

# **INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION**

## **5 NORTH POINT CIRCLE PROJECT -**

### **Retaining Wall, Swimming Pool, Hot Tub and Landscape Changes to a Single-Family Home**

CITY OF BELVEDERE  
MARIN COUNTY, CALIFORNIA

AUGUST 2020

*Prepared for:*



**City of Belvedere Planning Department**  
450 San Rafael Avenue  
Belvedere, CA 94920-2336

*Contact:*

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## ABBREVIATIONS AND ACRONYMS

BAAQMD	Bay Area Air Quality Management District
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
dB	decibel
EIR	environmental impact report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
IS/MND	initial study/mitigated negative declaration
MCSTOPPP	Marin County Stormwater Pollution Prevention Program
NAVD88	North American Vertical Datum 1988
NPDES	National Pollutant Discharge Elimination System
RWQCB	Regional Water Quality Control Board
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

# ENVIRONMENTAL CHECKLIST

## PROJECT INFORMATION

1. Project Title: 5 North Point Circle – Single Family Home Retaining Wall and Landscape Changes
2. Lead Agency Name and Address: City of Belvedere, 450 San Rafael Avenue, Belvedere, CA 94920-2336
3. Contact Person and Phone Number: Rebecca Markwick, Associate Planner – rmarkwick@cityofbelvedere.org
4. Project Location: 5 North Point Circle, Belvedere, CA 94920; APN 060-111-12
5. Project Sponsor's Name and Address: Robert and Lindsey Burmeister, 5 North Point Circle, Belvedere, CA 94920
6. General Plan Designation: Low Density SFR: 1.0 to 3.0 units/net acre
7. Zoning: R-15 Zone
8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and secondary, support, or off-site features necessary for its implementation. Attach additional sheets if needed.)

Applicant requests approval of the following changes and improvements:

1. Removal of the existing retaining wall and replacement with a new retaining wall.
2. New landscaping throughout the property, including, trees, shrubs, perennials, and groundcovers.
3. A new swimming pool and hot tub is proposed.
4. A new two-foot-tall retaining wall.

Project approvals required by the City of Belvedere include an Architectural and Environmental Design Review pursuant (Chapter 20.04 of the BMC), a Variance (Section 19.84 of the BMC), and a building permit.

9. Surrounding Land Uses and Setting:  
Briefly describe the project's surroundings: The project site is located within the northwestern end of the single-family residential area of Belvedere Island, the oldest historical neighborhood in Belvedere. The subject property consists of moderate to steep slopes descending down slope toward West Shore Road. It is developed with a two-story home built in 1959, with attached garage. Other properties surrounding the site are similarly developed.
- 10: Other public agencies  
whose approval is  
required:  
(e.g., permits, financing  
approval, or participation  
agreement) None.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
 ☐ Agriculture and Forestry Resources
 ☐ Air Quality



- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

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I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

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I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

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I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

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I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

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Signature

Date

City of Belvedere

*Applicant's agreement to implement mitigation measures identified to reduce potential impacts to less than significant*

Lindsay Burmeister

Signature (Applicant)

08/24/20

Date

Lindsay Burmeister

Name (print)

## Exhibit 1 –5 North Point Circle - Project Location







## I. Aesthetics

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>I. Aesthetics. Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

The project site consists of one parcel at 5 North Point Circle located within an established residential area known as Belvedere Island. Belvedere Island is characterized by a variety of architectural styles and sizes of homes, as well as by its dense, mature vegetation and narrow, winding streets. Lot sizes vary greatly on Belvedere Island, with expansive homes on relatively large lots, as well as more modest hillside ranch-style homes on smaller lots. Architectural styles include Shingle Style and Arts and Crafts designs, as well as modern designs and some Mediterranean examples. The City's General Plan 2030 describes the landscape of Belvedere Island as park-like and semi-rural.

The site slopes down from North Point Circle to West Shore Road and is developed with a single-family residence, attached garage, wood decks, and landscaping.

As noted in General Plan 2030, views from Belvedere's scenic streets are valued and recognized as one of the City's important recreational opportunities and open space features. There are no visual easements or designated view areas in the immediate vicinity of the project.

Chapter 20.04, Design Review, of the Belvedere Municipal Code contains criteria and standards with the purpose of encouraging the maintenance of a scale and character of individual buildings consistent with the overall scale and character of the community, discouraging development that will dominate the Cityscape and attract attention to itself, and maintaining and improving the quality of, and relationship between, individual buildings and their sites. Prior to approval, the Planning Commission must make findings regarding the preservation of existing site-conditions, relationship between structures and the site, the minimization of bulk and mass, that the type and color of materials used will minimize the

structure's visual impact, and that exterior lighting, skylights and reflectivity will not create glare, hazards, or annoyance to neighboring property owners or passers-by.

The proposed project includes the replacement of an existing retaining wall at the rear of the property, a new two-foot in height retaining wall, new swimming pool and spa and new landscaping through-out the property. The proposed improvements would be consistent with the existing development on the site and in the surrounding neighborhood including the lighting that would not create glare, hazards, or annoyance to others off-site. The proposed improvements would be minimally visible from neighboring properties.

## II. Agriculture and Forestry Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>II. Agriculture and Forestry Resources.</b>				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 1104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location of nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Discussion

No agricultural uses or activities will be adversely affected by the project as there is no Prime Farmland nor are there any agricultural uses within the City of Belvedere. The project site is a residential parcel and would continue to be utilized as such after project completion. Therefore, the project would have no impact on agriculture or forest resources.

## III. Air Quality

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>III. Air Quality.</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Create objectionable odors affecting a substantial number of people?

