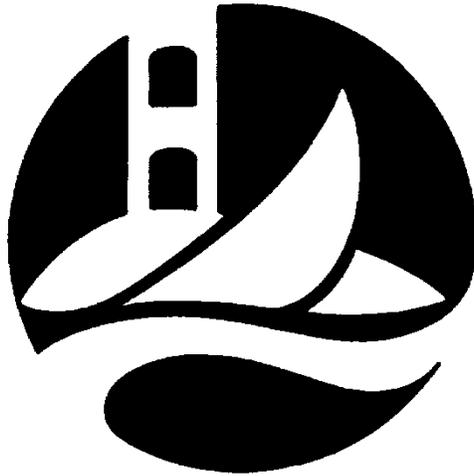


# CITY of BELVEDERE



## **A Guide for Planning and Building Permit Processing and Construction Requirements**

**October 2017**

*DISCLAIMER: The reader is advised that the following information is of a general informative nature, is not meant to represent all laws, fees, or requirements of the City of Belvedere, and is subject to change without notice.*



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## INTRODUCTION

Spectacular views, notable architecture, and lush vegetation define Belvedere's distinctive character. Its village-like atmosphere, proximity to San Francisco, and geographic position on the Bay make it a truly unique place to live. To protect these valued attributes, Belvedere's City Council and Planning Commission have democratically adopted a series of policies and ordinances that closely regulate design and construction.

The City's Design Review Ordinance requires review of new construction, as well as smaller exterior changes such as fencing, landscaping, and even paint colors.

Belvedere's City staff has written this booklet to assist applicants with the approval and permit processes and to provide a better understanding of ordinances that affect construction. The contents are arranged in a logical progression starting with the Planning Department approval procedures, followed by the Building Permit application and inspection requirements, and finishing with an overview of construction regulations.

If your project will not involve any exterior work, planning approvals may not be necessary; skip to page 23 for information strictly related to Building approvals and construction regulation. On page 32, there is a flowchart that shows the typical lifecycle of a project in Belvedere.

Applicants for construction projects of any scope are encouraged to call or stop by City Hall for information early in the planning stage. On the page 33 you will find a list of City staff and their areas of responsibility.

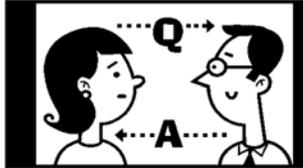
City Hall contact information:

450 San Rafael Avenue  
Belvedere, California 94920  
t. 415.435.3838  
f. 415.435.0430

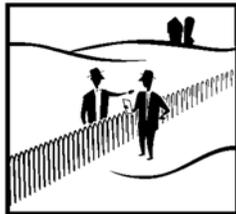
Office hours are Monday through Thursday 8:00 a.m. - noon and 1:00 p.m. - 4:30 p.m.  
To access forms and other important information online, visit [www.cityofbelvedere.org](http://www.cityofbelvedere.org)

## IMPORTANT THINGS TO REMEMBER

- 1) **When in doubt, ask.** City staff is here to help. If you are ever unsure whether your work is subject to regulation, give us a call. Strict penalties apply for non-compliance, so don't hesitate to double-check at (415) 435-3838.



- 2) **Know your details.** City staff's goal is to provide streamlined and consistent permit processing that conforms to planning law and the Belvedere Municipal Code. Staff is also responsible for assisting applicants in achieving compliance with the requirements of other outside agencies, such as the Tiburon Fire Protection District, Marin Municipal Water District, Bay Conservation and Development Commission, etc. Oftentimes, this means that a lot of details need to be addressed during the review process and the City may routinely request more detailed information along the way. The speed at which an application can be processed is directly related to the speed with which this additional information can be provided.
- 3) **Talk to your neighbors!** More often than not, early and open communication with neighbors will help your project go more smoothly. Because of Belvedere's unique geography, neighbor input can impact a project's forward momentum either positively or negatively.



- 4) **Development standards  $\neq$  Design Review approval.** The Zoning Ordinance and the Design Review Ordinance are two distinct sections of the Belvedere Municipal Code. A project may comply with the development standards established in the Zoning Ordinance, such as setback and height limits, but the design criteria established in the Design Review Ordinance may require adjustments to the project that exceed the requirements of the Zoning Ordinance. For example, while the Zoning Ordinance may allow a structure to be 10 feet from a side property line, through the Design Review process, issues such as screening and privacy may dictate that an approvable structure needs to be 15 feet from the side property line.

## **ZONING**

The Zoning Ordinance was adopted in order to provide a precise guide for the arrangement of land uses and the physical development of the City while preserving its essential residential character. Zoning District maps and information regarding the most common zoning questions follow. Applicants can find the Zoning Ordinance in its entirety as Title 19 of the Belvedere Municipal Code, available at City Hall and on the City's website, [www.cityofbelvedere.org](http://www.cityofbelvedere.org)

### **Residential Zones with Distinct Development Standards**

The four major single-family residential zones include: Belvedere Island (R-15), Corinthian Island (R-1C), Lagoon Area (R-1L), and West Shore Road (R-1W). A summary of the development standards for these four residential zoning districts is provided on pages 5 through 8.

### **Zoning Map and Information**

Development standards for the single family residential zones are on pages 5 through 8. A Zoning Map is included as the last page of this document.

### **Off-street Parking Requirements**

For all zoning districts, at the time of construction of a new structure or the addition of more than 100 square feet of floor area of an existing building, parking must be provided on private property. Spaces must be a minimum size of eight feet wide, eighteen feet long and seven feet high. Tandem spaces do not fulfill the legal requirement. All residential zones require two (2) off-street parking spaces at minimum. 2<sup>nd</sup> units require additional parking.

### **Exception to Total Floor Area**

An Exception to Total Floor Area may be granted based on specific findings by the Planning Commission, when the proposed change involves additional floor area in excess of the maximum allowed by the Zoning Ordinance. A Variance and an Exception to Total Floor Area are disfavored in the same application. For current information on the preservation of existing legal non-conforming floor area in new construction, contact the Planning Department.

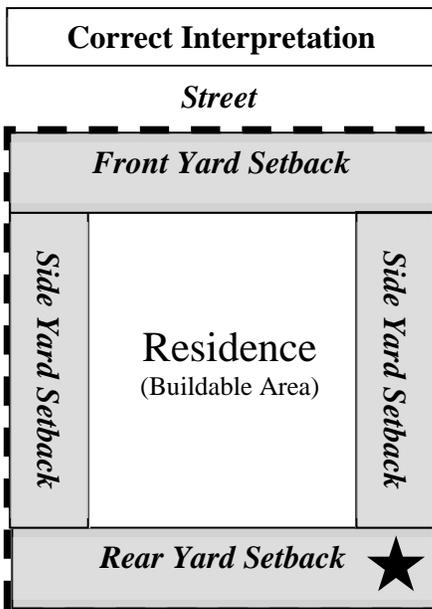
### **Second Units**

Second Units and Junior Second Units are encouraged in the Belvedere General Plan. Second Units are sometimes called caretaker units or apartments and owners of Second Units may collect rent from the residents. Second Units constructed within existing floor area or as part of the construction of a new residence do not have as many development regulations as other types of second units. Second Units may have local, state and federal tax implications. Please contact the Planning Department for current information and requirements for second units.

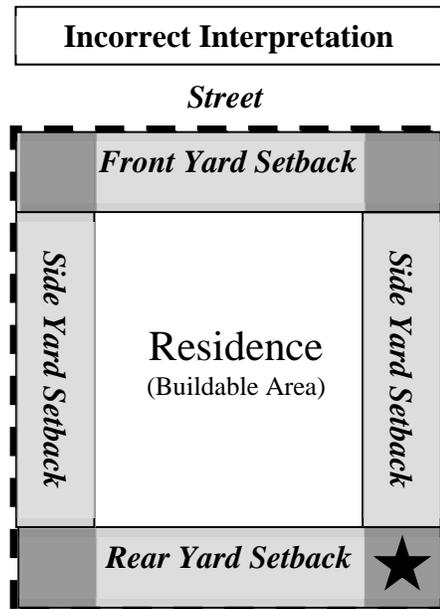
## Variance

A Variance application is required when some physical aspect of a proposed construction project does not conform to the City's Zoning Ordinance. The granting of a Variance is strictly regulated by State law. The Planning Commission must make specific findings in order to grant a Variance. Encroachments into a setback, excessive height, or excessive lot coverage are examples of project components that would necessitate a Variance. Requests for Variance are generally discouraged.

*A Note about Variance and Setbacks:* When applying for Variance to encroach into a setback, please note that there is no 'double jeopardy.' For example, a project does not require both a side yard and a rear yard Variance if an encroachment is located in the corner of a property.



Example: Construction at this location (★) would require one (1) Variance for rear yard setbacks. It would not require a second Variance for side yard setbacks.



