

**HISTORIC PRESERVATION COMMITTEE
MEETING AGENDA
TUESDAY, DECEMBER 6, 2022, 5:30 P.M.**

REMOTE MEETING

COVID-19 ADVISORY NOTICE

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

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

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

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

Join Zoom Meeting

Irene Borba is inviting you to a scheduled Zoom meeting.

Topic: HPC Meeting

Time: Tuesday, December 6, 2022, 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82839434124?pwd=MTQrb3Vud25KRHpad1l6eDEzSTFJZz09>

Meeting ID: 828 3943 4124

PASSCODE: 574286

One tap mobile

888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write “I wish to make a public comment” in the chat section of the remote meeting platform. At the appropriate time, the Clerk will allow oral public comment through the remote meeting platform.

Any member of the public who needs special accommodations to access the public meeting should email Irene Borba, iborba@cityofbelvedere.org, who will use her best efforts to provide assistance.

Date Posted: December 1 2022

HISTORIC PRESERVATION COMMITTEE
TUESDAY, DECEMBER 6, 2022, 5:30 P.M.

AGENDA

5:30 PM

CALL TO ORDER MEETING & ROLL CALL

OPEN FORUM

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

SCHEDULED ITEMS

1. Approve minutes of the July 12, 2022, regular meeting.
2. Selection of Subcommittee to review application & prepare the required report for possible Historical Designation of property at **402 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorical Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant & Property Owners: Donald & Laura Lacy.
3. Selection of Subcommittee to review application & prepare the required report for possible Historical Designation of property at **246 Beach Road** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorical Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant & Property Owner(s): Gavriel Bar-Or
4. Public Hearing for Consideration of a Mills Act application for the property at **206 Bayview Avenue** pursuant to Section 21.20.120 of the Belvedere Municipal Code. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA Status: categorically exempt pursuant to Section 15331. Applicant and Property Owners: Gian & Soloman & Ariane Mahler.
5. Update from Subcommittee on Historic Resource Inventory Lists
6. Adjourn Meeting

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other writings distributed to the Committee, including those distributed after the posting date of this agenda, are available for public inspection at Belvedere City Hall, 450 San Rafael Avenue, Belvedere. To request automatic mailing of agenda materials, please contact the City Clerk at 415-435-8913.

NOTICE: AMERICANS WITH DISABILITIES ACT

The following accommodations will be provided, upon request, to persons with a disability: agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at City Hall or by calling 415/435-3838. Whenever possible, please make your request four working days in advance.

Date Posted: December 1, 2022

**REGULAR MEETING
HISTORIC PRESERVATION COMMITTEE
TUESDAY July 12, 2022 5:30 P.M.
ZOOM MEETING
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

COMMITTEE PRESENT: George Gness, Mel Owen, Robert Griffin, Marshall Butler, John Sheehy.

COMMITTEE ABSENT: None

OTHERS PRESENT: Director of Planning and Building Irene Borba, Permit Technician Nancy Miller, Council Member James Campbell, Andrew Allen

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available on the City website at www.cityofbelvedere.org

CALL TO ORDER OF REGULAR MEETING

Chair Gness called the meeting to order at 5:30 P.M.

OPEN FORUM

No one wished to speak.

REPORTS

There were no reports.

SCHEDULED ITEMS

1. Approve Minutes of the April 12, 2022 Special meeting.

A Motion was made and seconded to approve the April 12, 2022 Minutes. The Minutes were approved unanimously.

2. Public Hearing for Consideration of Historical Designation of property at **206 Bayview Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant & Property Owners: Gian Solomon & Ariane Mahler.

Member John Sheehy presented the survey report on the property. Based on the research of committee members, the report recommends that categories 2, 3, and 7 are satisfied as sufficient criteria that this property meets to qualify for designation.

Owner Gian Solomon was present to verify that they would like to receive the Committee's recommendation for designation.

Members discussed the report and agreed on the merits for recommendation as a Belvedere Historic Property.

MOTION: To recommend designation of 206 Bayview Avenue as a Belvedere Historic Property by the Belvedere Planning Commission.

MOVED BY: Mel Owen, seconded by Marshall Butler

APPROVED: George Gness, Mel Owen, Marshall Butler, Robert Griffin, John Sheehy.

3. Public Hearing for Consideration of a Mills Act application for the property at **428 Golden Gate Avenue** pursuant to Section 21.20.120 of the Belvedere Municipal Code. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA Status: categorically exempt pursuant to Section 15331. Applicant and Property Owners: Shawn & Debbie Bennett.

Chair Gness asked whether the financial information relative to the tax impacts has yet been determined.

Director Borba replied that this information was not yet available as the staff person at the County of Marin Assessor's office is away on vacation. The information will be obtained prior to the presentation of the application to the City Council.

Open public hearing.

Debbie Bennett, owner, 428 Golden Gate Avenue, stated that the new tile roof has been added since the time of the site visit last year, as well as a complete foundation retrofit. Also there has been attention given to the vegetation, light fixtures, and other features. She presented some photographs of both exterior and interior.

Committee discussed that the property is deserving and qualified for recommendation to the City Council for a Mills Act agreement.

MOTION: To recommend 428 Golden Gate Avenue be approved by the City Council for a Mills Act agreement to maintain this Belvedere Historically designated property.

MOVED BY: Mel Owen, seconded by John Sheehey

APPROVED: George Gness, Mel Owen, Marshall Butler, Robert Griffin, John Sheehey.

4. Discussion – Historic Resource Inventory Lists

Director Borba presented the staff report and background on this topic.

Open public hearing.

Andrew Allen, Belvedere resident, stated that he has submitted a letter that includes his ideas regarding the preservation of more historic properties and updating the current inventory list. The contextual area of homes is also important to consider for designation of properties.

Chair Gness recalls that in recent years the Historic Preservation Committee has discussed how to encourage voluntary applications for Landmark approvals. He agrees that the inventory of potential properties might need some update.

Member Owen suggested that a letter might be sent to the owners of potential properties including emphasis that designation does not preclude interior updates being allowed. In regards to creating historic areas -- it has been discussed that would be very difficult.

Council Member Campbell believes that Mr. Allen is looking at the City identifying potential resources and for updating current lists of those properties so that owners and the Planning Department can recognize the existence of such properties.

Mr. Allen suggested that citizens might want to assist the Committee with updating the lists. He would be willing in this capacity.

Director Borba agreed with the discussion. She suggested that perhaps a subcommittee could be formed that could work to improve the identification of possible historic resources and properties. Once an updated list is created a qualified historic expert might be able to review the information. This was the way the current inventory list was prepared.

Member Griffin commented that designation should remain for particular individual properties versus the concept of historic areas. Committee members agreed.

There was consensus that the three existing lists discussed in the staff report might be cross referenced and updated.

Director Borba stated that such an updated list would be helpful to guide Planning in review for demolition or major remodels. Additional historic review might be needed if applicant properties were on such a list.

A subcommittee with HP Committee members Butler and Owen with additional participation of Andrew Allen and James Campbell will pursue this task and report back to Committee at next meeting.

5. Discussion of Future Meeting Dates pursuant to the recently adopted Administrative Policy Manual.

Committee decided that Oct 4, 2022 would be the date of the next quarterly meeting.

6. Adjourn Meeting

THE FOREGOING MINUTES were approved at a regular meeting of the Historic Preservation Committee on December 6 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
George Gness, Chairman

ATTEST: _____
Irene Borba, Director Planning and Building

BELVEDERE HISTORIC PRESERVATION MEMORANDUM

MEETING DATE: December 6, 2022 **AGENDA NO: 2**

To: Historic Preservation Committee

From: Samie Malakiman, Associate Planner

Subject: Designation of subcommittee for evaluation and survey of the property located at 402 Golden Gate Avenue

RECOMMENDATION

MOTION: Staff recommends that the Historic Preservation Committee appoint a subcommittee to review the Historic application for completeness and to prepare the required survey form pursuant to BMC Section 21.20.070

BACKGROUND

On October 19, 2022, applicant and property owner's Donald and Laura Lacy applied for Historic Designation for their home located at 402 Golden Gate Avenue. As part of their application, the Lacey's provided the following background information about the property (summarized by Staff).

The subject property was built in 1905 under the direction of John Coop, a notable builder and developer from San Francisco. Coop moved to Belvedere and became one of the first directors of the Belvedere Land Company. He became superintendent for the Land Company in 1895, and in that role successfully petitioned for the incorporation of Belvedere and upgrading the City's water supply. The house was later owned by the Russell's; the daughter of noted California author Gertrude Atherton.

The property is a 6,844 square foot parcel in the R-15 zoning district of Belvedere Island. The residence consists of 4,761 square feet of living space, a 540 square-foot garage, 600 square feet of unfinished space, and 391 square-feet of deck and patio area. The exterior of the residence remains largely unchanged from the original design. Property modifications include replacing a detached garage in 2013, deck repairs, and an interior remodel.

Pursuant to Belvedere Municipal Code Sections 21.20.040 and 21.20.050, the Historic Preservation Committee (HPC) shall review the Historic Designation application for completeness and prepare a survey form for the property addressing criteria set forth in BMC Section 21.20.070. The HPC shall not approve an application unless it finds the site or structure substantially meets at least three of the criteria in Section 21.20.070, thereby contributing a distinct and significant visual expression of historic, aesthetic, and/or architectural value to the City.

ATTACHMENTS

- Application for Historic Designation, dated October 19, 2022



APPLICATION FOR HISTORIC DESIGNATION

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

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____
 Amount: _____ Receipt No.: _____
 Parcel No.: _____ Zone: _____

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 402 Golden Gate Avenue, Belvedere CA 94920

Historical Name of Property, If Known: John Coop House

Record Owner of Property: Donald Edward Lacey, Jr. and Laura Raquel Deal-Lacey

Mailing 402 Golden Gate Avenue Daytime Phone: 415-599-9369

Address: Belvedere, CA 94920 Fax: N/A

Email: donald.lacey@gmail.com

Owner's Representative: N/A

Mailing _____ Daytime Phone: _____

Address: _____ Fax: _____

Email: _____

Description and History of Property/Structure: _____

Please see accompanying annexes

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

All property owners must complete this Section.