☐☐☐☒

## Discussion

The proposed project is consistent with the *Belvedere General Plan 2030*. Operation of the land uses anticipated by the General Plan were found to be at a level of development already anticipated by the Bay Area Clean Air Plan and the Ozone Attainment Plan.<sup>1</sup> As such, the General Plan does not conflict with or obstruct either of these plans. The General Plan also contains Policy SUST-13.1, which requires construction to utilize Bay Area Air Quality Management District (BAAQMD) performance-based best management practices. Construction of retaining walls and landscaping in accordance with current building regulations and requirements is not associated with any significant source of construction- or operation-related air pollution or odors. Therefore, implementation of the project would not conflict with or obstruct implementation of any air quality plan, result in a violation of air quality standards, result in a significant increase in criteria pollutants, result in the exposure of sensitive receptors to air pollutants, or result in the creation of objectionable odors.

## IV. Biological Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>IV. Biological Resources. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> Operational emissions, including mobile and area sources, typically represent the majority of a project's air quality impacts. After a project is built, operational emissions are anticipated to occur continuously throughout the project's lifetime. Operational-related activities, such as driving, use of landscape equipment, and wood burning, could generate emissions of criteria air pollutants, GHG, TACs, and PM. Area sources generally include fuel combustion from space and water heating, landscape maintenance equipment, and fireplaces/stoves, evaporative emissions from architectural coatings and consumer products and unpermitted emissions from stationary sources.



Fish and Wildlife or the U.S. Fish and Wildlife Service?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Discussion

The project site is on Belvedere Island, the oldest historical section of Belvedere. As noted in the Sustainability and Resource Conservation Element of the General Plan, the City, including Belvedere Island, is urbanized and does not contain large expanses of open space that could be used by special status and wildlife species. Native vegetation and habitat are very fragmented and has been altered with much of the area covered with structures, paving and ornamental landscaping. Therefore, there are no impacts to biological resources as a result of this project.

## V. Cultural Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>V. Cultural Resources. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Regulatory Context

Cultural resources include prehistoric archaeological sites, historic archaeological sites, and historic structures, and generally consist of artifacts, food waste, structures, and facilities made by people in the past. Prehistoric archaeological sites are places that contain the material remains of activities carried out by the native population of the area (Native Americans) prior to the arrival of Europeans in southern California. Artifacts found in prehistoric sites include flaked stone tools such as projectile points, knives, scrapers, drills, and the resulting waste flakes from tool production; ground stone tools such as manos, metates, mortars, pestles for grinding seeds and nuts; bone tools such as awls ceramic vessels or fragments; and shell or stone beads. Prehistoric features include hearths or rock rings bedrock mortars and milling slicks, rock shelters, rock art, human bone, midden deposits, and intact burials.

Places that contain the material remains of activities carried out by people during the period when written records were produced after the arrival of Europeans are considered historic archaeological sites. Historic archaeological material usually consists of domestic refuse, for instance bottles, cans, ceramics, and food waste, disposed of either as roadside dumps or near structure foundations. Archaeological investigations of historic-period sites are usually supplemented by historical research using written records.

Historic structures include houses, garages, barns, commercial structures, industrial facilities, community buildings, and other structures and facilities that are more than 50 years old. Historic structures may also have associated archaeological deposits, such as abandoned wells, cellars, and privies, refuse deposits, and foundations of former outbuildings.

The CEQA Guidelines state that a project that causes a substantial adverse change in the significance of a “Historical Resource” is considered to have a significant effect on the environment unless mitigated. Historical Resources are buildings, structures, districts, sites, areas, places, manuscripts, or objects that are listed in or considered eligible for listing in the California Register of Historical Resources (CRHR) or is on a local (city or county) inventory of historical resources (California Code of Regulations, Title 14, Section 15064.5). A resource is eligible for designation in the CRHR if it meets any of the following criteria (CCR Title 14, Section 4852[b]):

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; and/or
2. It is associated with the lives of persons important to local, California, or national history; and/or
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated regarding the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, Section 4852[c]). This



means that the resource must possess qualities that convey the significance; absent those characteristics, the resource would not possess significance.

Therefore, impacts to a Historical Resource, as defined by CEQA, are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired (CCR Title 14, Section 15064.5[b]). Demolition or alteration of eligible buildings, structures, and features to the extent that they would no longer be eligible would result in a significant impact. Whole or partial destruction of eligible archaeological sites would result in a significant impact. In addition to impacts from construction resulting in destruction or physical alteration of an eligible resource, impacts to the integrity of setting (sometimes termed “visual impacts”) of eligible buildings and above-ground structures and facilities in the Project area could also result in significant impacts.

According to the CEQA Guidelines, a project would have a significant impact on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5(a);
- b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5(a); or
- c) Disturb any human remains, including those interred outside of formal cemeteries.

## **Applicable Local Plans, Policies, Regulations, and Laws**

### **City of Belvedere General Plan 2030**

Chapter 6 of the City of Belvedere General Plan 2030 contains the Cultural, Archaeological, and Historical Resource Preservation Element by which future projects and developments, including this project, will be guided. This includes an overarching objective for the City to “Preserve the identity of Belvedere as a unique community on the Tiburon Peninsula with a valuable inventory of historically, archaeologically, and culturally significant resources.” In order to ensure the continued existence of outstanding community cultural resources, the following goals, policies, and actions were developed:

**Goal PRES 1: Demonstrate an appreciation of the historic and cultural landmarks that remind residents and visitors of Belvedere’s unique culture and history through activities, materials and procedures that recognize valuable historic resources and plan for their preservation.**

**Policy PRES-1.1:** Promote awareness of historic resources in Belvedere and their exceptional style, design, materials, craftsmanship, integrity, and rarity.