Example: Construction at this location (★) would *not* require two (2) Variances for rear yard and side yard

### **KNOW YOUR DETAILS**

*Errors in zoning calculations can cause application delays. Belvedere's definitions of certain development standards may be different from other jurisdictions, so familiarize yourself with the definitions established in Chapter 19 of the Municipal Code (available online at [www.cityofbelvedere.org](http://www.cityofbelvedere.org)). Staff is always available to answer questions, but doing your research first can help avoid unnecessary delays.*

## RESIDENTIAL ZONES SUMMARIES

### R-15 ZONE (Belvedere Island)

19.26.040 Summary of Development Standards. The following standards apply to development in the R-15 zone. For all regulations concerning the determination and measurement of slope, height, setbacks, floor area ratio and other development standards, see Title 19.

<b>Lot dimensions:</b>		
Minimum lot size		15,000 sq. ft.
Minimum lot width		75 ft. average
Minimum lot frontage		75 ft.
<b>Setbacks</b> <i>(measured from the property line to roof eaves and all other building projections):</i>		
Front yard setback:	Bldg. height less than 15 ft. within first 40 ft. of front property line	10 ft.
	Bldg. height greater than 15 ft. within first 40 ft. of front property line	15 ft.
Side yard setback:	10 ft. or 10% of the average lot width, but no less than 5 ft.	
Rear yard setback:	Abutting another lot	20 ft.
	Abutting a street	15 ft.
	Abutting water, an alley or private way	10 ft.
Setbacks for conditional uses:	10 ft. or minimum for that yard, whichever is greater	
<b>Maximum lot coverage:</b>		
For structures		30%
Total, including uncovered, outdoor decks		50%
<b>Maximum floor area:</b>		
For lots with area less than or equal to 14,700 sq. feet		33% of lot area
For lots with area exceeding 14,700 sq. ft.		4,850 sq. ft.
<b>Maximum height</b> <i>(only permitted if there is no significant view blockage):</i>		
28 foot average, 28 foot maximum, or 36 foot maximum if slope at footprint is over 30%.		
<b>Off-street Parking:</b>		
2 off-street spaces per single-family dwelling; minimum 1 additional space for second unit		

Note: See section 19.56.060 for requirements regarding 36 foot maximum height exception.

### R-1L ZONE (Lagoon Area)<sup>1</sup>

**Chapter 19.24.050 of the Belvedere Municipal Code is hereby amended to read as follows:**

19.24.050 Summary of development standards—R-1L zone (Lagoon area). The following summarizes the standards that shall apply to development in the R-1L zone. The full text of the requirements summarized here is located in Chapters 19.44 through 19.68 of this Title. In addition, all applicable structures must receive Design Review approval pursuant to Chapter 20.04 of the Belvedere Municipal Code. In the event of a discrepancy between the following chart and the Code section, the Code section shall prevail.

<b>Minimum Dimensions (Lot)</b>	lot size	7,500 square feet
	lot width	65 foot average
	lot frontage	65 feet
<b>Front yard setback</b> <i>NOTE: For the full text of these requirements see Sections 19.48.010, 19.48.060 and Chapter 19.56 (Height Limits). Maximum Height is only allowed if there is no significant view blockage. See Section 19.56.010.</i>	Building less than 15 feet in height within first 40 feet of front property line	5 feet
	Building less than 25 feet in height within first 40 feet of front property line	10 feet
	Building over 25 feet in height within first 40 feet of front property line	15 feet
<b>Side yard setback</b> <i>NOTE: See Section 19.48.010 and Chapter 19.56 (Height Limits). Maximum Heights are only permitted if there is no significant view blockage.</i>	5 feet for first story	
	10 feet for second story	
<b>Rear yard setback</b> <i>NOTE: Please see Section 19.48.170 for additional conditions.</i>	Abutting another lot	20 feet
	Abutting a street or water	15 feet
	Abutting an alley or private way	10 feet
<b>Setbacks for conditional uses</b>	10 feet, or minimum for that yard, whichever is greater	
<b>Maximum lot coverage</b> <i>NOTE: See Chapter 19.56 for maximum height limitations. Maximum heights are only permitted if there is no significant view blockage.</i>	40 percent for structures greater than 15 feet in height	
	50 percent for structures up to 15 feet in height	
<b>Maximum floor area</b> <i>NOTE: See Section 19.52.120 for exception procedure.</i>	For lots with areas less than or equal to 8,000 square feet	Ratio of .50 to lot area
	For lots with areas greater than 8,000 square feet	4,000 square feet
<b>Maximum height</b> <i>NOTE: See Chapter 19.56 the full text of Height limitations. Maximum heights are only permitted if there is no significant view blockage.</i>	22 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard, Section 19.56.040.	
	Up to 26 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard may be allowed only as follows: A bonus of one foot of additional height may be allowed when an additional foot is added to the second story setbacks, to a maximum height of 26 BFE +1 and no structure may exceed a maximum height of 29 feet from Existing Grade as defined in Section 19.08.224. (See, Section 19.56.090.)	
<b>Off-street parking</b>	2 off-street spaces for each single-family dwelling	
	One additional space for second unit	

<sup>1</sup> AMENDMENT EFFECTIVE OCTOBER 14, 2015

R-1W ZONE (West Shore Road)

19.24.060 Summary of development standards—R-1W zone (West Shore Road Area). The following summarizes the standards that shall apply to development in the R-1W zone. For all regulations concerning the determination and measurement of slope, height, setbacks, floor area ratio and other development standards, see Chapters 19.44 through 19.68 of this Title.

<b>Minimum</b>	lot size	7,500 square feet
	lot width	65 foot average
	lot frontage	65 feet
<b>Front yard setback</b>  <i>NOTE: Please see Section 19.48.010 for additional conditions.</i>	Building less than 15 feet high within first 40 feet of front property line	5 feet
	Building less than 25 feet high within first 40 feet of front property line	10 feet
	Building over 25 feet high within first 40 feet of front property line	15 feet
<b>Side yard setback</b>	5 feet for first story	
	10 feet for second story	
<b>Rear yard setback</b>	Abutting another lot	20 feet
	Abutting a street	15 feet
	Abutting water, an alley or water way	10 feet
<b>Setbacks for conditional uses</b>	10 feet, or minimum for that yard, whichever is greater	
<b>Maximum lot coverage</b>	40 percent for structures greater than 15 feet in height	
	50 percent for structures up to 15 feet in height	
	50 percent total including uncovered, outdoor decks	
<b>Maximum floor area</b>  <i>NOTE: See Section 19.52.120 for exception procedure.</i>	For lots with areas less than or equal to 10,600 square feet	Ratio of .40 to lot area
	For lots with areas greater than 10,600 square feet	4,240 square feet
<b>Maximum height</b>  <i>NOTE: Maximum heights are only permitted if there is no significant view blockage.</i>	22 feet	
	Up to 26 feet may be allowed—one foot of average side yard setback must be added to the minimum for each one foot of additional height	
<b>Off-street parking</b>	2 off-street spaces for each single-family dwelling	
	One additional space for second unit	

### R-1C ZONE (Corinthian Island)

19.24.040 Summary of Development Standards. The following standards apply to development in the R-1C zone. For all regulations concerning the determination and measurement of slope, height, setbacks, floor area ratio and other development standards, see Title 19.

<b>Minimum lot dimensions:</b>		
Size	7,500 sq. ft.	
Width	65 ft. average	
Frontage	65 ft.	
<b>Setbacks</b> ( <i>measured from the property line to roof eaves and all other building projections</i> ):		
Front yard:	0' from the front property line, or 5' from the improved street line, whichever is farther from the center line of paved street.	
Side yard:	5 ft.	
Rear yard:	Abutting another lot	20 ft.
	Abutting a street, water, alley or private way	10 ft.
For conditional uses:	10 ft. or minimum for that yard, whichever is greater	
<b>Maximum lot coverage:</b>		
For structures	40%	
Total, including uncovered, outdoor decks	50%	
<b>Maximum floor area:</b>		
For lots with area less than or equal to 7,000 sq. feet	50% of lot area	
For lots with area exceeding 7,00 sq. ft.	3,500 sq. ft.	
<b>Maximum height</b> ( <i>only permitted if there is no significant view blockage</i> ):		
28 foot average, 28 foot maximum, or 36 foot maximum if slope at footprint is over 30%.		
<b>Off-street Parking:</b>		
2 off-street spaces per single-family dwelling; minimum 1 additional space for second unit		

Note: See section 19.56.060 for requirements regarding 36 foot maximum height exception.

## DESIGN REVIEW

The Design Review Ordinance was adopted with the objectives of preserving Belvedere's natural and manmade beauty, encouraging a scale of development consistent with the character of the community, ensuring quality design and architecture and balancing private prerogatives with community interests. Please refer to Sections 20.04.100 through 20.04.210 for specific Design Review Criteria. The criteria includes elements and features which have been used in the past to build attractive and harmonious homes.