Street address of subject property: 402 Golden Gate Avenue, Belvedere CA 94920

Assessor's Parcel No(s). of subject property: 060-223-10

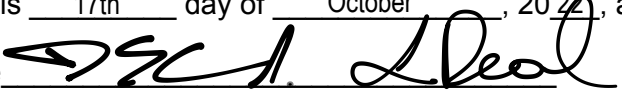
➤ **Properties Owned by Individuals**

I, Donald Edward Lacey, Jr. and Laura Raquel Deal-Lacey, 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 have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

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

Signed this 17th day of October, 2022, at Belvedere, California.

Signature 

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

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

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 have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

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: _____

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

I, _____, hereby authorize _____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain the historic designation requested, and I further authorize said person to appear on my behalf before the Historic Preservation Committee, Planning Commission and City Council. This designation is valid until the historic designation is finally approved by the City or until this designation of owner's representative is rescinded in writing.

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

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____

Annex A: Description and History of John Coop House, 402 Golden Gate Ave, Belvedere, CA

402 Golden Gate Avenue is a compelling candidate for designation as an historic property. Built circa 1905 (potentially earlier), the home has been associated with several notable residents of Belvedere. The house has long been a visual landmark on the island of Belvedere and retains most of its original external materials and design features.

In specific reference to the criteria established by the City of Belvedere for historic designation:

- *Architecture (outstanding because of age)*. The home was built circa 1905 or earlier (one source places the date of construction as early as 1895), making it one of the earliest homes constructed on Belvedere Island.
- *Architecture (outstanding because it is the work of a significant architect or builder)*. The home was built under the direction of John Coop, who then lived there for many years. A notable carpenter, developer and builder who resided in San Francisco before moving to Belvedere, Coop also constructed the John Coop House at 959 South Van Ness in San Francisco's Mission District. That home, which Coop built in part to showcase the capabilities of a planing mill business he owned, featured prominently in the 2019 drama *The Last Black Man in San Francisco*.
- *History (associated with a person, group, or event significant to the city, state, or nation, or shows broad cultural, political, social or economic patterns, or embodies and expresses the history of the city)*. 402 Golden Gate has been associated with several personalities important to the history of Belvedere and California. As described above, the home was originally the residence of John Coop, a noted builder from San Francisco. Coop was one of the first directors of the Belvedere Land Company and became superintendent for the Land Company in 1895. In that capacity, he played leading roles in successfully petitioning for the incorporation of Belvedere, upgrading the town's water supply, and executing other tasks critical to the early development of Belvedere. Please refer to Annex B for more information on John Coop, sourced from the records of the Belvedere-Tiburon Landmarks Society.

Subsequent to Coop, the house was owned by the Russell family. The Russells were the family of the daughter of noted California author Gertrude Atherton, who was a frequent guest at the house. Atherton was a well-known suffragist whose novels achieved wide acclaim in the late 19th and early 20th century and were often compared to the work of her contemporary Edith Wharton. Her 1923 bestseller *Black Oxen* was made into a movie described as one of the first cinematic examples of "subtle science fiction." Atherton is said to have written many of her novels in the attic of 402 Golden Gate Ave. Please refer to Annex C for more information on Gertrude Atherton.

- *Environment (contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location)*. 402 Golden Gate has featured in historical home tours on Belvedere island for many decades and is a well-known part of Golden Gate Avenue. It is widely visible from other parts of Belvedere and Belvedere

Cove. Please refer to Annex D for descriptions of the house that have been included in past Belvedere-Tiburon Historic House Tour materials.

- *Integrity (retains most of its original materials and design features)*. The exterior features of the main residence are largely unchanged from the original design. The property originally included an external garage, which was replaced approximately ten years ago with a structure whose design is consistent with the main residence.

Please see the following annexes for additional information on John Coop, Gertrude Atherton, and the property itself.

Belvedere and Tiburon 1890 to 1900

Edited and Annotated by
Hillary Don

Bella Vista Publishing
Belvedere
California

the Tiburon Fire Department. A mass meeting of the citizens was held at Foresters' Hall, Tiburon, last Tuesday night for the purpose of electing the officers of the new Fire Department...First Assistant, Harry Cookson. See *Fire Department, Tiburon*. 4.29.1899.

Harry Cookson has returned from a trip to the springs. 8.5.1899.

Work on the new mast for the sloop *Amigo* will commence shortly - probably next week. The work will be done by Harry Cookson of Tiburon. There is some talk of lengthening the boat's cabin, but nothing definite can be stated at the present time. 2.24.1900.

Editor's note: The Census of 1900 lists the Cookson family: Harry, head, aged 55 and married for 19 years to 47 year-old Mary O. A daughter, Freda, was 17 years old. The Marin County Directory for 1905 notes in Tiburon, H. Cookson, saloon.

COOKSON, Miss Freda.

Miss Annie Farnsworth is visiting Miss Freda Cookson this week. 12.4.1897. Miss Josie O'Connell, the popular Postmistress of Tiburon, entertained a number of her friends last Thursday evening. It was her birthday, and at an early hour Foresters' Hall was ablaze with Chinese lanterns and decorated with ferns and flowers...Among the guests were: Freda Cookson... See O'Connell, Miss Josie. 8.19.1899.

COOKSON, Mrs. H.

Mrs. H. Cookson's niece from Oakland spent last Sunday visiting her aunt in Tiburon. 5.15.1891.

COOLEY, Miss.

A poster show, where Mrs. Charles J. Nougues and Mrs. Norbert Babin were hostesses, was given at Belvedere on the afternoon of the 3d instant. Those present included...Miss Cooley. See *Poster Show, Belvedere*. 10.20.1900.

COOP, Jane.

Belvedere Land Co. to Jane Coop - Lot 11, block 40, Belvedere Land Co. 5.5.1893.

COOP, John.

A Director of the Belvedere Land Company, appointed Manager. Mr. John Coop, one of the Directors of the Belvedere Land Company, will take charge at Belvedere as superintendent for the company on the termination of the engagement of Mr. Searle (q.v.), in March next. Mr. Searle, in retiring retains the good wishes of the Company and is simply superseded by one of the largest

owners in the concern. We understand that he is contemplating organizing the ferry company (for a service between Sausalito and Belvedere) referred to in another column. 2.9.1895.

Mr. Coop, the Land Company's manager, has hired the services of Mr. Jordan, as book-keeper, who will attend to the office business of the Company. Mr. Jordan is a man of very pleasant address, and visitors as well as residents, will be well treated by our genial friend. 6.1.1895.

Purchases land, and lives in Belvedere. Mr. Jno. Coop has rented Mr. Miller's large cottage and will move over from Alameda on the first of March. He is to take the position of manager caused by the resignation of Mr. Searle. 2.23.1895. Belvedere Land Company to John Coop, lots 17 and 18, block 3, and lot 10, block 40, land of Belvedere Land Co.; \$10. 5.4.1895. *Editor's note: the western halves of lots 17 and 18, block 3, are the land on which the property of 402 Golden Gate Avenue is built. The eastern halves of the same lots are the land of 400 Golden Gate Avenue, Belvedere. Belvedere Homes. John Coop...erecting imposing home. See Belvedere, Town. 6.12.1897.*

Signs petition for the Incorporation of Belvedere.

Notice. We, the undersigned petitioners, hereby give notice that we will present to the honorable the Board of Supervisors of the county of Marin in the State of California...a petition for the incorporation of the proposed town of Belvedere...That each of the undersigned is a qualified elector of said county of Marin and a resident within the hereinbefore bounded and described limits of the territory of the said proposed town of Belvedere.

...John Coop...State of California, City and County of San Francisco...Subscribed and sworn to before me this 10th day of September, 1896. Fred E. Harmon, Thos. E. Haven and Jno. Coop being each duly sworn depose and say: That we are each a qualified elector of the county of Marin in the State of California and a resident of and within the limits of the proposed town of Belvedere, as bounded and described in the foregoing petition; that the names subscribed to the said petition are the signatures of the respective persons they

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C COOP

there purport to be, and that the said petition is signed and subscribed by more than fifty (50) qualified electors of said county of Marin, who are residents of and within the territory of the said proposed town of Belvedere, as in said petition bounded and described, exclusive of deponents.

Fred E. Harmon,

Thos. E. Haven,

John Coop.

Subscribed and sworn to before me this 10th day of September, 1896.

[Seal] N. E. W. Smith,
Notary Public in and for the city and county of San Francisco, State of California.
See *Belvedere Incorporation*. 9.19.1896.

Active in Belvedere community affairs. School

Bonds. Notice is hereby given to electors of Tiburon school district...an election will be held...the question of issuing bonds of the district and selling the same for the purpose of raising money for purchasing school lots and for building or purchasing one or more school-houses in such district, and furnishing and improving and insuring the same...Fred W. Boole, Fred Clausen and John Coop will act as judges of said election to conduct the same. See *School, Tiburon, Bonds*. 9.26.1896.

Editor's note: John Coop was also one of the first Trustees of the Belvedere School District. A Pictorial History of Belvedere, Beverly Wright Bastian and Barbara Britton Gnos, eds., The Landmarks Society, Belvedere-Tiburon, California, 1990.

Active in the town of Belvedere election.

Appointed a Judge for the election of officers for the town of Belvedere in April, 1898. *Minutes, meetings of the Board of Trustees, town of Belvedere. Belvedere City Hall.* Officers of Election for Town Officers: Judges: John Coop... January 27, 1900. *Minutes of meetings of the Board of Trustees of the town of Belvedere. Belvedere City Hall.*

Sewer Bonds. An ordinance has been presented to the Town Trustees of Belvedere calling a special election to submit the question of issuing sewer bonds to a vote...fixed for August 19, and the following are named as officers: ...John Coop and Thomas E. Haven, clerks. 7.8.1899. The progressive element in Belvedere is jubilant over the success of

the bond election...Following are the names of those who composed the Board of Election: ...Clerks - John Coop, Thomas E. Haven. See *Sewers, Belvedere*. 8.26.1899.