#### ***Actions:***

PRES-1.1.1: Support the development of educational materials that highlight Belvedere’s history through its buildings and neighborhood context.

PRES-1.1.2: Provide known historical information about residences at time of resale through Residential Building Reports.

**Policy PRES-1.2:** Encourage owners of historic properties to pursue local, state or national designation of their properties as historic resources. Promote the benefits of historic designation such as the Mills Act tax credit, the use of alternate building codes for rehabilitation, and the potential for zoning exceptions as noted in the policy above. Where feasible, mitigate the costs associated to property owners with preservation of historic resources.

**Policy PRES-1.3:** Promote awareness of prehistoric resources in Belvedere. Support the development of educational materials that highlight Belvedere's history prior to urbanization. Provide information about known prehistoric resources (both archaeological and FIGR cultural resources) on properties at time of resale through Residential Building Reports.

**Goal PRES-2: Encourage development patterns and architecture in keeping with the City's past by preserving and enhancing buildings of special historic and/or architectural interest.**

**Policy PRES-2.1:** Create and maintain tools to alert residents and City Staff of the potential existence of historic resources, including a Historic Resource Sensitivity Map. This will ensure that future development applications are reviewed for potential impacts to potential historic resources.

***Actions:***

PRES 2.1.1: Maintain an up-to-date list of Buildings with Historic Designation in Belvedere (Belvedere Historic Resources Inventory).

PRES-2.1.2: Maintain an up-to-date Directory of Historic Properties from the State Office of Historic Preservation (State Historic Resources Inventory).

PRES-2.1.3: Maintain an up-to-date Historic Resource Sensitivity Map. Utilize the map to educate the community about existing and potential historic resources and to determine which properties should be examined for their potential to be eligible for listing on either the local or state Historic Resource Inventories when a development application is received on the parcel.

- High sensitivity parcels: Require that a formal historic resource assessment be completed to determine if the resource is eligible for listing. (DPR form 523A and B to be completed by an Architectural Historian)

- Medium sensitivity parcels: Require that an informal assessment be completed to determine if the resource appears to be eligible for listing. Informal assessment could include information gathered from property owner, City or County records, Landmarks Society, State Office of Historic Preservation, etc.

**Policy PRES-2.2:** Consider zoning variances and exceptions for properties on the Historic Resources Inventory that can encourage the continued use (and appropriate expansion) of a historic structure that may not meet the current zoning code standards in terms of required setbacks, building height, etc.

**Policy PRES-2.3:** Develop standard mitigation measures that, when followed, can reduce the impacts to historic resources to a less-than-significant level.

**Goal PRES-3: Demonstrate sensitivity to Belvedere’s prehistoric past by establishing formal procedures for minimizing and mitigating impacts to archaeologically and culturally significant resources.**

**Policy PRES-3.1:** Continue to protect cultural, archaeological, and paleontological resources.

***Actions:***

PRES-3.1.1: Encourage property owners who have encountered archaeological or cultural resources on their parcel to avoid the resource if at all possible, followed by minimizing the impact to the resource, and resource relocation as a last option.

PRES-3.1.2: Require that all archaeological or cultural resource surveys or reports be filed with the Northwest Information Center (NWIC) at the conclusion of the work.

PRES-3.1.3: Develop a standard set of archaeological and cultural resource conditions of approval that can be applied to all new development projects that will apply in the event of a discovery.

PRES-3.1.4: Develop standard mitigation measures that, when complied with, can reduce the impacts to archaeological or cultural resources to a less-than-significant level.

PRES-3.1.5: Locate and design development to avoid impacts on sites with identified archaeological resources by placing structures to avoid the site, incorporating the site into a permanent open space area, covering the site with a layer of soil, deeding the site as a permanent conservation easement,

or taking other actions recommended by the archaeologist, as approved by the City.

**Policy PRES-3.2:** Continue to consult with the Federated Indians of Graton Rancheria on issues of mutual concern such as the continued preservation of Native American cultural resources, as well as when amending the General Plan, adopting or amending a Specific Plan, designating open space, and at any other times as required by State Law.

***Actions:***

PRES-3.2.1: Develop and implement consultation protocols with the Federated Indians of Graton Rancheria for the review of development proposals. The protocols should include thresholds for requiring FIGR monitoring or involvement in project review.

**Policy PRES-3.3:** Create and maintain tools to alert residents and City Staff of the potential existence of archaeological and cultural resources, including a Prehistoric Resource Sensitivity Map. When receiving a development application, Staff shall consult the Sensitivity Map to determine the potential presence of historic and/or prehistoric resources.

***Actions:***

PRES-3.3.1: Maintain an up-to-date Prehistoric Resource Sensitivity Map. Utilize the map to develop protocols for development proposals that involve ground disturbance, such as:

- High sensitivity parcels: Require test borings or test excavations, and consultation with the Federated Indians of Graton Rancheria. Potential need for a complete resource survey, data recovery, archaeological monitor and Native American monitor on-site, and a monitoring plan.
- Medium sensitivity parcels: Inform property owner of the potential need for test borings or test excavations if site inspections or ground disturbance yields potential evidence of archaeological or cultural resources. Presence of midden soil may be evidence of archeological or cultural resources.



The project site is identified as having a medium sensitivity for historic resources and high sensitivity for prehistoric, based on the cultural resources evaluation prepared as part of the City of Belvedere General Plan update in 2010.