Most exterior changes in Belvedere are subject to Design Review. Many homeowners do not anticipate the breadth of exterior changes that the Ordinance regulates. For that reason, staff suggests that residents contact the Planning Department before making any exterior changes.

Avoiding the process can be tempting, but the penalties for noncompliance and the subsequent project delay can be severe and end up costing property owners far more time, money and stress than abiding by law.

### Levels of Design Review

Before you begin any exterior work, first file a **Statement of Exterior Changes: Design Review Exemption** form or submit an **Application for Design Review** for the proposed work. The level of review that your proposal is subject to depends on the scope of work. Prospective applicants should speak with a member of Planning Staff to determine which level of Design Review is applicable to their project.

The table on the next page summarizes the different levels of review. The approximate turn-around times are "good faith" estimates only and assume a fully complete and detailed application. The term "business days" refers to the days that City Hall is operating and excludes holidays and weekends.

After Design Review approval, the applicant must apply for any necessary building permits. Specific penalties may apply to projects which commence prior to City approvals (see page 11). Applicants should refer to Title 20 of the Belvedere Municipal Code for the complete Design Review Ordinance provisions and definitions. Application requirements may be found starting on page 14 of this booklet.

### ***DEVELOPMENT STANDARDS ≠ FIRE DISTRICT APPROVAL***

*Applicants should review the Design Review criteria established in Titles 20.04.110 to 20.04.210 of the Municipal Code before proposing new work. Since the Design Review Ordinance requires new projects to provide ample vegetative screening of structures, the minimum building setbacks required by the Zoning Ordinance may not leave sufficient planting space for Design Review compliance, especially in light of Fire Code regulations establishing a minimum "defensible space" between structures and vegetation.*

## LEVELS OF DESIGN REVIEW

Type of Project	Filing Fee (effective 8-11-17- including \$26 Tech fee) Subject to change: Call City Hall for exact amount	Level of Review	Typical scope of work	Average Turnaround time for a <u>complete application</u>
Design Review Exemption	\$0	Administrative, not noticed	Most replacement roofing, windows and siding, fence repairs, most painting, etc.	1 business day
Staff Design Review	\$289	Administrative, not noticed	Revisions to approved plans for minor items such as window dimensions, etc.	10 business days
Design Review Exception	\$499	Administrative with noticing to all property owners within 100' of project	Small additions, new fences and hedges, exterior lights, small landscaping projects, sensitive projects, etc.	25 business days
Planning Commission Design Review for Major Remodels	\$551 (remodels < 500 sq. ft.) \$1706 (remodels > 500 sq. ft., but < 1,500 sq. ft.) \$2546 (remodels > 1,500 sq. ft.)	Planning Commission, Public Hearing Notice published in newspaper and sent to property owners within 300' of project	Remodels over 150 square feet on second floor or 250 square feet on first floor, and other sensitive projects	40 business days (to date of 1 <sup>st</sup> Public Hearing)
Planning Commission Design Review for New House	\$3386	Planning Commission, Public Hearing Notice published in newspaper and sent to property owners within 300' of project	New residence	60 business days (to date of 1 <sup>st</sup> Public Hearing)
Retroactive Design Review	A minimum of twice the applicable Design Review application fee plus a \$500 penalty up to a \$100,000 maximum penalty	Minimum level of review is Administrative with noticing to all property owners within 100' of project	Any exterior work commenced prior to receiving City approval save work that is exempt from Design Review	10 to 40 business days

## **Retroactive Design Review**

Exterior changes commenced prior to the issuance of Design Review approval will be considered in violation of the Design Review Ordinance, may be stopped by order of the Building Official, and may be declared to be unlawful and a public nuisance. Such violations are considered as Retroactive Design Review.

Retroactive Design Review applications are considered either at the administrative level or by the Planning Commission at a public hearing. By law, a minimum penalty of \$500 **must be imposed** for any Retroactive Design Review approval; the Planning Commission is given the discretion to impose a penalty equal to \$1,000 per violation up to a maximum penalty of \$100,000. Each day on which an unapproved condition continues will be regarded as a new and separate violation. The Planning Commission may deny a Retroactive Design Review application if it finds the applicant has intentionally proceeded with construction without obtaining the required Design Review approval.

## **Permitted Number of Design Review Approvals**

For a site or structure with no existing active Design Review approval, during any 12-month period an applicant may obtain up to four (4) administrative approvals, which may be in the form of either Staff Approvals, Design Review Exceptions or a combination of the two. Any such administrative approval(s) will be valid for a period of one year from the date of issuance. There is no limit on the number of Design Review exemptions that can be processed for a site.

For a site or structure with an existing active Design Review approval, administrative approvals to amend the existing active Design Review approval will be limited to three (3) such approvals at any time during the lifetime of the underlying Design Review approval, plus one (1) such approval during the process of obtaining final inspection approval of the project. Administrative approvals under this section may be in the form of Staff Approvals, Design Review Exceptions or any combination of the two. Any such administrative approval(s) granted will not extend the term of the underlying Design Review approval.

### ***TALK TO YOUR NEIGHBORS***

*For administrative applications, submitting your neighbors' written support can help staff process your application more expediently. It is also recommended that applicants submit written proof of the neighbors' support for a project as part of their Planning Commission application. Staff has prepared a document called the "Neighbor Noticing Memo" that applicants can easily duplicate when collecting multiple signatures.*

## TIME LIMITS FOR CONSTRUCTION

As part of any Design Review application, the applicant must specify a valuation, which results in a time limit within which construction must be completed.

Estimated Value of Project (\$)	Construction Time Limit (months)*
\$0 to \$100,000	6 months
\$100,001 to \$500,000	12 months
Greater than \$500,000	18 months

Failure to complete construction in the specified time will result in fines ranging from \$600 per day to \$1,200 per day with a maximum penalty equal to ten percent of the project valuation or \$300,000, whichever is less.

### Extensions

There are two types of Construction Time Limit (CTL) extensions available to applicants. For projects whose valuation is greater than \$500,000, an application for an extension must be filed within 1 year of Design Review approval and **prior to any work commencing**. The maximum extension for such a situation is 6 months and the application for extension must be heard by the Planning Commission.

The second type of extension is only available for projects which have been assigned a CTL of less than 18 months, but have experienced an increase in project valuation during the construction process, and, therefore, may be eligible for a longer construction period. For projects that fall into the second category, an application for an administrative extension can be filed after construction has commenced.

For construction projects not initially assigned a CTL which require design review mid-project, a permit will be issued as a record of the new work and the beginning of the required CTL. The assigned CTL start date is the date of the first permit issued for the project. However, the length of construction time allotted for the project is based on the valuation of the new permit only. The entire project must be completed by the assigned CTL date.

### Landscape Deposit

To complete landscaping work approved as part of a larger construction project, the applicant may have an additional 90 days after the date of final inspection approval of the building permit for the main construction project. To receive the additional 90 days, the applicant must apply for it and make a deposit against the timely completion of the landscaping work, prior to the issuance of a building permit for the main construction project. Typically, a large construction project means one that exceeds \$100,000 in valuation. Smaller projects require completion of all landscape work prior to the expiration of the CTL.

## **OTHER PLANNING-RELATED APPROVALS**

### **Environmental Review**

The California Environmental Quality Act (CEQA) requires that projects be subject to environmental review. Following an initial evaluation, the Planner recommends that the project is either exempt under CEQA, qualifies for a Negative Declaration, or a Mitigated Negative Declaration, or requires the preparation of an Environmental Impact Report (EIR). Design Review applications will not be considered by the Planning Commission until the Environmental Review process is completed.

### **Revocable License**

Because of the unique configuration of land in Belvedere, many existing private improvements, such as retaining walls, landscaping, parking decks, garages and even houses, have been built partially or totally on City property. Whenever an application is submitted which involves such a situation, the City requires the applicant to obtain a Revocable License to use the City property.

The City may require a property line survey to establish the exact location of the encroachment. A completed Revocable License application and fee are required, including an 8 1/2" x 11" site plan that locates each of the proposed and existing private improvements that are within the City's right-of-way. The applicant must obtain City Council approval of all Revocable Licenses prior to issuance of a building permit. Applicants for a Revocable License are advised that their failure to execute the actual license agreement may prevent the issuance of any building permit associated with the License.

### **Historic Properties**

Any applicant for a property that has City of Belvedere Historic Property status or that meets criteria that enables it to be considered a Potential Historic property under CEQA will be required to submit their proposal for review by the Historic Preservation Committee or at a minimum, have a staff determination that the property is or is not historic prior to applying for Design Review. In addition, properties considered eligible for the California Register of Historic Places are reviewed under CEQA.

### **Demolition Permits**

Application must be made to the Planning Commission and a permit issued whenever complete demolition of any structure is proposed (see definitions of "Demolition" and "New Structure" below). When proposed changes to the exterior exceed 50%, the project is considered to be a "technical teardown" and the new structure is therefore subject to all provisions of the Zoning Ordinance, including, but not limited to, the Floor Area Ratio and setback requirements.