On committees for the Night in Venice in both 1895 and 1899. *Night in Venice*...The other committees appointed are as follows: Conveyance - John Coop... See *Night in Venice*. 6.15.1895.

"A Night in Venice" for Belvedere Is Now Assured Beyond Doubt...The following sub-committees were named: Conveyances - Dr. B. W. Haines, Charles Searle, Fred W. Boole, Ellis Parish, Albert Raisch, John Coop... See *Night in Venice*. 7.29.1899. Water carnival Committees: Conveyances. John Coop, Room 615, Safe Deposit Bldg. See *Night in Venice*. 8.26.1899.

The S.P.C.A. The second annual meeting of the Marin County Society for the Prevention of Cruelty to Animals...The following are the 86 active members...Belvedere - Coop, John... See *Society for the Prevention of Cruelty to Animals*. 12.24.1898.

Trial Juror. Trial Jurors for the Year, Third Supervisor District. ...Belvedere - John Coop, Thomas Gannon. See *Jurors, Trial*. 1.14.1899.

Purchases and sells land in Belvedere. John Coop to Belvedere Land Co. - Lot 10, block 40, Belvedere, \$10. 3.6.1897. John Coop to Florence A. Bazillo - Lots 25 and 26, block 5, Belvedere, \$10. 7.10.1897. Belvedere Land Company to John Coop, portion of lots 20, 21 and 22, Belvedere. \$10. 2.18.1899. John Coop of the Belvedere Land Company has purchased two lots, which he will probably improve in the near future. 4.22.1899. Gertrude A. S. de Monzon to John Coop, lots 30 and 31, block 3, Belvedere Land Company, \$1000. 6.3.1899.

Responsible for the water supply for Belvedere, Coop is harshly criticized.

For three weeks the picturesque peninsula of Belvedere has been existing on a scant supply of water, and as a result the usually good-natured residents of that popular suburb have lost patience and are saying many unpleasant things about the water company, the Town Trustees, and particularly about John Coop, the manager of the Belvedere Land Company, on whose shoulders the blame is said to rest. Coop does not seem to be in the slightest perturbed by the harsh things said against him, but makes his daily rounds, regulating the amount of matter each house may use with an indifference that is marvelous, and

assuring those who accost him that he hopes soon to have an abundance of water for all...Manager Coop says, an additional pump will be in operation. With these new facilities he hopes to have an abundance of water. These assurances, however, do not pacify the irate residents. They are expressing their indignation in a letter to the company asking for the removal of John Coop. This petition has been given a wide circulation, and many signatures have been secured, but even this does not appear to affect the immobile manager, who, it seems, is a controlling stockholder in the company, and a petition to John Coop to discharge John Coop, it is believed, will not prove very effective. See *Water, Belvedere*. 7.22.1899.

Coop vindicated in water supply controversy.

John Coop, the much maligned Superintendent of the Belvedere Water Company, had a smile on his face, Wednesday morning, that left no doubt in an observer's mind that something of unusual importance had come to pass. The same light was in his eyes that is often seen of members of his sex when the announcement comes that a son and heir has arrived to cheer hearth and home. It was plainly to be seen a load had been taken off John Coop's shoulders and John Coop wanted every one to know and rejoice with him in his good fortune. And every one did rejoice, for it soon became noised around that John Coop had struck water and that Belvedere can hereafter wash and drink without stint. See *Water, Belvedere*. 8.12.1899.

John Coop will continue to furnish all the water Belvedere and Tiburon can use. For over a week the pump has been kept constantly going, and yet there are no signs of the supply diminishing. See *Water, Belvedere*. 8.19.1899.

A *Sausalito News* representative, in company with John Coop, on Tuesday drove over Belvedere inspecting the new pumping machinery and the recently discovered well. Arrangements are being made to add tanks and increase storage capacity from 60,000 to 195,000 gallons.

The Board of Directors of the Belvedere Land

Company, at its meeting last week, unanimously passed the following resolution:

"Resolved, That the Board of Directors of this company have the fullest confidence in the capacity and integrity of John Coop, Superintendent of this company, at Belvedere, and in his ability to deal with such questions as may present themselves affecting out interests here." 8.26.1899.

John Coop has given up superintending the stage line. 8.12.1899.

John Coop, Superintendent of the Belvedere Land Company, spent Wednesday here (*Sausalito*) taking a few points on the water question from Commodore Harrison. 6.23.1900.

Editor's note: The 1900 census lists the Coop family as: John, head, aged 61 years, married for 35 years to Margaret, aged 59 years; daughters Jennie, aged 33, and May, aged 27, both single; son Paul aged 23, also single.

COOPER, E.

On last Thursday evening the steam launch, *Mary McNeill*, landed at Chas. Forrest's wharf, Sausalito, under Captain Chas. McNeill, with a cargo of young gentlemen from Tiburon. ...Among those we noticed...E. Cooper. See *Mary McNeill*. 7.24.1891.

COOPER, John.

Bought portions of the tide land lots 12 and 13, map 7 of salt marsh and the lands in town of Belvedere, from Israel Kashaw et al. \$639. 2.17.1900.

COOPER, William Edgar.

Struck from the Great Register of Marin County by reason of not having voted at the election held on Nov. 8th., 1892. 9.21.1894. *Editor's note: Mr. Cooper is listed in the Great Register of Marin County for 1892 as a carpenter aged in his 20s and resident in Tiburon.*

COPE, F. J.

Signs petition seeking Incorporation of Belvedere. Notice. We, the undersigned petitioners, hereby give notice that we will present to the honorable the Board of Supervisors of the county of Marin in the State of California...a petition for the incorporation of the proposed town of Belvedere...That each of the undersigned is a qualified elector of said county of Marin and a resident within the hereinbefore bounded and described limits of the territory of the said proposed town of Belvedere.

Gertrude Atherton

Gertrude Franklin Horn Atherton (October 30, 1857 – June 14, 1948) was an American author.^[1] Many of her novels are set in her home state of California. Her bestseller *Black Oxen* (1923) was made into a silent movie of the same name. In addition to novels, she wrote short stories, essays, and articles for magazines and newspapers on such issues as feminism, politics, and war.

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Early life

Gertrude Franklin Horn was born on October 30, 1857, in San Francisco, California, to Thomas Ludovich Horn and his wife, the former Gertrude Franklin.^[2] Her father had become a prominent citizen in San Francisco as a tobacco merchant, although he originally hailed from Stonington, Connecticut.^[3] Her mother was from New Orleans. Her parents separated in 1860 when she was two years old, and she was raised by her maternal grandfather, Stephen Franklin, a devout Presbyterian and a relative of Benjamin Franklin.^{[4][5][1]} Grandfather Franklin insisted she be well read, and this influenced her greatly. She attended St. Mary's Hall high school in Benicia, California, and, briefly, the Sayre School in Lexington, Kentucky.

Gertrude Atherton



| | |
|-----------------------|--|
| Born | Gertrude Franklin Horn October 30, 1857 <u>San Francisco, California, US</u> |
| Died | June 14, 1948 (aged 90) San Francisco |
| Pen name | Asmodeus, Frank Lin |
| Occupation | <u>Novelist</u> and <u>short story writer</u> . |
| Alma mater | D. Litt., <u>Mills College</u> LL.D., <u>University of California</u> |
| Notable awards | International Academy of Letters and Sciences of Italy (Gold Medal) Legion of Honor honorary member, 1925 American Academy |

Gertrude moved back to Kentucky to live with her grandfather and mother after her aunt refused to house her any longer because of her rebelliousness. There she met George H.B. Atherton, son of Faxon Atherton, who was courting her mother.^[5] He became more interested in daughter Gertrude, and after she accepted his sixth proposal, they eloped on February 15, 1876.^[6] She went to live with him and his domineering Chilean mother. Gertrude found life in the Atherton mansion in San Francisco and on their Fair Oaks estate, now Atherton, California, stultifying.^[7] As a result of her disappointment with the marriage she began to develop an independent life.^[5] Two tragedies changed her life dramatically: Her son George died of diphtheria, and her husband died at sea. She was left alone with their daughter Muriel and needed to support herself.^[8] Her mother in law agreed to raise Muriel and give her the inheritance that would have gone to George.^[6]

| | |
|---------------|--|
| | of Arts and Letters, 1938 |
| Spouse | George H. B. Atherton (m. 1876; died 1887) |

Atherton later told an interviewer that the books that had influenced her the most were Hippolyte Taine's "History of English Literature" and the books of Herbert Spencer.^[1]

Career

Nineteenth century

Atherton's first publication was "The Randolphs of Redwood: A Romance", serialized in The Argonaut in March 1882 under the pseudonym Asmodeus. When she revealed to her family that she was the author, it caused her to be ostracized. In 1888, she left for New York, leaving Muriel with her grandmother. She traveled to London, and eventually returned to California. Atherton's first novel, *What Dreams May Come*, was published in 1888 under the pseudonym Frank Lin.

In 1889, she went to Paris at the invitation of her sister-in-law Alejandra Rathbone (married to Major Jared Lawrence Rathbone). That year, she heard from British publisher G. Routledge and Sons that they would publish her first two books. William Sharp wrote in The Spectator praising her fiction and would later invite Atherton to stay with him and his wife, Elizabeth, in South Hampstead.^[9]

In London, she had the opportunity through Jane Wilde to meet her son, Oscar Wilde. She recalled in her memoir *Adventures of a Novelist* (1932) that she made an excuse to avoid the meeting because she thought he was physically repulsive. In an 1899 article for London's Bookman, Atherton wrote of Wilde's style and associated it with "the decadence, the loss of virility that must follow over-civilization."