A Cultural Resource Investigation of the site and a Program for Archaeological Protection and Recovery Before and During Excavation, Grading, and Other Earth Disturbing Activities for the retaining walls and landscape changes of 5 North Point Circle has been conducted and prepared, respectively, by Safiya Bal, B.A. Staff Archaeologist, Garcia and Associates. A canine forensic team with the Institute of Canine Forensics (ICF) was brought in prior to Project implementation to non-invasively survey for the presence of human remains within the vicinity of the study area. ICF conducted the survey on July 22, 2020 the survey was observed by GANDA Archaeologist Safiya Bal and FIGR Tribal Monitor Daniel Ross. The archaeological testing was conducted August 4-6, 2020 by GANDA Archaeologists S. Bal, Katie Jacobsen, Erin Niles, and Robert Watson, and was monitored by FIGR Tribal monitor Charles Johnson. (Note: Pursuant to Cal.Code Regs § 15120(d), cultural resource inventories or reports generated for environmental documents are maintained by the City under separate cover and are not available for public inspection.)

**Mitigation Measure CULT-1: Monitoring Demolition and Construction.**

All earth-moving activities on the Project Site shall be monitored by the applicants archaeologist (Garcia and Associates) and a monitor designated by the Federated Indians of Graton Rancheria. The intent of the Program is to avoid impacts on Tribal Cultural Resources that may exist on site and treating such resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources.

**Mitigation Measure CULT-2: Inadvertent Discovery of Archaeological Resources.**

If prehistoric or historic-period archaeological resources are encountered, all construction activities shall be halted and appropriate procedures followed as outlined in the Archaeological Program. If it is determined that the Project could damage a Historical Resource or a Tribal Cultural Resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines and the Archaeological Program, with a preference for preservation in place.

**Mitigation Measure CULT-3: Inadvertent Discovery of Paleontological Resources.**

In the event of an unanticipated discovery of a fossil or fossilized deposit during demolition or construction, excavations within 50 feet of the find shall be temporarily halted and diverted until a qualified paleontologist examines the discover. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined.

**Mitigat Measure CULT-4: If Human Remains are Uncovered.**

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code §7050.5 and §7052 and CEQA §5097. In accordance with the California Health and Safety Code, if human remains are uncovered during construction at the Project Site, the construction contractor shall immediately halt potentially damaging excavation and notify the City or the City's designated representative. The City shall immediately notify the coroner. The California Health and Safety Code states that if human remains are found in any location other than a dedicated cemetery, excavation must to be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (California Health and Safety Code §7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (California Health and Safety Code §7050[c]).

## VI. Geology and Soils

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>VI. Geology and Soils. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to California Geological Survey Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Discussion

The project site is located on the north side of Belvedere Island, and slopes down from North Point to Richardson Bay. The existing structures on the property are proposed to remain. The new retaining wall, swimming pool and landscaping will have minimal disturbances to the soil as well as minimal cut and no fill. The project proposes minimal disturbances to the soil, as much of the soil will be brought in and the pool has only a small area of cut and the rest is above ground.

## VII. Greenhouse Gas Emissions

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>VII. Greenhouse Gas Emissions. Would the project:</b>					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The proposed project includes new site improvements and landscaping. The new landscaping would contain drought-tolerant species and will require less water use and associate greenhouse gas emissions than the existing landscaping. The land use for the subject property would not change with the proposed project, and as such would not increase vehicular trips or other land use related greenhouse gas emission sources.

The proposed project is consistent with the June 2010 Belvedere General Plan and the greenhouse gas emissions anticipated from implementation of the General Plan fall below the BAAQMD thresholds of significance for greenhouse gas emissions. Additionally, the General Plan incorporates provisions to further reduce greenhouse gas emissions. In April 2011, the City of Belvedere adopted a Climate Action Plan (CAP), which focuses on the efforts Belvedere can take to reduce its greenhouse gas emissions and mitigate, to the extent feasible at the local level, the potential impacts of climate change. Most of the

policies in the CAP are related to transportation, “green building”, energy efficiency and renewable energy. The CAP is not included in the General Plan itself, but integrates the strategies and actions identified in the relevant elements of the General Plan.

Of the many GHG reduction strategies identified in the CAP, the only strategy that is potentially applicable to the proposed project is Goal 3.5.C2, which calls for reducing solid waste disposal to landfills by 25%. For projects that involve demolition of structures or substantial renovation of an existing building, the City requires that contractors demonstrate how this target will be met for construction waste and debris.

The proposed project would have a less than significant impact on the environment, would result in improved greenhouse gas emission conditions compared against the existing development, and would have no impact on implementation of plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

### VIII. Hazards and Hazardous Materials

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>VIII. Hazards and Hazardous Materials. Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

project area?

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

Other than small quantities of typical household goods, the project site is not known to have any hazardous materials or hazardous conditions. No airports, private airstrips, or schools are within ¼ mile radius of the site. The project site is not in a wildland fire hazard risk area. The project would not involve the transportation of hazardous materials or create foreseeable upset and accident conditions. Any request for road closure would be subject to review and approval by the Public Works Manager, to ensure that no interference with emergency response vehicles would occur. Therefore, implementation of the project would not cause a significant impact related to hazardous materials or hazards.

## IX. Hydrology and Water Quality

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>IX.</b>	<b>Hydrology and Water Quality. Would the project:</b>				
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporate d	Less-Than- Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The proposed project would not violate any water quality or waste discharge requirements. The demolition and construction are subject to review by the City Engineer and Public Works Department and are subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). City building permit standard requirements include the submission of an erosion control plan, which includes the measures that would be taken to prevent loose dirt and soil from washing into Richardson Bay. Implementation of standard requirements from the City of Belvedere, MCSTOPPP, and RWQCB would ensure that the project does not violate any water quality standards or impair water quality. Therefore, any potential impacts on water quality and water quality requirements attributable to erosion of soils would be less than significant.