Whenever a project might involve the demolition of 50% or more of the existing structure, the architect must submit evidence to the Planning Commission that the proposed demolition is less than 50% if the applicant hopes to avoid the more restrictive conditions imposed by the Zoning Ordinance (Section 19.08.335 BMC).

- “Demolition” means the razing of a building, or the removal of more than 50% of the total walls and roof from the grade up including all exterior openings.
- “New Structure” means an entirely new building or the replacement of more than 50% of the total walls and roof from the grade up including exterior openings.

## **Subdivisions**

Planning staff manages the review of requests to subdivide land, including lot line adjustments and lot mergers. These applications are processed under the Subdivision Map Act and Title 18 of the Belvedere Municipal Code with input from the Public Works and City Manager’s Office. If a lot merger includes the demolition of an existing structure, requirements for demolition also apply.

## **Use Permits**

In rare cases, an application may include work within lands zone “R-Recreation.” These can include docks or similar structures on City-owned tide lands. When an application involves work on land or waters zoned “R,” a Use Permit must be reviewed by the Planning Commission along with any requests for Design Review.

## **Water Efficient Landscaping**

The Planning staff review proposed landscaping for drought tolerant plantings in Belvedere. The Marin Municipal Water District and the State Water Board carefully review the design of irrigation and landscaping in Marin County. In general, the total water required by the types of plants in a proposed landscape plan must be equal to or less than the average for this area. For example, areas of lawn which require above average watering must be balanced with areas of drought-resistant plantings. The type of proposed irrigation systems must also meet the requirements of the Water District.

## **Low Impact Development for Stormwater Controls**

The Marin County Stormwater Pollution Prevention Program (MCSTOPPP) helps the City comply with the EPA’s water quality regulations. These regulations include controls on pollution from construction, as well as run-off from sites during storms. If a project site is located on a hillside or includes a disturbed area of 1 acre or more, stormwater controls must be included in the project design. “Low Impact Development” is a term meaning the techniques recommended by MCSTOPPP to improve water quality while maintaining an attractive and harmonious landscape design.

## PLANNING APPLICATION REQUIREMENTS & PROCESS

The majority of Planning Department applications can be grouped in the following categories: Exempt, Staff Design Review, Planning Commission Design Review, and Retroactive Design Review. Your project will be reviewed prior to filing the application to help determine which category is the most appropriate. Processing requirements and timing depend on the type of project category.

### I. Exempt

The majority of applications reviewed by the Planning staff are exemptions from Design Review. This straightforward process consists of submittal of a Statement of Exterior Changes form, photographs of the site and a rudimentary site plan. In some cases, drawings of the residence or structure may be necessary (usually where there are concerns related to existing conditions). There is no fee for this type of application and no public noticing is required. Exempt items can include re-roofing and exterior painting in earth tone and wood tone colors, minor landscaping work, minor changes to window and door placement during construction and other minor items reviewed by staff. Staff's goal is to process each exemption within 24 hours of filing.

### II. Staff (Administrative) Approval Application Requirements & Process

Submittal requirements: Five (5) sets of plans must be submitted with a completed, signed, Design Review application form and fee(s). At least 2 sets of plans must be full sized, and 3 sets may be ½ size (or 11 x 17") A submittal requirements checklist is found at the end of this booklet and is applicable to most administrative projects. Additional materials may be requested by Planning staff.

Approval process: If at some point during the Administrative Design Review process, staff determines that an application is too complex or too controversial for administrative approval, the applicant will be notified and they will have the options of reducing the scope of proposed work to include only non-controversial changes, withdrawing their application with the possibility of a fee refund, or paying the additional fees required for Planning Commission Design Review and having their application scheduled for the next available Planning Commission agenda. A determination of "controversial" usually involves significant concerns expressed by surrounding neighbors that cannot be mitigated.

For Staff Design Review approvals (without neighbor noticing) the applicant will be notified when their application has been approved.

For Design Review Exception approvals, staff will prepare a project description for a Notice of Application (for 10 day review) and then, when approved, a Notice of Approval to be posted at the entry to City Hall and mailed to all property owners within a 100-foot radius of the project site. Any interested party is given ten days to appeal staff's final decision. If staff receives no appeals by the end of the noticing period, the project is deemed approved, at which point applications for a Building Permit and/or outside agency approvals may be filed.

Appeals: Any interested person may appeal a staff approval by submitting written notice within 10 days of the posting, delivery, or mailing of the administrative approval, and payment of the required fee. The Planning Commission must then decide the matter.

### **III. Planning Commission Approval Application Requirements & Process**

The Planning Manager will review the application submittal requirements to make sure that all items have been submitted adequately before the application will be placed on a Planning Commission agenda. The Design Review by Planning Commission process takes a minimum of eight weeks to complete, depending on the project.

Meeting Date: Third Tuesday of each month at 6:30 p.m. in the Council Chambers.

Submittal Deadline: Submittal of complete applications is a generally a minimum of 56 days prior to the Planning Commission meeting. The emphasis here is that applications must be deemed fully complete by the Planning Department prior to their scheduling on an Agenda. Meeting notices are published at least 20 days prior to meeting dates but are subject to change as needed

The attached Submittal Checklist is a summary of Section 20.04.080 of B.M.C., which outlines the information required to document a project application and provide reliable information.

All items listed in the Submittal Checklist, plus any additional items that have been deemed necessary, must be submitted in order for the Design Review application to be deemed complete and considered by the Planning Commission. At the time of application, please submit 5 sets of any architectural, structural or landscape plans of which at least 2 are full-sized, and 3 may be ½ scale/size. Prior to the scheduled meeting an additional 7 sets of plans must be submitted.

Noticing: Twenty days prior to the Planning Commission meeting, the Planning Department will mail a Notice of Public Hearing to the owners and residents of properties located within 300 feet of the property for which Design Review is being considered. The Notice of Public Hearing will also be published in a local newspaper ten or more days prior to the meeting. The agenda for the meeting will be posted on the City Hall bulletin board not later than the Friday before the regular meeting.

Staff Reports: Staff Reports for Planning Commission applications are generally available to the public at City Hall on the Tuesday prior to the meeting. As a courtesy, staff tries to make Staff Reports available at the Belvedere-Tiburon Library and on the City's website seven days prior to the meeting, but this early availability is not guaranteed.

- After the Planning Commission grants Design Review approval, Building Permit applications may be reviewed by Planning staff. In some cases (particularly for large projects) the Building Department can process plan check concurrently to save time)
- No work can begin until Design Review approval is granted, any applicable appeal period has passed, and building permits are issued.

Public Hearing: At the Planning Commission meeting, all applicants are allowed ten minutes to present the merits of their application and a five minute opportunity to respond to comments during the public hearing on their proposal.

Appeal of Planning Commission Action: An applicant or any interested person may file an appeal with the City Council for any action taken by the Planning Commission. The appeal must be in writing and accompanied by the required filing fee. It must specifically address the alleged inconsistency or nonconformity with procedures or criteria set forth in Title 19 or 20 of the Belvedere Municipal code and must be filed with the City Clerk no later than 4:30 p.m. on the tenth calendar day following the Planning Commission's action. If this day falls on a Friday or holiday the deadline is extended to the end of the next available business day.

### **Retroactive Design Review Application Requirements**

The application process for Retroactive Design Review is the same as for Design Review by Planning Commission or Design Review Exception. The Retroactive Design Review application fee is twice the regular application fee. Other penalties may also apply (see page 11).

### **Permit Streamlining Act**

The Permit Streamlining Act (PSA) is a state law that sets deadlines by which public agencies must take action on development project applications. Under the PSA, an agency has 30 calendar days from the date that a development application is submitted to notify the applicant if the application is complete enough for processing. If an agency fails to do so, the application is automatically deemed complete.

Once an application is deemed complete, the agency then proceeds with the CEQA process and the approval or denial of the project. When a project is found to be exempt from CEQA or a negative declaration is adopted for a project, the public agency has 60 days to approve or deny the project. If no action is taken within the allotted time, the project may be deemed approved under the PSA.

### **Lifespan of Design Review Approval**

Administrative Design Review approvals expire twelve (12) months from the date of approval. To extend the Design Review approval, a written request for up to a one-year extension, the relevant application and fee must be filed prior to the expiration of the approval. The initial one-year extension of the approval may be granted by staff. Subsequent requests for Design Review approval extensions must be considered by the Planning Commission upon application and payment of a filing fee. Design Review remains active so long it is extended or there is an active Building Permit.

## TYPICAL CONDITIONS OF APPROVAL

All Design Review approvals are subject to certain conditions. The list below is meant to provide applicants with an idea of some conditions that their project, if approved, may be subject to and is not meant to be an exhaustive list.