Also in London she met a young Winston Churchill, who said that he liked her novels. Soon she found out that Churchill was disappointed that she did not return the compliment - she was not aware of his writing..

She returned to California in 1890 at the death of her grandfather Franklin and her mother-in-law Dominga Atherton, and she resumed taking care of Muriel. In 1891, while writing a weekly column for The San Francisco Examiner, she met Ambrose Bierce, with whom she carried on a taunting, almost love-hate friendship.^[10]



Gertrude Atherton early in her career.

When Kate Field remarked on California writers' neglect of the picturesque and romantic old Spanish life of the state, Atherton explored the history and culture of Spanish California in Monterey, San Juan Bautista, Los Angeles, San Luis Obispo, and Santa Barbara.^[8] She became a member of the Pacific Coast Women's Press Association.

She wrote *The Doomswoman* in 1892, and it was published in *Lippincott's Monthly Magazine* before being published in book form in 1893. The story (set in the 1840s) focuses on Chonita Moncada y Iturbi and her love of Diego Estenega (modeled after Mariano Guadalupe Vallejo), as he dreams of modernizing California, retaining its Mexican character without sacrificing American economic vigor. Chonita is Catholic, and her faith stands in the way of Diego's political ambitions. The dramatic climax peaks when Diego kills Chonita's brother, Reynaldo, and she is forced to choose between her cultural loyalty or the love of her life. The plot of the novel closely resembles that of *Romeo and Juliet*. The book was successful with critics, some comparing it to Helen Hunt Jackson's *Ramona*. Atherton was not pleased with this comparison because Jackson was not from California. However, she was satisfied when Bierce said of *The Doomswoman* that it was "in its class... superior to any that any Californian has done".^[11]

In 1892, Atherton left for New York. There she wrote for the *New York World*. She also wrote letters to Bierce, confiding her loneliness, her dismay at the necessity to do freelance writing (in particular for the *New York World*), and her dislike of eastern literary circles. Her distaste came from their belittlement of the West and its authors and the fact they did not accept Bierce's work. While in New York, she published another California novel, *Before the Gringo Came* (1894).

She next wrote *Patience Sparhawk and Her Times, A Novel* (1897), but it proved to be too controversial. Its rejection encouraged her to leave for London. It was 1898 and John Lane of The Bodley Head agreed to publish it, but not for two years. She continued to write, writing book reviews for Oliver Fry's *Vanity Fair*, and even completed a book-length version of "The Randolphs of Redwood" (retitled *A Daughter of the Vine*, 1899) while staying in Haworth. Max Pemberton asked her to write a 10,000 word essay for a series he was editing for Cassell's Pocket Library, which she wrote as *A Whirl Asunder* (1895).

Once *Patience Sparhawk and Her Times, A Novel* was published, William Robertson Nicoll gave a review of it in the April 12, 1897 edition of *The Bookman* that said it was "crude" in its portrayal of a clever young woman with burning interest in life and identified it as a protest against the tame American novel. In the May 15 issue of *The New York Times*, the reviewer said that Atherton had "incontestable" ability and a "very original talent" while noting that the book offered a series of "fleshy" episodes in Patience's life that must have scared a sensitive reader.^[9] It was banned from the San Francisco Mechanics' Institute, and the *San Francisco Call* review said it represented Atherton's departure from her proper literary goal of treating early California themes romantically

In 1898, she completed *The Californians*, her first novel in set the post-Spanish era. Critics received this much more positively than *Patience*, and a review in *The Spectator* (October 1, 1898) said it "was by far more convincing and attractive in delineating California manners and morals.... The novel fairly establishes her claim to be considered as one of the most vivid and entertaining interpreters of the complex characters of emancipated American womanhood." The November 8 *Bookman* said it was her "most ambitious work," which has "a feeling of surety that only the consciousness of knowing one's ground can convey."^[9]

She traveled to Rouen and wrote *American Wives and English Husbands* (1898), set in contemporary time. In this novel, she contrasts English and American men, American and English civilizations, and comments on the relationships between men and women. She also completed *The Valiant Runaways* (1898), an adventure novel for boys that dealt with the Spanish Mexican attempt to civilize California. In 1899, she returned to the United States.

Twentieth century

Her novel *Senator North* (1900) was based on Maine's senator Eugene Hale.^[12]



Gertrude Atherton, ca. 1904

In a May 1904 article, *Why Is American Literature Bourgeois?* in the *North American Review*, Atherton critiqued William Dean Howells for the "littleism" or "thin" realism of his fiction. Some say that Atherton's novel, *Julia France and Her Times* (1912), has a strong feminist subtext, with the titular heroine being a woman needing to earn a living wage. However its view of gender issues is complicated and nuanced: she mentioned "the happy fate of the American woman, who 'had things all her own way,' and to whom man was a slave." (p. 124). She also mentions that the Pankhursts' militant brand of suffragism was strongly hated "by the National Union of Woman's Suffrage Socieies, and by Society in general." (p. 298).^[13]

She is best remembered for her California Series, several novels and short stories dealing with the social history of California. The series includes *The Splendid, Idle Forties* (1902); *The Conqueror* (1902), which is a fictionalized biography of Alexander Hamilton; and her sensational, semi-autobiographical novel *Black Oxen* (1923), about an aging woman who miraculously becomes young again after glandular therapy. The novel names the areas of a woman's power as youth and vitality, examines the social expectations surrounding them, then prompts women to avoid these conventions.^[5] The latter was adapted into the film *Black Oxen* in 1923.^[14] Atherton's earlier novel *Mrs. Balfame* (1916) was also adapted to film, as *Mrs. Balfame* in 1917. Atherton's *The Immortal Marriage* (1927) and *The Jealous Gods* (1928) are historical novels set in Ancient Greece.^[15]

Atherton wrote several stories of supernatural horror, including the ghost stories "Death and the Woman", and "Crowned with One Crest", as well as "The Foghorn", and the often anthologised "The Striding Place".^{[14][16]} "The Foghorn", written in 1933, is a psychological horror story that has been compared to "The Yellow Wallpaper". W. Somerset Maugham called it a powerful story in a 1943 publication of his, *Great Modern Reading*.

Style and themes

Atherton was an early feminist well acquainted with the plight of women.^[13] She knew "the pain of sexual repression, knew the cost of strength required to escape it (strength some women do not have to spend), knew its scars—the scars that made her wary of emotional commitment and relegated her, despite her splendid professional triumphs and her surpassing benefit to women, to largely an observer role in human relations. She knew the full cost of the destructive battle of the sexes, and urged that it end at last with true sexual equality."^[17] Her novels often feature strong heroines who pursue independent lives, undoubtedly a reaction to her stifling married life.

Atherton was often compared to contemporary authors such as Henry James and Edith Wharton. James assessed Atherton's work and claimed she had reduced the typical man/woman relationship to a personality clash.^[12]

Atherton presided in her last years over the San Francisco branch of PEN. As her biographer Emily Wortis Leider notes in *California's Daughter*, however, "under her domination it became little more than a social club that might have been called Friends of Atherton and (Senator) Phelan". A strong advocate of social

reform, and the *grande dame* of California literature, she yet remained a strong force in the promotion of a California cultural identity. She was a personal friend of Senator James Duval Phelan and his nephew, the philanthropist Noel Sullivan, and often was a guest at Phelan's estate, Villa Montalvo. Among her celebrity friends was travel writer Richard Halliburton, who shared her interest in artists' rights, and whose disappearance at sea she lamented.^[18] Though she could be offensively assertive with her acerbic wit, notes Gerry Max, she truculently crusaded for many of the key intellectual freedom issues of her day, especially those involving women's rights, and remained, throughout a long creative life, a true friend to writers. In his autobiographical novel, Kenneth Rexroth speaks of her kindness to him and his wife when they arrived in San Francisco in the late 1920s.

Charlotte S. McClure in a *Dictionary of Literary Biography* essay said that Atherton "redefined women's potential and presented a psychological drama of a woman's quest for identity and for a life purpose and happiness within and beyond her procreative function". She also said that *Patience Sparhawk* was Atherton's "first significant novel". In an 1898 essay in *Bookman*, a critic stated:

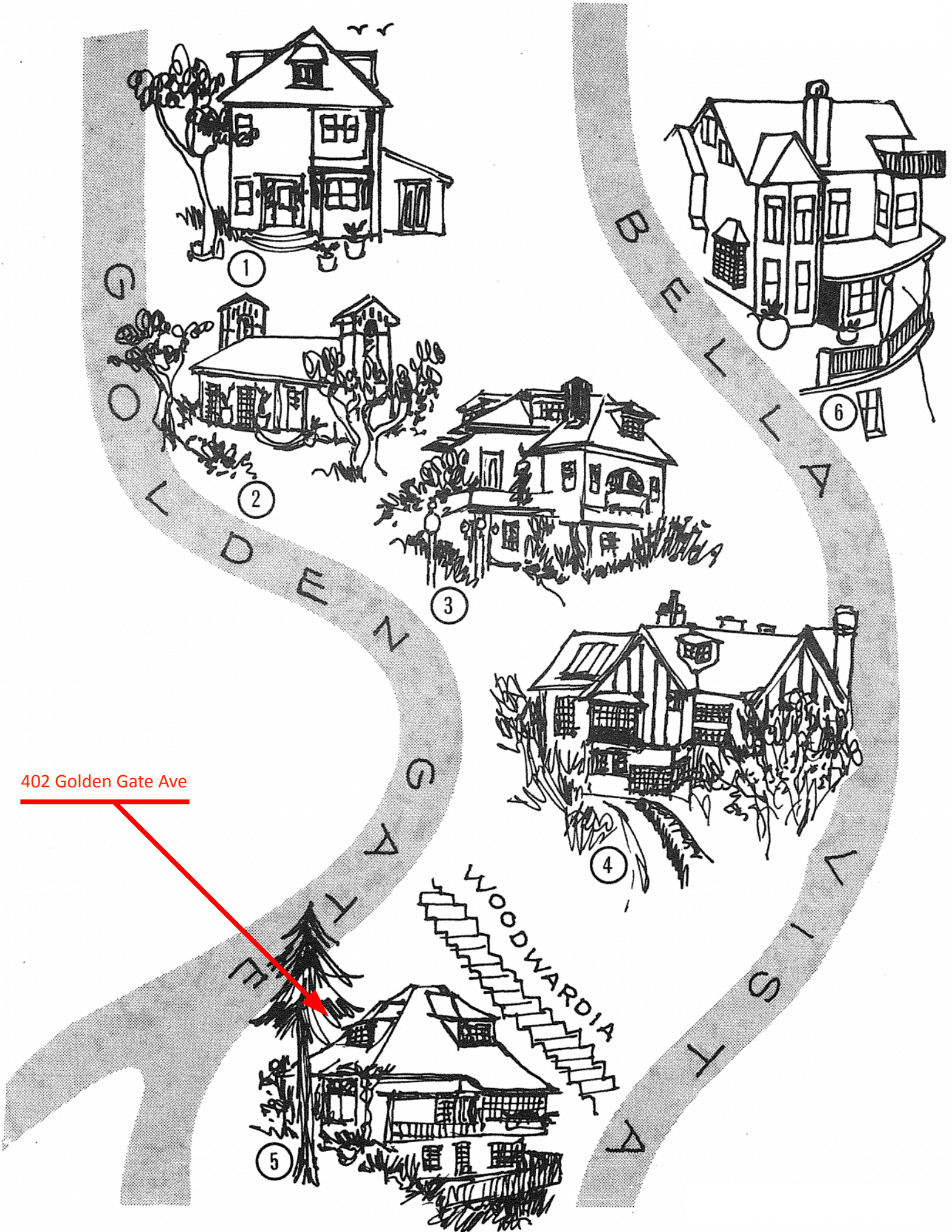
"the amazing and memorable *Patience Sparhawk* may perhaps be referred to as the first foreshadowing of the good work that [Atherton] has done since. It seems to have been also generally conceded that no matter what the subject chanced to be . . . nothing from her pen would be commonplace or dull. [But] that startling performance [in *Patience Sparhawk*] introduced her to a different audience, one much larger and more seriously interested than she had had before."

Carl van Vechten said of Atherton in a *Nation* article: "Usually (not always, to be sure), the work of Mrs. Wharton seems to me to be scrupulous, clever and uninspiring, while that of Mrs. Atherton is often careless, sprawling, but inspired. Mrs. Wharton, with some difficulty, it would appear, has learned to write; Mrs. Atherton was born with a facility for telling stories."

In an essay for *Bookman*, Frederic Taber Cooper stated that in *Senator North*, the character Harriet "is practically a white woman but for a scarcely perceptible blueness at the base of her fingernails, this character of Harriet is perhaps the best bit of feminine analysis that Mrs. Atherton ever did."^[12]



Mariana Bertola, Carrie Jacobs-Bond, May Showler Groves, Minna McGauley, Maud Wilde, Jeanette Lawrence, Miriam Van Waters, Mrs. David Starr Jordan, Annie Florence Brown, Gertrude Atherton



402 Golden Gate Ave



THE LANDMARKS SOCIETY

HISTORIC HOUSE TOUR

HISTORIC HOMES IN BELVEDERE

SATURDAY, OCTOBER 4, 1986

5

JOHN COOP House, c. 1900
402 Golden Gate at Woodwardia Lane
Owners, Robin and Patricia Klaus

"East Or West Home Is Best" was incised on the fireplace lintel by the first owner, secretary of the Land Company. The dark wood of the fireplace wall has been painted white in keeping with the remodeling of the living room and porches to create lighter open space. The stain-glass window is a recent installation. In the master bedroom, the beam is supported by hooded human heads as corbels. When the wall between the kitchen and back porch was removed a bay was added in the style of the original bays on the street level. The old-fashioned pantry room, necessary supplement to the typical small kitchen, soon will be remodeled. Owners have restored the redwood paneling and pink brick fireplace of the dining room, complemented by the famous strawberry design of William Morris, 19th century English decorator, recreating a typically charming country room of the late Victorian period. Gertrude Atherton, noted California author, was a frequent guest when her daughter's family, the Russells, owned the house and many of her novels are reported to have been written in the attic room.



Belvedere-Tiburon Landmarks Society

HISTORIC HOUSE TOUR

Saturday, May 6, 2000

402 Golden Gate Avenue

c1895

Home of John Coop

3 Built before the turn of the century, possibly as early as 1895, this was the home of John Coop, a shareholder and secretary of the Belvedere Land Company and one of the first trustees of the Belvedere School. Deeply involved in the town's development, he chose this beautiful piece of property to create a house which was open to the air and sunlight and which embraced its sweeping views.

Entering through terraced gardens which probably reflect the original contouring and landscaping, one comes into a living room full of surprises. A small parlor has been expanded by enclosing two porches, and the room is now a virtual fantasy of many-paned windows. There is even an interior window wall dividing two parts of the room - a by-product of renovation which has added rather than detracted from the appeal of this inviting room. In opposition to all the glass, a massive fireplace dominates the north wall with the declaration incised on its lintel, "East or West Home is Best." A small library and a master bedroom with a view-framing bay window complete the first floor. The bedroom is a case in point of what makes so many Belvedere homes magical. It is not a large room, but the vista framed by the window, a view where the eye just never stops, dissolves one's sense of enclosing walls.

On the floor below, a dining room which seems like a time-capsule from the late 19th century Arts and Crafts Movement coexists happily with a thoroughly renovated, exuberant kitchen. The dining room is papered with William Morris's charming 'Strawberry Thief' pattern and paneled in redwood which was painted green in an earlier decorating effort but which is now restored to its original rich dark color. An unusual kitty-corner fireplace of russet brick further underscores the originality and charm of this room. In the kitchen, serious cooking goes on at one end and a banquette and commodious table anchor the other. On the east wall, another bay window reveals views of trees and water, and on the north wall French doors open onto a trellised terrace which in turn gives way to the stepped gardens.

This house has both some major and minor claims to a place in Belvedere history. It may have had the first residential garage on the island and it certainly has an association with two notable Bay Area figures. First, Gertrude Atherton spent time here when the house was owned by her daughter's family, the Russells, and is reported to have worked on a number of her novels in the attic room. And second, Albert Farr, the noted architect, did a remodel proposal for the house which the present owners still have.

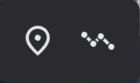


Annex E: Property Photos
from Google Earth

Cone Rock



Bridge
Bench



BELVEDERE HISTORIC PRESERVATION MEMORANDUM

MEETING DATE: December 6, 2022 **AGENDA NO: 3**

To: Historic Preservation Committee

From: Samie Malakiman, Associate Planner

Subject: Designation of subcommittee for evaluation and survey of the property located at 246 Beach Road

RECOMMENDATION

MOTION: Staff recommends that the Historic Preservation Committee appoint a subcommittee to review the Historic application for completeness and prepare the required survey form pursuant to BMC Section 21.20.070

BACKGROUND

On November 22, 2022, applicant and property owner Gavriel Bar-Or applied for Historic Designation for the home located at 246 Beach Road. As part of the application, the property owner provided the following background information about the property (summarized by Staff).

The subject property was built in 1942 by Jack Heidelberg, a notable home designer in Belvedere. The home was intended for Jack's mother, but she refused to leave San Francisco and it became a rental property. The home is known locally as the "Hansel and Gretel House" and has remained largely unchanged from the original design. Modifications have included a re-roof in 1982 and 1994, a 175 square-foot addition on the lower level in 1996, and a new black-matte guardrail at the front property line to replace existing. The site is a 5,000 square-foot parcel in the R-15 zoning district. The residence consists of 1,935 square-feet of living space, 250 square-feet of unfished space, and 494 square-feet of deck and patio area.

Pursuant to Belvedere Municipal Code Sections 21.20.040 and 21.20.050, the Historic Preservation Committee (HPC) shall review the Historic Designation application for completeness and prepare a survey form for the property addressing criteria set forth in BMC Section 21.20.070. The HPC shall not approve an application for Historic Designation unless it finds the site or structure substantially meets at least three of the criteria in Section 21.20.070, thereby contributing a distinct and significant visual expression of historic, aesthetic, and/or architectural value to the City.

ATTACHMENTS

- Application for Historic Designation, received November 28, 2022

Property/Structure Address: 246 Beach Road -Belvedere



APPLICATION FOR HISTORIC DESIGNATION

CITY OF BELVEDERE • HISTORIC PRESERVATION COMMITTEE

450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336

PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: 11/22/22 Rec'd. by: CC

Amount: 53.00 Receipt No.: _____

Parcel No.: _____ Zone: _____

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 246 Beach Rd -Belvedere CA. 94920

Historical Name of Property, If Known: Cotta Heidelberg House

Record Owner of Property: GAL BAR-OR

Mailing _____ Daytime Phone: 307-690-2252

Address: 246 BEACH RD Fax: N/A

BELVEDERE-CA-94920 Email: GAL@BAR-OR.COM

Owner's Representative: Couriel Bar-or

Mailing _____ Daytime Phone: 307-542-9560

Address: 246 Beach Rd -Belvedere Fax: N/A

94920 Email: Couriel@Bar-or.com

Description and History of Property/Structure: The Cotta Heidelberg house is the quintessential Belvedere gingerbread house. Built in 1942 by Jack Heidelberg, for his mother, so she could move in next door to his residence, then located on the same estate at 250 Beach. Unfortunately his mother refused to leave the city, and so the house was turned into a rental. It remained that way until the Heidelberg estate was liquidated in '67. Trading hands again in 1992. And once again in 2021. Property containing historic house, gardens, and greenhouse.

Property/Structure Address: 246 BEACH RD

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

All property owners must complete this Section.