The proposed project would not impact groundwater or recharge, as the subject property does not utilize groundwater for potable water or landscaping and is not located in a significant groundwater recharge area.

According to the Federal Insurance Rate Map (FEMA), the property is located outside the 100-year floodplain. Therefore, the project would not place housing within a 100-year flood hazard areas as

mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map, nor would the proposed project place within a 100-year flood hazard area structure which would impede or redirect flood flows.

The proposed project would not alter the existing drainage pattern of the surrounding area or the site itself. As noted above, however, the project is required to incorporate, as appropriate, the MCSTOPPP Guidance for Applicants: Stormwater Quality Manual for Development Project in Marin County, which will minimize overland runoff through bio-swales or bio-planters before being dissipated off-site. The size, layout, elevations and contours for the proposed storm drain outlet dissipator location(s), including a connection via the 10' Public Service Easement to the City's storm drainage system on North Point Circle if appropriate, would be required to be designed by a registered civil engineer. Based on the project meeting the City's requirements, the on-site drainage and landscaping will be custom designed for the project site and will not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. A drainage system specifically designed for the site to meet current stormwater management standards will improve the current stormwater flow from the site.

The subject property is not located in an area susceptible to seiche or mudflow. The subject property is located high enough on a hillside, and as such would not be subject to inundation by a tsunami. (Belvedere General Plan 2030, June 2010)

## X. Land Use and Planning

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>X.</b>	<b>Land Use and Planning. Would the project:</b>				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The project site is comprised of a privately owned residential property located within an established residential area and it would not physically divide an established community. The property would continue to be utilized as such at project completion. If approved, the project design would comply with

all City of Belvedere Zoning Ordinance and Design Review regulations. The project would not conflict with any applicable habitat conservation plan or natural community environmental plan. Therefore, there would be no impacts from the proposed construction on land use planning.

## XI. Mineral Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XI. Mineral Resources.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

There are no known mineral resources in the City of Belvedere, and therefore, the proposed project would have no impact on mineral resources.

## XII. Noise

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XII. Noise.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Discussion

The maximum noise level standard established in the Belvedere General Plan is 65 Ldn, average day-night weighted noise level. The sounds associated with construction will create a temporary increase in ambient noise levels in the project vicinity above levels existing without the project. All construction would be subject to standard conditions of approval limiting hours of construction. Hours of construction are limited to 8 a.m. to 5 p.m. Monday through Friday, and no work on City holidays. Application of these standard limitations on hours of construction would ensure that any temporary and/or periodic increase in noise from project construction would be limited to less noise-sensitive times of day. However, project construction would still create a temporary and/or periodic increase in ambient noise levels in the project vicinity above levels existing without the project during construction activities.

## XIII. Population and Housing

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XIII. Population and Housing. Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The project site is a residential parcel that would continue to be utilized as such at project completion. The single family home would remain; therefore, the project would have no impact on population or housing.

## XIV. Public Services

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XIV. Public Services. Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The project site is a residential parcel that would continue to be utilized as such at project completion; therefore, the project does not require increased fire protection, police protection, schools, parks, or other public facilities and would have no impact on public services.

## XV. Recreation

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XV. Recreation. Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

## Discussion

The project site is developed with an existing single-family residence. The proposed project would continue this existing land use and would not generate additional demands on recreation facilities. Therefore, there would be no new impacts on recreational facilities.

## XVI. Transportation/Traffic

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XVI.</b>	<b>Transportation/Traffic. Would the project:</b>				
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The project site is a residential parcel that would continue to be utilized as such at project completion. The project does not bear influence upon a congestion management program or air traffic patterns. The project does not generate any conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Any staging that would be necessary for project construction will be addressed at the preconstruction meeting between the project contractor, City Building Official, City Public Works Manager, and City Engineer. While road closure is not expected, any requests for road closure would be subject to review and approval by the Public Works Manager, to ensure no interference with emergency response vehicles. The proposed project would have a less-than-significant impact on transportation and traffic.

## XVII. Utilities and Service Systems

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>XVII. Utilities and Service Systems. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

The project site is a residential parcel that would continue to be utilized as such at project completion. The project involves a new retaining wall, swimming pool, and landscaping that would not have an impact to the existing stormwater flow and not have significant impacts on the capacity of stormwater facilities. The project does not influence existing or proposed water supply and wastewater facilities, nor would the project generate significant levels of solid waste. Therefore, the project would have no impact on utilities and service systems.

## XVIII. Mandatory Findings of Significance

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XVIII. Mandatory Findings of Significance.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<small>Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference, Section 5088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 2111, Public Resources Code;; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.</small>				

## Discussion

The project, with proposed mitigation measures, would not cause substantial adverse effects on human beings, degrade, the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal, or eliminate important examples of the major periods of California history or prehistory. For the reasons discussed above in this document, and incorporated in this discussion section, the proposed project, as mitigated, would not generate any significant direct, indirect, or cumulatively considerable impacts on human beings or the environment.

## REFERENCES

Garcia and Associates. Archaeological Testing and Tribal Monitoring and Canine Study Memo Report for 5 North Point Circle (APN 060-111-42) in Belvedere, Marin County, California. August 18, 2020

Bay Area Air Quality Management District. CEQA Guidelines. June 2010.

City of Belvedere. Belvedere General Plan. June 2010.

\_\_\_\_\_. Belvedere Climate Action Plan. April 2011.

\_\_\_\_\_. Belvedere Municipal Code. Title 19, Zoning.