For all projects: Design Review expires twelve months from date of approval.<sup>2</sup>

- Construction is 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. Work is prohibited on City holidays.
- All requirements of the Fire Marshal and Building Official must be met.
- Encroachment permits, as distinguished from a building permit, must be obtained prior to commencing work in the City right-of-way, as required by the City Engineer. A Revocable License must be obtained prior to the issuance of a building permit.
- A comprehensive site drainage plan must be reviewed and approved by the City Engineer prior to issuance of a building permit.
- The general contractor must submit a proposal to the City Manager, for review and approval, addressing the schedule for construction and parking locations for construction vehicles prior to issuance of a building permit.
- Construction must be completed within the timeframe provided by the CTL from the commencement of work following the issuance of the building permit (see page 12 for more information on how a project's Construction Time Limit is determined).
- All exterior lighting must be shielded and directed downward.
- Skylights must not have white or light opaque colored exterior lenses and must not be up-lit.
- The plans submitted to the Building Department for permit issuance must conform to the approved Planning Commission plans.
- Proposed hedges and shrubs must not exceed a height of six (6) feet unless agreed to by adjacent property owners.

For major remodels, demolitions, and new residences:

- Prior to the issuance of a building permit the property owner must demonstrate compliance with state air quality requirements related to the dust generated by grading and construction.
- Prior to approval of the framing inspection, the applicant must provide an elevation survey prepared by a licensed surveyor to the Building Department indicating the height of the new residence.
- Prior to approval of the foundation inspection, a licensed surveyor must stake the corners of the foundation (with offset) and submit a survey of the foundation stakes to include the boundaries of the property.
- Prior to the issuance of a building permit the applicant must demonstrate that proposed landscape plans comply with MMWD Ordinance 421.
- For new hillside residences, the project must comply with NPDES Phase II requirements for stormwater runoff.

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<sup>2</sup> Unless approval for a longer period is granted by the Planning Commission.

## OUTSIDE AGENCIES

Frequently, because of the size, location or complexity of a project, agencies other than the City of Belvedere will be involved in requirements and approvals prior to the issuance of the building permit. The following table provides descriptions and contact information for many agencies whose jurisdiction extends to properties in Belvedere. A list of other useful contact numbers is located on page 32.

<b>Agency</b>	<b>Charge</b>	<b>Contact info</b>
Marin Municipal Water District (MMWD)	You must have MMWD approval in order to obtain a building permit. If your project requires a new source of potable water or an increase in service size, you must contact MMWD to determine their current policy regarding your needs. Newly created Second Units require an additional water meter, as well as MMWD fees. MMWD Ordinance 421 requires Water Efficient Landscaping.	415.945.1455 <a href="http://www.marinwater.org">www.marinwater.org</a>
San Francisco Bay Conservation and Development Commission (BCDC)	BCDC has jurisdiction over all development within 100 feet of the Bay, but not the Lagoon. Whether your project is new construction, remodeling, additions, or repairs, if it is located in the described area, you should apply to BCDC for approval as early as possible. The BCDC may require project review by the Army Corps of Engineers and in some cases the commission regulates construction within Bay waters.	415.352.3600 <a href="http://www.bcdc.ca.gov">www.bcdc.ca.gov</a>
Belvedere Lagoon Property Owners Association (BLPOA)	The BLPOA must approve construction and/or repairs to docks, bulkheads, or fill on the Lagoon.	415.435.0285 <a href="http://www.belvederelagoon.org">www.belvederelagoon.org</a>
San Francisco Bay Regional Water Quality Control Board	This agency regulates the quality of stormwater runoff into the Bay and monitors pollutant discharges into storm drains and the Bay.	510.622.2300 <a href="http://www.swrcb.ca.gov/rwqcb2">www.swrcb.ca.gov/rwqcb2</a>
Army Corps of Engineers	The Army Corps of Engineers must approve work in the Bay, including the tidal zone and the Lagoon.	415.503.6800 <a href="http://www.spn.usace.army.mil/bmvc">www.spn.usace.army.mil/bmvc</a>
Underground Service Alert (USA)	USA should be contacted at least 2 working days prior to any digging or excavation work on private or public property. All underground utilities located in the area will be identified so that you may avoid them.	800.227.2600 <a href="http://www.usanorth.org">www.usanorth.org</a>
County of Marin	Commercial projects that involve the preparation and/or sale of food or the drilling of water wells must be reviewed and approved by the County of Marin, Department of Environmental Health Services.	415.499.6907 <a href="http://www.co.marin.ca.us">www.co.marin.ca.us</a>
Bay Area Air Quality Management District (BAAQMD)	Residents planning major remodeling or demolition may need to get approval from the District, which regulates proper handling and disposal of building materials containing asbestos. A BAAQMD permit is mandatory for all projects that result in complete demolition of a structure.	415.771.6000 <a href="http://www.baaqmd.gov">www.baaqmd.gov</a>

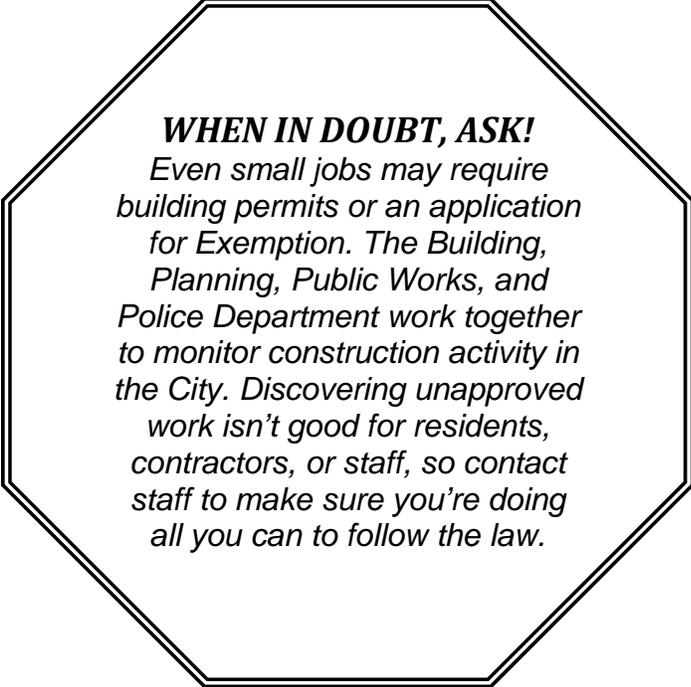
## OUTSIDE AGENCIES (continued)

Reed Union School District	If your project increases the existing square footage of habitable space by 500 square feet or more (except garages), you must pay a <u>school tax fee</u> prior to permit issuance.	415.282.1116 Tax paid at 277-A Karen Way in Tiburon.
Tiburon Fire Protection District (TFPD)	<p>Since 1987, automatic fire sprinkler systems have been required in all new construction, "substantial remodels," and newly-created second units in Belvedere. TFPD defines "substantial remodel" as remodeling or renovation of any structure, combined with any additions to the structure, which affect more than 50 percent of the existing area of the structure.</p> <p>Often, original plans for a construction project indicate that the scope of work on a structure will be below the threshold that triggers fire sprinkler requirements. However, it is common for the scope of work to expand once the project has begun. If the expanded scope of work causes the project to fall within the definition of "substantial remodel," then the fire sprinkler requirement will apply.</p> <p>The design and installation of sprinkler systems must be approved by the Fire Marshal. A pressure test of the system prior to close-in of the structure and a final acceptance test of the sprinkler system must be conducted by TFPD prior to the issuance of the occupancy certificate. Note that the installer of a fire sprinkler system must be a licensed C-16 contractor and obtain a City business license. <i>There are no exceptions to these requirements.</i> Design professionals, contractors, and homeowners are urged to consult with the Fire Marshal to discuss the particulars of their project.</p> <p>Due to Belvedere's limited emergency vehicle access, Vegetation Management standards are strictly enforced. Landscape plans must comply with the minimum standards posted on the TFPD website.</p>	415.435.7200 <a href="http://www.tiburonfire.org">www.tiburonfire.org</a>
Sanitary District #5	Sanitary District 5 regulates all private sewer laterals, in addition to maintaining and regulating the District's pump stations and main lines. For new structures, additions and significant remodels, the applicant must pick up a set of plans and a transmittal form from the Building Department and take them to Sanitary District 5 to determine sewer impact fees.	415.435.1501 <a href="http://www.sani5.org">www.sani5.org</a>
Department of Fish and Game (DFG)	The Department of Fish and Game maintains native fish, wildlife, and plant species. This includes sufficient habitat protection and maintenance to ensure the survival of all species and natural communities. Waterfront development in Belvedere is reviewed by DFG for potential impacts to all types of biological resources.	707-445-7830 <a href="http://www.dfg.ca.gov/">http://www.dfg.ca.gov/</a>

## STOP WORK ORDER

Planning Commission conditions are monitored by both the Planning and Building Departments throughout the construction process. Should there be deviations from the approved plans, including changes to paint colors, window or door locations, or building dimensions, the project is subject to an immediate Stop Work Order. The City will withhold all approvals in the case of completed projects that do not conform to the aforementioned requirements or to the Building Code and other applicable requirements.