Street address of subject property: 246 BEACH RD - BELVEDERE - 94920

Assessor's Parcel No(s). of subject property: 22

➤ **Properties Owned by Individuals**

I, GAL BAR-OR, 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 have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

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

Signed this 19 day of NOVEMBER, 2022, at Belvedere, California.

Signature 

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

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

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 have read and understood the provisions of Title 21, "Historic Preservation," of the Belvedere Municipal Code and agree to the terms described therein.

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: _____

Property/Structure Address: 246 BEACH RD

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

I, GAL BAR-OR, hereby authorize GAURIEL BAR-OR to file on my behalf any applications, plans, papers, data, or documents necessary to obtain the historic designation requested, and I further authorize said person to appear on my behalf before the Historic Preservation Committee, Planning Commission and City Council. This designation is valid until the historic designation is finally approved by the City or until this designation of owner's representative is rescinded in writing.

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

Signature of Owner: 

Date: Nov-21-2022

Signature of Representative: 

Date: Nov-21-2022



**CITY OF BELVEDERE HISTORIC PRESERVATION COMMITTEE
STAFF REPORT**

REPORT DATE: 11/28/2022

AGENDA ITEM: 4

MEETING DATE: 12/6/2022

TO: Chairman Gness and Members of the Historic Preservation Committee

WRITTEN BY: Samie Malakiman, Associate Planner

REVIEWED BY: Irene Borba, Director of Planning and Building

SUBJECT: Application for Mills Act Agreement for 206 Bayview Avenue

Recommendation:

The proposed application is for a Mills Act Agreement for the property located at 206 Bayview Avenue. The Mills Act is an economic incentive program for the restoration and preservation of qualified historic structures. The property at 206 Bayview Avenue has previously been designated as a historical site by the Belvedere City Council. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 206 Bayview Avenue, to help maintain this City of Belvedere Historically Designated Property.

Background:

The project site is a sloped, 6,844 square-foot parcel within the R-15 zoning district. The site is adjacent to single-family residences to the north and south and directly above the San Francisco Yacht Club harbor to the east. The house was built c.1892 by D.A. McLean.

The property owners are requesting to enter into a Mills Act Agreement with the City. The Mills Act grants property tax relief and is designed as an incentive to encourage the preservation of Belvedere's most historically and architecturally significant structures. To be considered for a Mills Act Agreement, the property must first be listed on a state, city or county register of historic landmarks.

On July 27, 1994, the property owners applied for landmark designation of their property. After conducting a survey of the structure, the Historic Preservation Committee recommended Planning Commission approval of the application at their meeting on July 12, 2022. On August 16, 2022, the Planning Commission recommended City Council approval of the request for Historic designation. On September 12, 2022, the Belvedere City Council designated the property at 206 Bayview Avenue a landmark designation property through City Council Resolution No. 2022-46 (**Attachment 4**). This action made the property eligible for a Mills Act Agreement, and on October 24, 2022, the property owners submitted a Mills Act Agreement application.

California Government Code §50281(2) requires an inspection of the interior and exterior of the property prior to the issuance of a new Mills Act Agreement to determine the owner's compliance with the contract. In accordance with past City policy, when a Mills Act application is received, an inspection of the residence is conducted by the Building Official for the purpose of evaluating the condition of the property, such as any obvious signs of disrepair, structural failure, or deterioration. Any deficiencies are noted in an inspection report and monitored under periodic inspections for the length of the Mills Act Agreement. On November 29, 2022, Building Official Brian Van Son and Associate Planner Samie Malakiman conducted a site visit of the property at 206 Bayview Avenue. The Building Official found the building and property to be in very good condition. The Building Official's inspection report is included as Attachment 1 and photographs of the site are included as Attachment 2.

Analysis:

Pursuant to Section 21.20.120, Historical property incentives, of the Belvedere Municipal Code, "The City may enter into an historical property contract as authorized by the Mills Act (Government Code 50281.1 et seq.) for tax relief for any property owner of a designated property/structure who requests the contract. Additional incentives may be adopted by the City Council as appropriate. (Ord. 2006-6 § 1 (part), 2006; Ord. 93-5 § 1 (part), 1993.)" Pursuant to City policy, the City Council authorizes an agreement upon recommendation first by the Historic Preservation Committee. The Historic Preservation Committee's recommendation includes the current status of the property and the intention of the City in entering into the Mills Act Agreement to preserve the cultural resource.

The Belvedere City Council has set a limit on the total tax losses that can be associated with Mills Act Properties. On September 6, 2005, the Belvedere City Council increased the cap on Mills Act revenue incentive losses from \$10,000 to \$25,000, to be adjusted annually in an amount equivalent to the percentage change in overall assessed valuation of the City for the previous year. On April 14, 2008, the City Council adopted a resolution excluding from the cap on Mills Act tax losses those properties to which a Notice of Non-Renewal has been issued. The adjusted annual cap for 2022-2023 is \$61,329, and the net remaining tax loss available for new properties is approximately \$26,120.

A Mills Act Agreement requires the County Tax Assessors' Office to determine the value of the property based upon its current potential income, rather than the Prop 13 formula generally applied. The County of Marin Assessor's Office estimates that a Mills Act Agreement for 206 Bayview Avenue would represent a reduction in the assessed valuation of the property by \$1,951,570. This would result in an approximate \$4,098.00 loss in tax revenue to the City of Belvedere.

Historic Preservation Committee Staff Report for 206 Bayview Avenue

Owners: Gian Solomon and Ariane Mahler

December 6, 2022

Page 3 of 3

| Historic Property Address | Estimated 2023/24 Roll Value | Estimated 2023/24 Mills Act Value | Estimated Owner Savings per year | Estimated City Tax Loss per year |
|----------------------------------|-------------------------------------|--|---|---|
| 206 Bayview Avenue | \$3,216,570 | \$1,265,000 | \$1,951,570 | |
| Property tax | \$32,166 | \$12,650 | \$19,516 | \$4,098 |

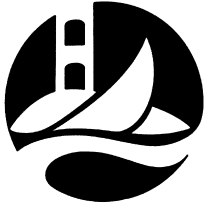
Recommendation:

Staff supports the proposed application for a Mills Act Agreement with property located at 206 Bayview Avenue in order to preserve the cultural resource. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 206 Bayview Avenue, to help maintain this City of Belvedere Historically Designated Property.

Attachments:

1. Building Official Inspection Report dated November 30, 2022
2. Photographs from property inspection performed on November 29, 2022
3. Application for Mills Act Agreement dated October 24, 2022
4. City Council Resolution 2022-46



CITY OF BELVEDERE

450 San Rafael Avenue λ Belvedere, CA 94920
Tel: 415 / 435-3838 λ Fax: 415 / 435-0430 www.cityofbelvedere.org

Date: November 30, 2022
To: Samie Malakiman, City of Belvedere Associate Planner
CC: Gian Solomon
From: Brian Van Son, City of Belvedere Building Official
Re: 206 Bayview Ave. – Mills Act Maintenance Inspection

On November 29, 2022, I performed a building inspection at 206 Bayview Ave., pursuant to the provisions contained in the Mills Act Agreement requested by the property owner, Mr. Solomon, with the City of Belvedere. I was accompanied by Mr. Solomon, property owner, and Samie Malakiman Associate Planner for the City of Belvedere. Mr. Malakiman took numerous photos to record the condition of the structures.

Research through Marin County Assessor's Office and City of Belvedere records indicate that the original construction was circa 1900. There have been multiple building permits issued to this property since it was constructed. Notably:

- 1993 era permit to remodel a bathroom and repair a deck and gate.
- 1996 era permit to repair the sewer lateral.
- 1997 era permit to install a funicular/hillavator.
- 2001 era permit to reconstruct the deck.
- 2003 era permit for an office/guestroom addition, relocate master bedroom, construct upper-level deck, re-construct mid-level deck, and landscape improvements.
- 2005 era permit to reconstruct the deck.
- 2006 era permit to replace the spa.
- 2017 era permit to construct a site retaining wall.
- 2022 era permit to install a furnace and heat pump.

All habitable areas were inspected, as well as, all accessible attic space, underfloor crawlspace, and the exterior of the structure. We found the structure to be in very good condition and well maintained, with no signs of stress or deterioration. As a result, there are no apparent aspects of the building which appear in a deteriorated state nor require any repairs or rehabilitation.

RECEIVED

OCT 24 2022

City of Belvedere



Property/Structure Address: 206 BAYVIEW AVE
BELVEDERE, CA
94920

APPLICATION FOR MILLS ACT AGREEMENT

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

FOR STAFF USE ONLY

Date: 10/24/22 Rec'd. by: NM
Amount: \$2026 - Receipt No.: #1533 -R15-
Parcel No.: 060-173-40 Zone: BLOCK 7 LOT 25

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 206 BAYVIEW AVE
Historical Name of Property, If Known: 206 BAYVIEW AVE
Record Owner of Property: GIAN SOLOMON & ARIANE MAHLER
Mailing Address: 206 BAYVIEW AVE Daytime Phone: 646 872 8708
BELVEDERE, CA Fax: -
94920 Email: gian.solomon@gmail.com
Owner's Representative: _____
Mailing Address: _____ Daytime Phone: _____
Address: _____ Fax: _____
Email: _____
Date Property/Structure Received Historic Designation and City Council Resolution Number: 9/12/22 2022-46
• Attach legal description. see attached

Property/Structure Address: 206 BAYVIEW AVE
BELVEDERE, CA 94920

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

All property owners must complete this Section.

Street address of subject property: 206 BAYVIEW AVE

Assessor's Parcel No(s). of subject property: 060-173-40

➤ **Properties Owned by Individuals**

I, Gian Solaman, 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 have read and understood the attached Mills Act Agreement Facts and the specimen Mills Act Agreement and agree to the terms described therein.

I understand that the contents of this document are a public record.

Signed this 24 day of OCTOBER, 2022, at Belvedere, California.

Signature [Signature]

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

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

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 have read and understood the attached Mills Act Agreement Fact Sheet and the specimen Mills Act Agreement and agree to the terms described therein.