\_\_\_\_\_. Belvedere Municipal Code, Title 20, Architectural and Environmental Design Review.

## APPENDICES

Appendix A: Design Review and Variance Applications, Plans prepared by Christianna Seidel  
Landscape Architect, July 7, 2020.

11	10	5	06
1	7	20	06
2	4	10	06
3	7	10	06

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 www.christianaseidel.com

# Landscape Plan

BURMEISTER RESIDENCE  
 5 North Point Circle, Belvedere, CA 94920  
 APN # 060-111-12

Date	07.11.11
Scale	1/8" = 1'-0"
Drawn	C.E.S.
App.	
Sheet	
Of	3 Sheets



## CONSTRUCTION NOTES AND SPECIFICATIONS

### Impression

1. Impression shall be of a high quality material.
2. Impression shall be of a high quality material.

### Material

1. All materials shall be of a high quality.
2. All materials shall be of a high quality.

### Work

1. All work shall be of a high quality.
2. All work shall be of a high quality.

### Plant

1. All plants shall be of a high quality.
2. All plants shall be of a high quality.

### Gravel

1. All gravel shall be of a high quality.
2. All gravel shall be of a high quality.

### Drainage

1. All drainage shall be of a high quality.
2. All drainage shall be of a high quality.

### Lighting

1. All lighting shall be of a high quality.
2. All lighting shall be of a high quality.

### Structural

1. All structural shall be of a high quality.
2. All structural shall be of a high quality.

### Electrical

1. All electrical shall be of a high quality.
2. All electrical shall be of a high quality.

### Plumbing

1. All plumbing shall be of a high quality.
2. All plumbing shall be of a high quality.

### General

1. All general shall be of a high quality.
2. All general shall be of a high quality.

### Notes

1. All notes shall be of a high quality.
2. All notes shall be of a high quality.

### Specifications

1. All specifications shall be of a high quality.
2. All specifications shall be of a high quality.

### Details

1. All details shall be of a high quality.
2. All details shall be of a high quality.

### Materials

1. All materials shall be of a high quality.
2. All materials shall be of a high quality.

### Methods

1. All methods shall be of a high quality.
2. All methods shall be of a high quality.

### Quality

1. All quality shall be of a high quality.
2. All quality shall be of a high quality.

### Cost

1. All cost shall be of a high quality.
2. All cost shall be of a high quality.

### Time

1. All time shall be of a high quality.
2. All time shall be of a high quality.

### Location

1. All location shall be of a high quality.
2. All location shall be of a high quality.

### Orientation

1. All orientation shall be of a high quality.
2. All orientation shall be of a high quality.

### Scale

1. All scale shall be of a high quality.
2. All scale shall be of a high quality.

### Legend

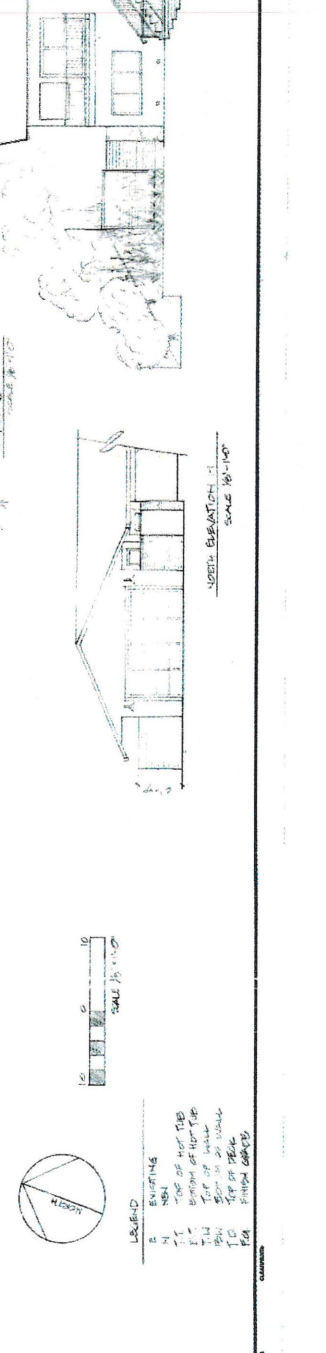
1. All legend shall be of a high quality.
2. All legend shall be of a high quality.

### Notes

1. All notes shall be of a high quality.
2. All notes shall be of a high quality.

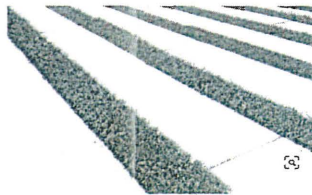
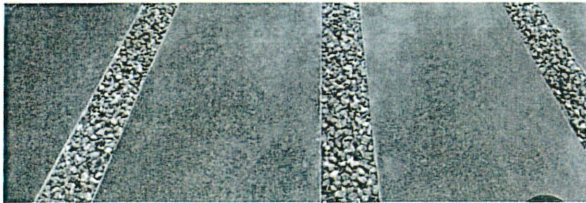
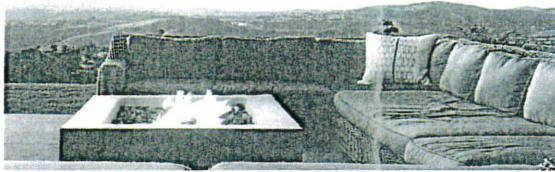
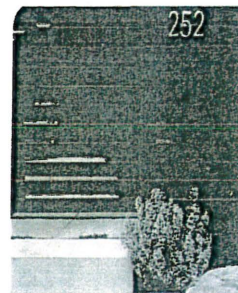
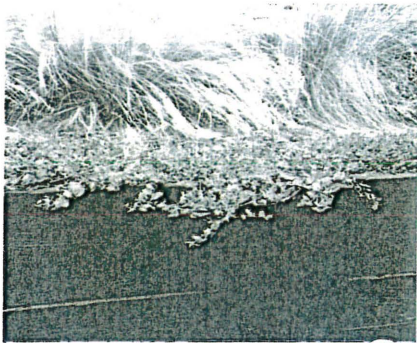
### Specifications