On occasion, the City discovers work in progress that has not received the benefit of Design Review and/or a required building permit. When this occurs, a Stop Work Order is posted. In the case of significant violations, nuisance abatement proceedings may be initiated within 24 hours of the Stop Work Order posting. Penalties include a Retroactive Design Review penalty (see page 11) and a Building Permit Penalty of up to five times the normal permit fee.



***WHEN IN DOUBT, ASK!***  
*Even small jobs may require building permits or an application for Exemption. The Building, Planning, Public Works, and Police Department work together to monitor construction activity in the City. Discovering unapproved work isn't good for residents, contractors, or staff, so contact staff to make sure you're doing all you can to follow the law.*

## BUILDING DEPARTMENT REQUIREMENTS

### Building Permits

Building permits are required in Belvedere for all additions, alterations, repairs, and for all maintenance that is done to electrical, plumbing and mechanical systems. The following work is exempt from a building permit when being done as a single activity or not in conjunction with a larger project:

- Painting, wallpapering, bookshelves, cabinets, tile or marble work
- Fences and gates not higher than 6 feet
- Roof, deck, and siding repairs when 100 square feet or less
- Retaining walls less than four feet high (measured from the bottom of the footing to the top of the wall) when it can be demonstrated that there is no lateral surcharge (pressure) against it

Please note that most exterior changes require Design Review even though a building permit may not be required.

## Local Ordinance Requirements

Belvedere requires the property owner and the project architect or contractor to sign an Acknowledgement of Construction Responsibility. This agreement must be executed before a permit is issued.

Requirements unique to Belvedere are:

- Class "A" roofing assembly must be used on new roofs and repairs involving fifty percent or more of the existing roof.
- A road impact fee of three-quarters of one percent of the construction valuation is charged whenever a building permit is issued. The fee is used to defray the cost of damage caused by large trucks.
- A refundable deposit may be required on some building projects to cover costs of repair should damage occur to City property.
- A Geotechnical Report conducted by a geotechnical engineer is required for new or substantially altered foundations and for all significant foundation work around the Lagoon.
- All rain and drainage water must terminate at an approved location.
- Sewer back-water valves are required by Sanitary District 5 on all houses.
- Erosion control is required year-round on all applicable construction projects.
- It is important for the owner and contractor to know that there can be no changes to a property's use or exterior design without Planning Department approval.
- On all new homes, new commercial buildings, and changes of occupancy, a Certificate of Occupancy will be issued when all final inspections have been passed.

## Contractor Standards

Worker's Compensation: State law requires that when a building permit is issued, the issuing agency must have acceptable proof of Workers Compensation coverage.

Business License: Like most cities, Belvedere requires contractors and subcontractors to obtain a current City of Belvedere Business License. The requirement for proper workers compensation coverage and City business license are the two most common reasons for the delay of building permit issuance.

Contractor's License: State law requires that contractors hold a valid license and work within their classification, which the City does monitor.

On-site Posting of Contact Information: Names and phone numbers of contractor, owner or other responsible party may be required to be posted on-site including where and when each can be reached. Contractors are also encouraged to inform neighbors of the scope of the project and identify who is in charge.

## **Building Permit Fees**

Building Permit fees are based on the dollar valuation of the work. This means fair market value of labor, and materials costs for the total work, inclusive of all finish work such as papering and painting. Building projects frequently exceed the valuation stated for permit fee purposes. When this occurs, the City requires a "re-valuation" process at the conclusion of the project to cover the valuation increase. The City's permit fee will include a plan check fee when applicable, submitted at the time of application for a permit. (Payment is by cash, check, or credit card. Credit card transactions will incur an additional 1.7% bank fee.)

## **Lifespan of a Building Permit**

In order to keep a Building Permit active, a project contractor must schedule an inspection at least once every 180 days. If a Building Permit expires, the applicant must reapply and pay fees for a new permit in order to resume work. Design Review may also expire if a Building Permit lapses (see page 19).

## **Residential Building Report**

Prior to the sale or exchange of any residential building or lot, the owner or agent must obtain a report of the residential building record (RBR) from the City. The RBR will have two parts: the first, showing the regularly authorized use, occupancy, and zoning classification of such property; the second, an inspection summary, which identifies any potentially hazardous conditions, system defects, or zoning violations.

When applying for an RBR, the applicant must provide the Public Works Manager with a current video/DVD report of the entire sanitary sewer lateral serving the building. The video/DVD must be accompanied by a written report that identifies the entire length of the sewer lateral, describing any notable features (cracks, failures, etc.) and their location along the line, as well as the general nature and condition of the pipe material. Based on the information contained in the RBR, Sanitary District 5 may require repair or modification of the sewer lateral. The City Manager, or his designee, may waive the requirement of a report for any sewer lateral, or portion thereof, which because of its size or other condition, would be technically unfeasible to obtain a videotaped report.

When a complete application is filed, the City is allowed 30 days to issue the report. Any mandatory repairs or zoning violations identified in the RBR will require correction. The RBR will be valid for a period of 12 months. The inspection is scheduled by contacting City Hall. Fees apply.

## **Penalties**

Violations of the Municipal Code may be punishable as misdemeanors and violators may be subject to administrative penalties of up to \$1,000 per day with a \$200,000 maximum penalty. The penalty for failure to get a building permit before starting work is up to five times the regular permit fee.

## BUILDING PERMITS

Eight (8) complete sets of plans are required when submitting your permit application for all new structures, additions, and substantial remodeling projects.

Six (6) complete sets of plans are required for minor remodel projects that involve structural work.

Three (3) complete sets of plans are required for minor bath and kitchen remodels, or minor repair projects.

Homeowner or contractor drawings may be acceptable for very minor work. By State law, anyone submitting must sign the plans, and licensed design professionals must also stamp them.

Drawings must be on a maximum sheet size of 24" x 36" and fully dimensioned or drawn to scale. Please note that each sheet of the plans must include the following basic information: job address, assessor's parcel number; owner's name and contact information, and the signature of the person preparing the plans. If the plans are being prepared by an Architect or Engineer, they must be stamped and signed by that individual.

In Belvedere the nature of the work typically falls into the realm of "unconventional construction," as defined by the Building Code, and is very common in modern building design. Projects will typically require structural engineering design drawings and calculations because of geological conditions, site locations and individual design features. The project architect will coordinate all of the design information including the work performed by project consultants, into one cohesive set of plans and reports.

*For application submittal requirements, please contact the Building Department.*

A geotechnical report is required by the City for new structures, substantial alterations of existing foundations, any time caissons are used, when any work occurs on slopes of 40% or more, for foundation work in the Lagoon area, and anytime the Building Official determines there are unusual site conditions involved in a construction project.

Energy documentation is mandatory for all new construction that increases floor area and volume. "Mandatory features" are always required for any new work on existing buildings and must be shown on the plans. Two signed copies of documentation and calculations are required with Form CF-1R CERTIFICATE OF COMPLIANCE and MF-1R MANDATORY MEASURES copied onto the plans.

Plan Check Response Building permit applications are divided into three categories that determine the plan check turn-around time. For minor projects such as simple kitchen and bathroom remodels either approval or plan check comments will be provided in 7 working days. Standard size projects such as simple additions and alterations, where review by the Planning Department is required, either approval or plan check comments will be provided within 21 working days. For larger and more complex projects, plan on 28 working days. Re-submittals are checked within 10 working days.

Preconstruction meetings involving the Building Official, Public Works Superintendent, representatives from Police, Fire, Planning, the general contractor, job foreman, and the owner, when requested, are required for all major projects.

Staging Plans are required for all but the smallest jobs. They must be in writing and explain how materials will be delivered without closing the road and where employees will park. A maximum of three vehicles per project on City streets is allowed. In some cases, the construction of off-street staging areas will be required. For waterfront properties, barging of materials is encouraged, as is the use of small trucks for deliveries. In areas where there is scant parking, carpooling will be required. In some cases off street staging areas will have to be constructed. Street blockages will not be tolerated. Violations of the staging plan may result in permit revocation, a re-hearing before the Planning Commission and new fees being assessed. Property owners are advised to budget associated with the increased costs of construction on an island with limited access.

Construction Time Limits The maximum time for completion of a construction project is limited from 6 to 18 months, based on the project's cost. If the project is not finished at that time, the matter is referred to the City Council which may fine owners up to \$800 for each day the project goes over the time limit approvals to a maximum of \$200,000 or 10 percent of the project valuation, whichever is less (see page 12 for more detail).