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: _____

Property/Structure Address: 206 BAYVIEW

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

I, ~~Cijan Soleman~~ (MS), hereby authorize _____
to file on my behalf any applications, plans, papers, data, or documents necessary to obtain the Mills
Act Agreement requested, and I further authorize said person to appear on my behalf before the
Historic Preservation Committee and City Council. This designation is valid until the Mills Act
Agreement is finally approved and executed by the City or until this designation of owner's
representative is rescinded in writing.

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____



First American Title

Eagle Schedule A

Homeowner's Policy of Title Insurance
For a One-To-Four Family Residence

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5020500-5740946

Name and Address of Title Insurance Company

FIRST AMERICAN TITLE INSURANCE COMPANY, 1 First American Way, Santa Ana, CA 92707

File No.: 2102-5740946

Premium: \$4,323.00

Policy Amount: \$3,000,000.00

Policy Date (and Time): July 31, 2018 at 1:07 P.M.

Deductible Amounts and Maximum Dollar Limits of Liability for Covered Risk 16, 18, 19 and 21:

| | <u>Your Deductible Amount</u> | <u>Our Maximum Dollar Limit of Liability</u> |
|------------------|---|--|
| Covered Risk 16: | 1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less) | \$10,000 |
| Covered Risk 18: | 1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less) | \$25,000 |
| Covered Risk 19: | 1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less) | \$25,000 |
| Covered Risk 21: | 1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less) | \$5,000 |

Street Address of the Land: 206 Bay View Avenue, Belvedere, California 94920

1. Name of Insured:

Gian Solomon and Ariane Mahler

2. Your interest in the Land covered by this Policy is: A FEE AS TO PARCEL(S) ONE, TWO AND THREE, AN EASEMENT AS TO PARCEL(S) FOUR, FIVE, SIX AND SEVEN

3. The Land referred to in this Policy is described as:

Real property in the City of Belvedere, County of Marin, State of California, described as follows:

PARCEL ONE:

LOT 25, IN BLOCK 7, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP NO. 3 OF BELVEDERE PENINSULA", FILED FOR RECORD JUNE 26, 1891 IN RACK 1, PULL 8, MARIN COUNTY RECORDS.

PARCEL TWO:

LOT 24, IN BLOCK 7, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "BELVEDERE PENINSULA,

MAP NO. 4", FILED FOR RECORD AUGUST 12, 1895 IN RACK MAP 1, PULL MAP 11, MARIN COUNTY RECORDS.

EXCEPTING THEREFROM A PORTION OF THE ABOVE DESCRIBED PARCELS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF BAY VIEW AVENUE SAID POINT BEING THE NORTHWESTERLY CORNER OF LOT 25, IN BLOCK 7, AS SHOWN ON THE MAP ENTITLED, "MAP NO. 3 OF BELVEDERE PENINSULA", FILED FOR RECORD JUNE 26, 1891 IN RACK MAP 1, PULL MAP 8, MARIN COUNTY RECORDS; RUNNING THENCE SOUTHERLY ALONG THE EASTERLY LINE OF BAY VIEW AVENUE 100 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF LOT 24, IN BLOCK 7, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP NO. 4 OF BELVEDERE PENINSULA", FILED FOR RECORD AUGUST 12, 1895 IN RACK MAP 1, PULL MAP 11, MARIN COUNTY RECORDS; THENCE LEAVING SAID LINE OF BAY VIEW AVENUE AND RUNNING EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 24, 75 FEET; THENCE NORTHERLY IN A DIRECT LINE TO A POINT ON THE NORTHERLY LINE OF THE ABOVE MENTIONED LOT 25, DISTANT THEREON EASTERLY 74 FEET FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG THE LAST NAMED LINE 74 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF THE ABOVE MENTIONED LOTS 24 AND 25.

ALSO EXCEPTING THEREFROM A PORTION OF THE ABOVE DESCRIBED PARCELS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE COMMON BOUNDARY LINE OF LOTS 24 AND 25, IN BLOCK 7, AS SHOWN AS "MAP NO. 3 OF BELVEDERE PENINSULA", FILED JUNE 26, 1891 IN RACK 1 OF MAPS, AT PULL 8, MARIN COUNTY RECORDS, WHICH POINT IS THE MOST EASTERLY POINT OF SAID LINE AND WHICH POINT CONSTITUTES THE NORTHEAST CORNER OF SAID LOT 24 AND THE SOUTHEAST CORNER OF SAID LOT 25; THENCE ALONG THE EASTERLY LINE OF SAID LOT 24, SOUTH 14 DEG. 37' EAST 32.73 FEET TO THE ACTUAL POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 24, SOUTH 14 DEG. 37' EAST 39.05 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 24; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 24, SOUTH 83 DEG. 23' WEST 9.67 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF LOT 24, NORTH 14 DEG. 37' WEST 35.08 FEET; THENCE NORTH 60 DEG. 06' EAST 9.93 FEET TO THE ACTUAL POINT OF BEGINNING.

BEING A PORTION OF THE ABOVE MENTIONED LOT 24.

PARCEL THREE:

THAT CERTAIN PORTION OF THE LANDS CONVEYED TO THE CITY OF BELVEDERE BY A DEED ACKNOWLEDGED ON MARCH 22, 1897, FROM BELVEDERE LAND COMPANY TO THE TRUSTEES OF THE TOWN OF BELVEDERE WHICH WAS ON MAY 14, 1897, RECORDED IN BOOK 45 OF DEEDS, AT PAGE 176, MARIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE COMMON BOUNDARY LINE OF LOT 24 AND 25, IN BLOCK 7, AS SHOWN ON "MAP NO. 3 OF BELVEDERE PENINSULA", FILED JUNE 26, 1891 IN RACK 1 OF MAPS, AT PULL 8, MARIN COUNTY RECORDS, WHICH POINT IS THE MOST EASTERLY POINT OF SAID LINE AND WHICH POINT CONSTITUTES THE NORTHEAST CORNER OF SAID LOT 24 AND THE SOUTHEAST CORNER OF SAID LOT 25; THENCE SOUTH 14 DEG. 37' EAST 32.73 FEET ALONG THE EASTERLY LINE OF LOT 24; THENCE NORTH 60 DEG. 06' EAST 3.46 FEET; THENCE NORTH 17 DEG. 30' 30" EAST 11.93 FEET; THENCE NORTH 1 DEG. 45' WEST 11.16 FEET; THENCE NORTH 28 DEG. 17' WEST 10.20 FEET; THENCE NORTH 44 DEG. 48' WEST 13.64 FEET; THENCE SOUTH 0 DEG. 22' WEST 11.24 FEET ALONG THE EASTERLY LINE OF LOT 25 TO THE POINT OF BEGINNING.

PARCEL FOUR:

A NON-EXCLUSIVE EASEMENT FOR ROADWAY, PARKING AND UTILITY PURPOSES OF THE UNIFORM WIDTH OF 10 FEET LYING SOUTHERLY OF AND CONTIGUOUS TO THE NORTHERLY LINE OF LOT 25, IN BLOCK 7, AS SHOWN ON THE MAP ENTITLED, "MAP NO. 3 OF BELVEDERE PENINSULA",

FILED FOR RECORD JUNE 26, 1891 IN RACK MAP 1, PULL MAP 8, MARIN COUNTY RECORDS, AND EXTENDING FROM THE WESTERLY LINE OF THE HEREINABOVE DESCRIBED PARCEL TO THE EASTERLY LINE OF BAY VIEW AVENUE.

PARCEL FIVE:

A NON-EXCLUSIVE EASEMENT FOR STORAGE, GARAGING AND PARKING OVER THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT A POINT IN THE WESTERLY LINE OF LOT 25, IN BLOCK 7, AS SHOWN UPON THE MAP ENTITLED, "MAP NO. 3 OF BELVEDERE PENINSULA", FILED JUNE 26, 1891 IN RACK MAP 1, PULL MAP 8, MARIN COUNTY RECORDS, WHICH IS DISTANT THEREON SOUTH 16 DEG. 39' EAST 10 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 25; RUNNING THENCE NORTHEASTERLY ALONG A LINE WHICH IS PARALLEL WITH AND DISTANT 10 FEET SOUTHERLY FROM THE NORTHERLY LINE OF SAID LOT 25 FOR A DISTANCE OF 17.75 FEET; THENCE SOUTH 16 DEG. 39' EAST 13.67 FEET; THENCE NORTH 76 DEG. 51' WEST 20.45 FEET TO THE POINT ON THE WESTERLY LINE OF SAID LOT 25 WHICH LAST NAMED POINT IS DISTANT THEREON SOUTH 16 DEG. 39' EAST 3.5 FEET FROM THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY LINE NORTH 16 DEG. 39' WEST 3.5 FEET TO THE POINT OF BEGINNING.

PARCEL SIX:

AN EASEMENT TO MAINTAIN EXISTING IMPROVEMENTS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF LOT 25, IN BLOCK 7, "MAP NO. 3 OF BELVEDERE PENINSULA", FILED JUNE 26, 1891 IN RACK 1 OF MAPS, AT PULL 8, MARIN COUNTY RECORDS; SAID POINT BEING DISTANT THEREON SOUTH 73 DEG. 21' WEST 40.71 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 25; THENCE ALONG SAID NORTHERLY LINE SOUTH 73 DEG. 21' WEST 10.75 FEET; THENCE NORTHERLY AT A RIGHT ANGLE TO SAID NORTHERLY LINE 5 1/2 INCHES, THENCE NORTH 73 DEG. 21' EAST 10.75 FEET, THENCE AT A RIGHT ANGLE SOUTHERLY 5 1/2 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 26, BLOCK 7, MAP HEREIN REFERRED TO.

SAID EASEMENT TO BE APPURTENANT TO AND FOR THE BENEFIT OF PARCELS ONE AND TWO ABOVE.