1. All specifications shall be of a high quality.
2. All specifications shall be of a high quality.



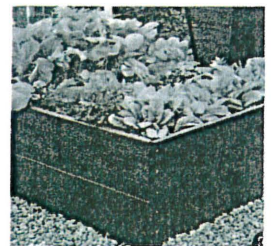
Side Elevation - 1/2" = 1'-0"  
 North Elevation - 1/2" = 1'-0"





**BURMEISTER RESIDENCE**  
5 North Point Circle, Belvedere CA 94920

**Landscape Elements**  
October 11, 2019



Project Address: 5 N Point Circle



## APPLICATION FOR DESIGN REVIEW

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

RECEIVED

FOR STATE USE ONLY

Date: NOV 21 2019 Rec'd. by: NSM Planning Comm. Approval ☐  
Amount: City of Belvedere Receipt No.: \_\_\_\_\_ Design Review Exception ☒  
Parcel No.: \_\_\_\_\_ Zone: R15 Staff Approval ☐  
Other Approval ☐

### SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No ☒ Yes ☐ Permit No.: \_\_\_\_\_

Does this project have Planning Commission approval? No ☐ Yes ☒ - just hot tub

Address of Property: 5 N Point Circle

Record Owner of Property: Robert & Lindsey Burmeister

Mailing 5 N Point Circle Daytime Phone: (805) 886-1758

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: lindsey.s.burmeister@gmail.com

Owner's Representative: \_\_\_\_\_

Mailing \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Project Description: re-do retaining wall

staircase from back deck down to back yard

replace grass with synthetic grass

(+) hot tub (already been approved)

↳ expired yesterday 11/20/19



Project Address: 5 N Point Circle

**ZONING PARAMETERS:**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area .....			
Lot Coverage .....			
Total Floor Area .....			
Front Yard Setback ....			
Left Sideyard Setback ....			
Right Sideyard Setback. ...			
Rear Yard Setback .....			
Building Height Maximum...			
Building Height Average...			
Parking Spaces .....			

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

Date Filed: 11/21/19 (To Be Completed by Applicant)

**General Information**

1. Name and address of developer or project sponsor: Lindsey Burmeister
2. Address of project: 5 N Point Circle
3. Name, address, and telephone number of person to be contacted concerning this project: Lindsey Burmeister (805) 886-1758
4. Indicate number of the permit application for the project to which this form pertains: Ø
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: \_\_\_\_\_
6. Existing zoning district: R15
7. Proposed use of site (Project for which this form is filed): \_\_\_\_\_
8. Year built: \_\_\_\_\_ Original architect: \_\_\_\_\_

**Project Description**

9. Site size. \_\_\_\_\_
10. Square footage. \_\_\_\_\_
11. Number of floors of construction. \_\_\_\_\_
12. Amount of off-street parking provided. \_\_\_\_\_
13. Plans attached? \_\_\_\_\_

Project Address: \_\_\_\_\_

14. Proposed scheduling. \_\_\_\_\_
15. Associated projects, such as required grading or staging. \_\_\_\_\_
16. Anticipated incremental development. \_\_\_\_\_
17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. \_\_\_\_\_
18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. \_\_\_\_\_
19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. \_\_\_\_\_

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

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

### Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. \_\_\_\_\_
35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. \_\_\_\_\_

Project Address: 5 N Point Circle

### SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

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

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

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

Estimated cost of construction: \$ 105,000

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

- ☐ 1. For new construction, the demonstrable value of which is estimated to be less than \$500,000.  
*Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.*
- ☐ 2. For new construction, the demonstrable value of which is estimated to be more than \$500,000.  
*Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.*
- ☐ 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$100,000.  
*Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.*
- ☒ 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$500,000.  
*Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.*
- ☐ 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than \$500,000.  
*Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.*

For those projects that do not fall under any of the above Time Limit Guidelines or wish to exceed the time limit that was approved by the Planning Commission, the following outlines the "Extension of Construction Time Limit" (20.04.035D) process:

Project Address: 5 N Point Circle

1. Within twelve months following the original approval of Design Review for the construction, and provided that no construction activity has yet commenced on the project, the applicant may apply for an extension of the established construction time limit, not to exceed an additional six months.
2. An application for an extension of the construction time limit shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, and a fee, as established by City Council resolution.
3. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City's Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant's option, the applicant and/or any other representatives of the applicant. At the completion of such review, the committee shall make a recommendation to the Planning Commission whether to approve the requested extension.
4. The committee's recommendation shall be placed on the next available Planning Commission agenda and noticed as an amendment to the applicant's existing Design Review approval. Any modification by the Planning Commission of the original construction time limit shall not extend the existing expiration date of the Design Review approval.
5. Administrative extension. Within 10 working days of receipt of a complete application for extension, said application shall be reviewed by a committee consisting of the City's Building Official, the City Planner, and the City Engineer, meeting together with the project contractor, architect, and, at the applicant's option, the applicant and/or any other representatives of the applicant. The committee may recommend to the Planning Commission, and the Planning Commission may approve, an extension if it is determined that any one or more of the following factors presents an unusual obstacle to complying with the standard construction time limit:
  - a. Site topography;
  - b. Site access;
  - c. Geologic issues;
  - d. Neighborhood considerations;
  - e. Other unusual factors.At the completion of such review, the committee shall make a written recommendation to the Planning Commission whether or not to approve the requested extension and setting forth the findings it has made justifying its decision. The Committee shall have the authority to administratively approve requests for extension, subject solely to the guidelines of Paragraphs 2 and 3 above, provided however that such extensions do not result in a construction time line exceeding 18 months.