### **Work in the Floodplain**

Belvedere participates in the National Flood Insurance Program. This program makes available flood insurance to property owners located in Special Flood Zone Areas, as determined by the Flood Insurance Study and found in the Flood Insurance Rate Maps, revised and effective as of May 4, 2009. This study was conducted as a result of federal legislation known as the Flood Insurance Act of 1968. Portions of the City of Belvedere are located within these special areas known as Flood Zones AE and VE.

All new residential and commercial structures and, depending on construction valuation, remodels, additions and repairs to structures within the floodplain zones must conform to Municipal Code Chapter 16:20, Flood Damage Prevention, including elevation requirements. In these cases, proof of meeting the elevation requirements is required by providing a FEMA Elevation Certificate, prepared by a California licensed engineer or land surveyor. Contact the Building Official for additional information regarding construction within the floodplain zones.

## INSPECTIONS

Building inspections are conducted Monday through Friday between 8 a.m. and 3 p.m. You may request an inspection by speaking with the receptionist or by leaving a voicemail message at 435-3838. Do not contact the Building Inspector directly to arrange an inspection. Requests will be honored until 11:59 p.m. the day **before** the inspection day.

You may request an early or late concrete pour, insulation or gypsum board nailing inspection and the inspector will try to arrive at a certain time, but this cannot be guaranteed. If you leave a phone number where you can be reached the day of the inspection, the inspector will usually call between 7:30 & 8:00 a.m. to give a two-hour inspection window. Work that must be inspected at low tide will be handled on a case-by-case basis. When calling to schedule the inspection, please provide the following information: name of contractor or owner, job address, permit number, contact person, phone number and inspection type. The job card and the approved plans are **required** to be on site for all inspections and **should** be on site at all times.

If the work related to a Building Permit was subject to Design Review, it is the responsibility of the contractor to call and request a Planning Final Inspection after the Building Final Inspection is complete and signed off. Please allow seven calendar days from the date of the request to receive a Planning Final Inspection. This step is crucial because the Planning Department's inspection and sign-off officially concludes work that is subject to the project's Construction Time Limit. For certain large projects, the Fire Marshal is required to sign off in advance of the normal inspection process.

## CITY ORDINANCES THAT AFFECT CONSTRUCTION

Each of the ordinances discussed in this section were introduced because of serious or persistent problems arising from construction projects. These issues resulted in either a decreased quality of life in Belvedere, endangered the lives of the public, or resulted in damage to public property. It is important to understand that a violation of these laws is a misdemeanor and is enforced by the City's police department.

### Construction Hours

Construction is limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday unless prior written permission is obtained from the City Manager. This includes the warm-up of equipment and machinery and delivery of materials. Only work in the interior of a building structure, the performance of which creates no noise which is audible from the exterior of the building or structure may be performed outside these prescribed hours.

Work outside of the prescribed construction hours may occur only **after** a contractor receives a written exception from the City Manager. The City Manager has the discretion to grant exceptions to the construction hours when such work has satisfactorily been demonstrated to be necessary to protect the public's health and safety.

Construction activity is prohibited and must cease on certain holidays. Those days are:

New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving & following day	Fourth Thursday and Friday in November
Christmas Day	December 25

### Urban Runoff Pollution Prevention

Belvedere participates actively in the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). All construction activity within the City of Belvedere is closely monitored to ensure compliance with terms of this ordinance. In short, no material is allowed to flow into City streets or into storm drain inlets other than clear, clean water. Violators are routinely investigated by the Belvedere Police Department and fines are levied to cover the cost of professional gutter and storm drain cleaning. Concrete workers, painters and masons must avoid washing material or cleaning equipment into the streets.

## **Parking and Debris boxes**

A minimum of 10 feet of paved way must be left clear and unobstructed for free passage of other vehicles. The 10-foot "clear passage" also applies to construction materials. Debris boxes require 12 feet of clearance. Mill Valley Refuse Service holds the franchise rights for provision of debris boxes in Belvedere (415.924.1868). For other information concerning placement of debris boxes, contact the Public Works Manager by calling City Hall.

In areas where parking places are designated by sign and painted parking spaces on pavement, vehicle parking is allowed only within the designated parking space. Parking violations result in a fine. Each construction project may park a maximum of three vehicles on City streets.

## **Construction and Demolition Debris**

In 1989 the California Integrated Waste Management Act was adopted by the state legislature. The Act required local jurisdictions to divert 50% of all solid wastes, including construction and demolition debris, from landfills by 2000. In 2010, Belvedere adopted the Construction and Demolition Debris Ordinance. It requires all construction, demolition and renovation project applicants to submit and comply with a Waste Management Plan (WMP).

A WMP requires the applicant to record the estimated amount of debris, by materials type, that the project will generate and the amount of debris that can feasibly be diverted from the landfill via recycling or reuse. The applicant must maintain receipts from salvage yards, landfills, etc. for the purpose of verifying compliance with the WMP. To ensure compliance, the Building Official has the authority to require a WMP performance security deposit for up to 3% of the project valuation. Window replacement and re-roofing permits and permits issued solely as a mechanical, electrical, or plumbing permit are not required to submit a WMP.

In cases where unique circumstances make it infeasible to comply with diversion requirements, an applicant may apply for an exemption at the time of WMP application submittal. City staff determines the maximum feasible diversion rate for projects when the standard 50% diversion rate is deemed infeasible. Please contact the Building Department for further information regarding this requirement.

## ENCROACHMENT PERMITS

Generally, an encroachment permit allows an applicant to perform some type of work while on City property. In reviewing these applications, the City may decide to deny a request, modify a request or place conditions on a request. The criteria the City uses to consider these applications usually involves judgments pertaining to public health and safety, convenience or courtesy to residents, maintenance of public facilities or standard design specifications. Staff uses the **“three-minute” standard** as a general rule of thumb – **if a vehicle, equipment, or materials will be in the right-of-way for longer than 3 minutes an encroachment permit is required.** See attached fee schedule.

The City of Belvedere issues encroachment permits for the following situations:

Work Within City Right-of-Way This permit covers virtually all commercial activity within the right-of-way (or City property), which extends for some distance beyond the edge of the pavement. Again, public safety and the maintenance of public facilities are the main concerns in the issuance of this permit. Typical activities covered under this permit are construction of sidewalk or driveway approaches, extended loading or unloading of materials or equipment, storage of materials on the roadway, compressors, placement of a debris box, pouring and pumping concrete, utility work, moving trucks, tree services, etc.

Debris boxes require an encroachment permit for placement on any City street, sidewalk, or other City property. This is required to regulate the placement of debris boxes and to control how long the boxes remain on City property.

Road Closures This permit entitles the permit holder to completely block a road at a specific address for a certain amount of time. Generally, if an activity upon the City right-of-way does not provide a minimum of 10 feet of clearance for vehicle passage at all times, a road closure permit is required. Activities that may require a road closure permit include: street-trenching, pouring concrete, extensive debris-loading, moving furniture, and some utility work. Road closures are far more common on the narrow streets of Belvedere and Corinthian Islands than on the wider streets of the flat land.

