" GAR.	6' GAR.	
Left Sideyard Setback . . . . .	5'	40' RES., -7" GAR.	5' GAR.	
Right Sideyard Setback. . . . .	5'	2'-8"	No Change	
Rear Yard Setback . . . . .	10'	6'-4"	No Change	
Building Height Maximum...	36'	44'	No Change	
Building Height Average...	28'	32.7'	No Change	
Parking Spaces . . . . .	2	2	3	

**SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA**

*(To Be Completed by Applicant)*

Date Filed: October 19, 2021 REV.: January 21, 2022

**General Information**

Mark and Alison Weinzierl

1. Name and address of developer or project sponsor: 31 Alcatraz Avenue, Belvedere, CA 94920
2. Address of project: 31 Alcatraz Avenue
3. Name, address, and telephone number of person to be contacted concerning this project: Albert DeLima, Weir Andrewson Associates, 1430 4th Street, San Rafael, CA 94901 (415) 485-9797
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: Floor area exception, setback variance, design review, demolition permit, building permit.
6. Existing zoning district: R-1C
7. Proposed use of site (Project for which this form is filed): SINGLE FAMILY RESIDENCE
8. Year built: 1918 Original architect: Unknown

**Project Description**

9. Site size. 5286 sf
10. Square footage. 4619 sf
11. Number of floors of construction. 3 stories over basement, existing no change
12. Amount of off-street parking provided. 3 standard plus 1 compact space
13. Plans attached? YES
14. Proposed scheduling. ASAP

We have reached out to the two neighbors, 38 and 37 Alcatraz Ave, that voiced objections to the initial submitted design.

**The neighbor at 37 Alcatraz voiced two concerns:**

The first concern was about the garage setback compliance. It was brought to the attention of the neighbor at 37 Alcatraz Ave. that planning is requiring a survey as a condition of approval and that the intent of the plans is to provide a garage with a setback compliant with the city municipal code.

The neighbor's second concern pertained to landscape planting scheduled to take place on his side of the common property line. At present the residents at 31 Alcatraz maintain a section of the property within the bounds of 37 Alcatraz Ave, this condition/situation was inherited from the prior owners. The landscape design has been revised such that no work is to take within the property lines of 37 Alcatraz Ave. Updated plans and the above noted information has been shared with the neighbor at 37 Alcatraz Ave.

**The neighbors at 38 Alcatraz Ave. also voiced two different concerns:**

The primary concern voiced in their letter is regarding the view of the Belvedere Cove from a porch and a bedroom. While the views lost from the residence are not from any of the primary living spaces (living room, dining room or primary bedroom) the new design is sensitive to the neighbors' concern. The new design does reduce the height and area of the roof initially proposed to minimize any potential view blockage of the cove from 38 Alcatraz. The new design further mitigates its impact on views from 38 Alcatraz by lowering the roof eave on the downhill side (most impact on view) by sloping the last few feet of roof.

They also voiced concerns about view impact to residents walking the street. The existing garage occupies 18' of the street frontage and has solid guard rails. The revised design has been significantly reduced & will occupy the same amount of street frontage as the existing garage, 18', thus in and of itself, the new garage design does not block more of the view than the existing garage to residents passing by on the street. To further mitigate potential view loss, large sections of the new guardrail will be open metal guardrail to allow for a greater view from the street.

We let the neighbors at 38 Bellevue Ave. know that we intended to provide a revised design when we received a copy of their concerns from the City. We requested to meet with them to gain insight into their concerns and for permission to observe the project from where the photos that accompanied the concerns were taken from. They did not respond. We have provided them with copies of the revised design.

**Parking Design Intent:**

At present there are two compliant open parallel parking spaces, one at the bottom of the yard on Bellevue Ave and one at the top on Alcatraz Ave. At present the occupants must navigate outdoor steps to access an entry from the parking spaces, 3 flights from the lower space and 1 from the upper space. The parallel parking forces the residents to park extremely close to the stucco retaining wall in order to allow traffic to pass; the street is very narrow and passenger entry and exit conflicts with the traffic. The present parallel parking has very poor sight lines, is difficult to maneuver a vehicle into and out and is dangerous for passengers to enter and exit the vehicles from. The present garage location is right along the edge of the street pavement and does not provide for safe passage of both pedestrians and cars.

The owners' primary goal is to be able to age safely in place. The revised design provides simplified parking maneuvering, better sight lines, elimination of the need to navigate exterior stairs and safe vehicle entry and exit. The elevator in combination with the space below the parking deck would provide safe weather protected passage from the parking deck level to the residence.

In addition the new parking will be setback from the edge of pavement to meet the city's present parking setback requirements. Unlike the present condition this will improve the safety of pedestrians by providing adequate room for both pedestrians and cars to pass by the garage and parking along Alcatraz Ave.

**Updated Since 10/28/2021:**

A survey has been prepared and the plans illustrating the building locations have been updated based on the survey. The updated plans & survey have been shared with the owners of 37 & 38 Alcatraz Ave. The owner of 37 Alcatraz expressed support for the project based on the survey and associated revisions.

**Updated Since 03/15/2022 Planning Commission meeting:**

**Bulk and Mass Changes:**

The carport roof overhang has been eliminated from the design. The length of the garage has been reduced to reduce the volume of the garage projecting over the yard; eliminating the story pole of greatest concern at the March 15<sup>th</sup> planning commission meeting. The terrace has been reduced and the associated retaining wall design stepped to allow for landscape screening of the retaining wall. Trash enclosure doors have been added.

**Landscape Changes:**

The upper terrace has been reduced in size. Up lights have been removed from the design. Stair riser lights have been replaced w/ sidewall footlights. Screening trees have been added to planting plan to screen the terrace wall. Additional plantings at the retaining wall step along with vines have been added to soften the terrace retaining wall's visual impact. The height of hedge plantings in elevation have been adjusted to clearly illustrate the intent of the design. Simplified plant material symbols on the planting plan and revised planting legend with additional text have been added to further clarify the intent of the landscape design. Notes to save & preserve the existing magnolia and citrus tree for possible re-use have been added to the plans.

**Updated Since 4/19/2022 Planning Commission meeting:**

**Bulk and Mass Changes:**

Terracing and grading changes to the rear/side hillside garden have been removed from the proposed design eliminating the need to import any fill.

The existing garden stairs, site lighting and terracing are to remain.

The parking deck has been reduced in size resulting in a reduction in coverage of 1.4%.

The elevator at the garage has been extended down to serve the existing level 1 terrace.

Documentation and detailed information confirming the air conditioner compliance w/ the sound ordinance and location has been provided.

Landscape Changes:

Landscaping changes to the rear/side hillside garden have been revised as follows:

Existing hillside plantings, and terraces are to remain.

As new planting areas are now minimal, new planting has been reduced to include only privacy screening from the east side of the residence. This includes an appropriately scaled evergreen tree screen and reuse of an existing Magnolia tree.

The height of the new screening has been limited such that it does not extend above the trash enclosure to ensure it will not obstruct the newly created view corridor at the eastern side of the property.

No new exterior landscape lighting is proposed for the rear/side hillside garden, as new stairs and footlights have been eliminated.