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

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

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

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

Planning Manager	\$ 67.07
Assistant Planner	\$ 39.29
City Attorney	\$ 185.00
Specialized Planning Consultant	Actual costs + 25% overhead



Project Address: SN Point Circle

For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

## SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

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

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

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be **identical** to the plans approved for design review. (Authority: Belvedere Municipal Code Section 20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)

## SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

### Story Pole Requirement

**Preliminary Story Poles** sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site **at least twenty (20) days** prior to the first meeting date at which this application will be heard. **Final Story Poles** must be placed at the site **at least ten (10) days** prior to the first meeting date and removed no later than ten (10) days following the final city action on the

Project Address: 5 N Point Circle

project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

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

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

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

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

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

Street address of subject property: 5 N Point Circle Belvedere

Assessor's Parcel No(s). of subject property: \_\_\_\_\_

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

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One of (or a combination of) the following documents may contain the necessary information. For trusts: the trust document or a certificate of trust, including any attachments thereto; property deed; certificate of title insurance. For other entities: articles of incorporation; partnership agreement; property deed; certificate of title insurance; written certification of facts by an attorney. Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.

I, \_\_\_\_\_, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.

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

Project Address: 5 N Point Circle

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

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

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at Belvedere, California.

Signature \_\_\_\_\_ Signature \_\_\_\_\_

Title(s) \_\_\_\_\_ Title(s) \_\_\_\_\_

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

Name of trust, LLC, corporation, or other entity: \_\_\_\_\_

➤ **Properties Owned by Individuals**

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

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

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

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

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

Signed this 21<sup>st</sup> day of November, 2019, at Belvedere, California.

Signature Lindsey Burneister



Project Address: 5 N Point Creek

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

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

Signature of Owner: [Signature] Date: 11/21/19

Signature of Representative: \_\_\_\_\_ Date: \_\_\_\_\_



Project Address: 5 North Point Circle

## APPLICATION FOR VARIANCE

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

RECEIVED

2020

City of Belvedere

### FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Assessors Parcel No: \_\_\_\_\_ Zone: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT

Address of Property: 5 North Point Circle, Belvedere

Type of Property: Residential

Record Owner of Property: Robert & Lindsey Burmeister

Mailing same Daytime Phone: (805) 886-1758

Address: 5 North Point Circle Fax: \_\_\_\_\_

Belvedere, CA 94920 Email: lindsey.s.burmeister@gmail.com

Owner's Representative: \_\_\_\_\_

Mailing \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Description of project and variance(s) requested: replacement of retaining wall, update backyard

#### ORDINANCE §

#### REQUIREMENT

#### EXISTING

#### PROPOSED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Project Address: 5 North Point Circle

I hereby apply for a variance from the strict interpretation of the Belvedere Zoning Ordinance to permit the construction described on the previous page. I propose that the Planning Commission make the following findings of fact in order to grant the requested variance:

- A. The granting of this 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 because:

The wall is already there. We  
are simply requesting for it to  
be replaced for safety reasons.

- B. 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 property in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss, as follows:

If the wall is not replaced, our  
yard could fall into our neighbor's  
property

- C. 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 because:

The wall is already existing

I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for the variance requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

Signature: Lindsey Burmeister

Name: Lindsey Burmeister

Date: 5/24/20



Project Address: 5 North Point Circle

## APPLICATION FOR VARIANCE

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

RECEIVED

FOR STAFF USE ONLY

Date: JUL 16 2020 Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Assessors Parcel No.: City of Belvedere Zone: \_\_\_\_\_

### TO BE COMPLETED BY APPLICANT

Address of Property: 5 North Point Circle

Type of Property: resident

Record Owner of Property: Robert & Lindsey Burmeister

Mailing SAME Daytime Phone: (805) 886-1758

Address: 5 North Point Circle Fax: \_\_\_\_\_

Email: lindsey.s.burmeister@gmail.com

Owner's Representative: Lindsey Burmeister

Mailing \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Description of project and variance(s) requested: rear set back variance for retaining wall and pool.

ORDINANCE §	REQUIREMENT	EXISTING	PROPOSED
<u>wall</u>	<u>20 ft rear set back</u>	<u>YES</u>	<u>6 ft set back in rear</u>
<u>pool</u>	<u>20 ft rear set back</u>	<u>Ø</u>	<u>11-14 ft set back in rear</u>

Project Address: 5 North Point Circle

I hereby apply for a variance from the strict interpretation of the Belvedere Zoning Ordinance to permit the construction described on the previous page. I propose that the Planning Commission make the following findings of fact in order to grant the requested variance:

- A. The granting of this 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 because:

The retaining wall is existing and needs to be replaced.

- B. 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 property in the vicinity and under identical zoning classification, so that a denial of the application would result in undue property loss, as follows:

The side setbacks are within the ordinance. The rear setback is not enough space. The wall is existing and the neighbors below (rear setback) is very eager for this to be approved

- C. 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 because:

We have spoken to both adjoining neighbors as well as the neighbor below us. They are all fine with the proposed project. Again, the retaining wall is failing and needs to be replaced.

I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for the variance requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

Signature: Lindsey Burmeister

Name: Lindsey Burmeister

Date: 7/15/20