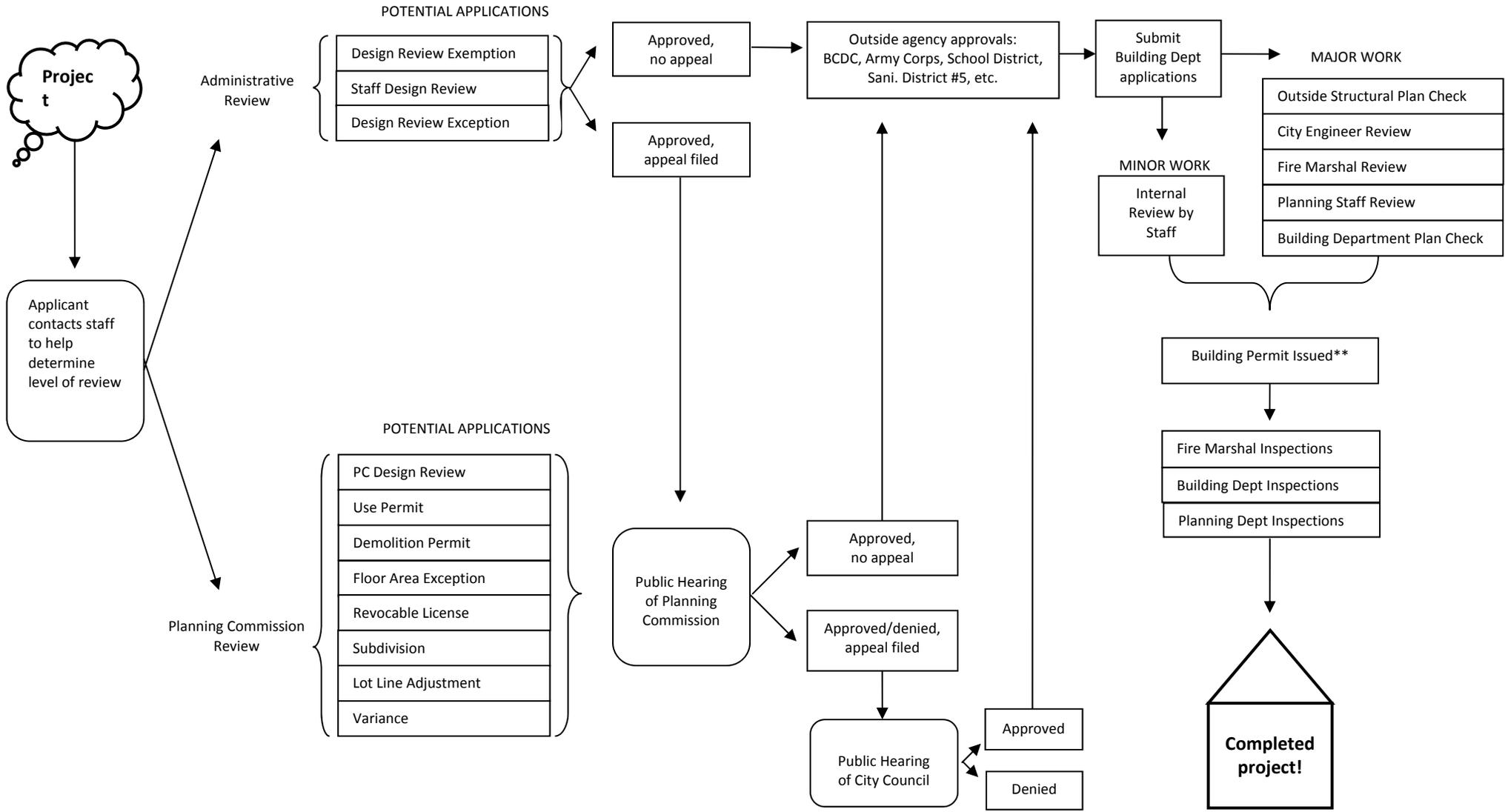
- Requests for road closure on dead-end streets, such as Eucalyptus Road or the 400 block of Golden Gate Avenue are handled differently. These dead-end streets may not be blocked for any prolonged period of time because residents must always have some access to or egress from their homes. Any vehicle wishing to pass through the work zone must be allowed to do so in a reasonable amount of time, not to exceed 5 minutes. As part of the permit process, applicants must notify, in writing, each resident between the work area and the end of the road.
- All applicants for road closure permits must apply at City Hall 72 working hours prior to the closure. Signs must be posted at designated locations 48 hours prior to the closure and removed right after the closure. These signs must be

purchased from the City. A separate check is held as a sign deposit to guarantee the removal of signs immediately following the closure. City Hall notifies police, fire officials, the Post Office and Mill Valley Refuse Service of the planned closure.

Oversized Vehicles: Due to the narrow roadways and limited clearance on Belvedere and Corinthian islands, the City cautions large delivery vehicles of the possibility that they may not be able to access their destination. Please note that on most roads on Belvedere Island south of San Rafael Avenue, vehicles larger than 10 feet high, 8 feet wide and 20 feet long will encounter difficulty in reaching their destinations without getting stuck or causing damage to overhanging wires and tree branches. On Corinthian Island, vehicles larger than 9 feet high, 7 feet wide and 20 feet long will have similar problems. If an oversized vehicle illegally blocks a road, its driver will be subject to a citation and the vehicle will be escorted from the island.

Note: An encroachment permit indicates the date and time of all work and the specifications to which it must be performed. Turnaround time for any encroachment permit is at minimum 24 hours. Some jobs may require two encroachment permits—for example, an oversized vehicle performing work from the right-of-way.

# Planning and Building Flowchart\*



\*Flowchart is a general representation of how a typical application is processed and does not account for every possible processing scenario.  
 \*\*Flowchart does not depict the common scenario of applicants receiving Plan Check comments from the Plan Review contractor or internal staff. Contact City staff for more information on this topic.

## CITY OF BELVEDERE

### STAFF

Craig Middleton	City Manager
Brian Van Son	Building Official/Flood Plain Administrator
Robert Epstein	City Attorney
Emily Longfellow	Deputy City Attorney
Amber Johnson	Administrative Services Mgr.
Irene Borba	City Planner
Robert Zadnik	Public Works Manager
Tricia Seyler	Chief, Police Department
Rich Pearce	Chief, Fire Department
John Moe	City Engineer
Alison Foulis	City Clerk
Rebecca Markwick	Associate Planner
Lorrie Duffy	Department Secretary – Building
Nancy Miller	Department Secretary – Planning
Genaro Muniz	Building Inspector
Lylene Phillips	Police Chief's Secretary
Gerhard Laufer	Maintenance Supervisor
Max Sandoval & Alberto Carranza	Public Works – Maintenance Dept.

### CITY HALL CONTACT INFORMATION

450 San Rafael Avenue  
Belvedere, CA 94920  
Phone: 415.435.3838  
Fax : 415.435.0430  
[www.cityofbelvedere.org](http://www.cityofbelvedere.org)

Emergencies (calls from land lines)	911
Emergencies (calls from cell phones)	415.472.0911
Police Dept. (non-emergency line)	415.435.3266
Fire Dept. (non-emergency line)	415.435.7200

### OTHER USEFUL NUMBERS

County of Marin Public Works	415.499.6528
PG&E Construction Office	415.257.3431
AT&T Telephone	800.310.2355
Comcast Cable Service	800.945.2288
Mill Valley Refuse Service	415. 457.9760
Belvedere Lagoon Property Owners Association	415.435.0285
MCSTOPPP	415.499.6528
Tiburon Town Hall	415.435.7373

See pages 19 and 20 of this booklet for a list of agencies whose jurisdictions fall within Belvedere.



# APPLICATION SUBMITTAL SHEET

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

Address: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Description: \_\_\_\_\_

### ***Required if checked:***

- 1. **Application form(s) and filing fees** for all applicable permit types signed by property owner(s) or representative(s) and complete. Required Permit types include, but are not limited to:  
\_\_\_\_\_  
**Estimated level of review (Administrative or Public Hearing):** \_\_\_\_\_  
**Estimated filing fees:** \_\_\_\_\_
- 2. **Scope of Work.** Application form includes detailed description of scope of work. Additional pages may be necessary.
- 3. **Zoning Parameters** sheet is completed (required in all cases except new fences, landscape plantings, or new materials on existing structures).
- 4. **Site Plan** indicates existing and proposed conditions at 1/8 inch scale, as follows: property lines, setbacks to roof eave, building, roadway, compass, driveways, easements, contours, parking areas, adjacent structures, mean high water line (SF Bay), summer water level (Lagoon), MLLW (West Shore), and pier limit line/West Shore channel (West Shore).
- 5. **Building Elevations** indicate all existing and proposed construction including materials, colors, lighting, railings, and other architectural details at 1/8 or 1/4-inch scale. Existing and proposed **grade** must be indicated on elevations.
- 6. **Photos** of existing site conditions and building elevations.
- 7. **Survey** must be provided if a Variance or Exception to Total Floor Area is necessary or if the location of property lines or the size of lot area is unclear.
- 8. **Title Report** may be required in lieu or in addition to a survey.
- 9. **Building Height.** Existing and maximum building height (in elevation above sea level) must be provided, as measured to existing grade, for all roof changes that increase height or where roof design is proposed to be changed.

- 9. **Demolition Applications** must include volume of cut and fill, date of original construction, etc. Plans must show demolition areas and calculations.
- 10. **Window and Exterior Door Schedule**, keyed to floor plans, is required for new residences.
- 11. **Method of Integrating Old and New Framing** must be submitted for partial demolitions.
- 12. **Floor Plans** must indicate existing and proposed construction at 1/8 or 1/4-inch scale and all spaces are dimensioned to outside face of exterior walls.
- 13. **Roof Plan** must indicate existing and proposed features at 1/8 or 1/4-inch scale. The roof plan may be incorporated into the site plan.
- 14. **Site Cross-Section** must indicate existing and proposed features and clearly indicate existing grade level at 1/8 or 1/4-inch scale.
- 15. **Electronic Copy** of plans must be submitted in DWF or Adobe format.
- 16. **Other Information** (shadow studies, model, archeologist's report, noise study, proof of ownership, equipment cut sheets, engineer's report, etc.):  


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- 18. **Story Pole Plan**, which indicates locations and elevations of all story poles and when story poles will be constructed, must be submitted.
- 19. **Color and Materials Sample Board (8 ½ by 11 inches)** keyed to architectural plans. No samples greater than 3" by 3" please.
- 20. **Neighbor Noticing Memo**, which indicates neighbor review and approval of proposed improvement.
- 21. **Staff Recommended Items:** \_\_\_\_\_  


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- 22. **Additional Comments:** \_\_\_\_\_  


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- Pre-application meeting is necessary prior to submittal. Please call 435-3838 to schedule.
- Please save duplicate of this checklist in counter binder for 60 days. Planner:\_\_\_\_\_