PARCEL SEVEN:

A NON-EXCLUSIVE EASEMENT FOR ACCESS AS DESCRIBED IN THAT CERTAIN "PATHWAY EASEMENT AGREEMENT" RECORDED JULY 25, 2018 AS INSTRUMENT NO. 2018-0026331 OF OFFICIAL RECORDS.

APN: 060-173-40

Property/Structure Address: 206 BAYVIEW AVE
BELVEDERE CA
94920

MILLS ACT AGREEMENT (MAA) FACT SHEET

In 2004, the City Council of Belvedere adopted a resolution making historic preservation a goal of the City. To further encourage preservation of its historic properties, the City enacted an ordinance providing a 50% waiver on building related permit fees, up to \$10,000, for those properties that have received historic designation status from the City.

Another measure the City considers as an incentive to preserve historically significant properties is making Mills Act Agreements available to qualified properties. It is hoped that the opportunity to enter into a Mills Act Agreement with the City will be helpful to existing designated properties as well as urging others to apply for designation status and potentially a Mills Act Agreement (MAA).

PURPOSE OF THE MILLS ACT

The Mills Act provides an important economic incentive program for the restoration and preservation of qualified historic properties for owners. It was enacted by the State, and allows a City to enter into an Agreement with owners of qualified historic properties.

The Mills Act Agreement is designed as an incentive to encourage preservation of Belvedere's most historically and architecturally important structures. Both the owner and the City must be committed to maintain, protect and preserve the property. To this end, as part of the Agreement, the owner must agree to periodic inspection, by appointment, of the interior and exterior of the property.

In return for this commitment, some of the benefits of entering into a Mills Act Agreement are:

- Helps preserve the valuable historic and architectural tapestry of the City.
- In most cases, it lowers the property taxes to be paid, sometimes quite dramatically.
- Makes more money available for maintenance and/or restoration thru tax savings.
- When a property under a Mills Act Agreement is sold, the property is not taxed at the selling price. The sell price is not a factor in taxes unless a Notice of Non-Renewal has been served. As a result, new owners continue to enjoy the existing reduced property tax rate. This savings can be a big selling point to potential buyers.

HOW DOES A PROPERTY QUALIFY FOR THE MILLS ACT?

For a property to be eligible for a MAA, it must either be listed on the National Register of Historic Places or in any state, city or county official register of historical or architecturally significant landmarks. To become a designated historic property in Belvedere, a property owner must file a written request to be declared a designated structure with the Historic Preservation Committee and pay a filing fee of \$50.00. The Committee will survey the property and prepare a case report, using nationally recognized criteria, rating the property for designation. Ultimately, the Planning Commission and City Council must approve the designation.

Once becoming a designated historic property of the City of Belvedere, the owner can then voluntarily request to enter into a Mills Act Agreement with the City. The Historic Preservation

Property/Structure Address: 206 BAYVIEW AVE
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Committee may select properties for potential Mills Act Agreements through a drawing process and/or may reserve a portion of the property tax limit, established by the City Council, to encourage new property enrollment. Application forms will be available at City Hall.

WHAT IS THE TERM OF A MILLS ACT AGREEMENT?

Mills Act Agreements have a minimum term of 10 years and are automatically renewed annually for an additional year. The Historic Preservation Committee recommends that under a MAA with the City, the maximum term be 15 years, with a Notice of Non-Renewal served in the fifth year. For the purposes of this document, a “normal term” of a Mills Act Agreement is that time period prior to the issuance of a Notice of Non-Renewal. The Agreement is binding on the owner or any subsequent buyer. There is a fee of \$1,000 paid to the City for the cost of administering the MAA, which is paid upon initiation of the Agreement. A written notice of the original signing of the MAA must be provided to the Office of Historic Preservation within six months of entering into the Agreement, and a copy must also be provided and recorded in the Assessor’s Office. The Agreement must be entered into by January 1 to become effective July 1 of the same year, and to realize the tax savings for that year.

WHAT ARE THE PROPERTY TAX BENEFITS OF A MILLS ACT AGREEMENT?

A Mills Act Agreement requires the County Tax Assessor’s Office to determine the value of the historic property based upon its current potential income, rather than the Prop 13 formula generally applied. In most cases, there is significant reduction in property taxes based upon the Mills Act Assessment Method. For owner-occupied property, the income projection is based on comparable rents for similar property in the area, or, if insufficient rental information is available, the income that it would reasonably be expected to produce. Property tax payments for the remaining term of the Agreement are re-calculated each year based on this Capitalization of Income approach.

Hypothetical Property Tax Calculation

| | | |
|-----------------------------|------------------------------|----------------|
| Current Assessed Valuation: | | \$3,000,000.00 |
| Current Taxes: | ($\$3,000,000 \times 1\%$) | \$30,000.00 |

Recalculation using Mills Act Assessment Method

| | | |
|----------------------|---------------------------------|--------------|
| Gross Income | ($\$4,000 \times 12$) | \$48,000.00 |
| Less expenses | (insurance, repairs, utilities) | \$9,810.00 |
| Net Income | | \$38,190.00 |
| Capitalization Rate: | (6%, set by the State) | 6.00% |
| New Valuation | | \$636,500.00 |
| New taxes | ($\$636,500 \times 1\%$) | \$6,365.00 |

Hypothetical Savings in Property Taxes for the first year: \$23,635.00

Property/Structure Address: 206 BAYVIEW AVE
BELVEDERE, CA

WHAT IS THE EFFECT OF A NOTICE OF NON-RENEWAL?

94920

On the anniversary date of the Agreement, a year is automatically added to the Agreement unless the owner or the City elects to serve a Notice of Non-Renewal. A Notice of Non-Renewal terminates the automatic renewal provision of the Agreement. As a result, the Agreement formally terminates after a period of 10 years from the effective date of the Notice of Non-Renewal. An **owner** may terminate the Agreement by serving a Notice of Non-Renewal at least 90 days prior to the anniversary date of the Agreement. The **City** may terminate the Agreement by serving a Notice of Non-Renewal at least 60 days prior to the anniversary date of the Agreement.

When a Notice of Non-Renewal is served, the Assessor's Office applies a re-evaluation formula that substantially increases the assessed value during the next year, and then provides for more gradual increases thereafter until the end of the contract. The effect on valuation and property tax payments for a \$3 million home after a Notice of Non-Renewal can be illustrated as follows:

| Appraisal Year | Unrestricted Roll Value | Property Taxes | Mills Act Value | Transactional Influence | Cap. Rate | Factor | Transactional Value | Property Taxes | Potential Savings |
|---------------------------------|-------------------------|----------------|-----------------|-------------------------|-----------|--------|---------------------|----------------|-------------------|
| 2005 | \$3,000,000 | \$30,000 | \$636,500 | | | | | \$6,365 | \$23,635 |
| 2006 | \$3,060,000 | \$30,600 | \$663,000 | | | | | \$6,630 | \$23,970 |
| 2007 | \$3,121,200 | \$31,212 | \$690,700 | | | | | \$6,907 | \$24,305 |
| 2008 | \$3,183,624 | \$31,836 | \$719,900 | | | | | \$7,199 | \$24,637 |
| 2009 | \$3,247,296 | \$32,473 | \$749,000 | \$2,498,296 | 0.60 | 0.5919 | \$1,478,737 | \$14,787 | \$17,686 |
| 2010 | \$3,312,242 | \$33,122 | \$782,500 | \$2,529,742 | 0.60 | 0.6274 | \$1,587,191 | \$15,872 | \$17,251 |
| 2011 | \$3,378,487 | \$33,785 | \$811,500 | \$2,566,987 | 0.60 | 0.6651 | \$1,707,193 | \$17,072 | \$16,713 |
| 2012 | \$3,446,057 | \$34,461 | \$845,000 | \$2,601,057 | 0.60 | 0.7050 | \$1,833,644 | \$18,336 | \$16,124 |
| 2013 | \$3,514,978 | \$35,150 | \$882,500 | \$2,632,478 | 0.60 | 0.7473 | \$1,967,140 | \$19,671 | \$15,478 |
| 2014 | \$3,585,278 | \$35,853 | \$920,000 | \$2,665,278 | 0.60 | 0.7921 | \$2,111,150 | \$21,112 | \$14,741 |
| 2015 | \$3,656,983 | \$36,570 | \$957,500 | \$2,699,483 | 0.60 | 0.8396 | \$2,266,537 | \$22,665 | \$13,904 |
| 2016 | \$3,730,123 | \$37,301 | \$995,000 | \$2,735,123 | 0.60 | 0.8900 | \$2,434,248 | \$24,342 | \$12,959 |
| 2017 | \$3,804,725 | \$38,047 | \$1,036,700 | \$2,768,025 | 0.60 | 0.9434 | \$2,611,344 | \$26,113 | \$11,934 |
| 2018 | \$3,880,820 | \$38,808 | \$1,080,000 | \$2,800,820 | 0.60 | 1.0000 | \$2,800,820 | \$38,808 | \$0 |
| 2019 | \$3,958,436 | \$39,584 | | | | | | | \$0 |
| 2020 | \$4,037,605 | \$40,376 | | | | | | | \$0 |
| Total Potential Savings: | | | | | | | | | \$233,337 |

Assumptions: Prop. 13 Inflation - 3% ; Rent Increase - 4% Cap Rate 6% (can fluctuate)

Information for table provided by the County Assessor's Office.

A Notice of Non-Renewal allows the Assessor's Office to take into consideration the value of improvements that have been made to the property during the term of the MAA. During the normal valuation process under a MAA, the value of improvements are not taken into consideration by the Assessor as part of a yearly valuation of the property, unless the improvements could generate higher income rental. If the property is sold after issuance of a Notice of Non-Renewal, the sales price is factored into the valuation formula used by the Assessor. For more information on what the exact impacts would be to your property, you are encouraged to contact the County Assessor's Office. Prior to the issuance of a Notice of Non-Renewal, the sale of the property to a new owner does not affect the valuation formula used by the Assessor. Once a Notice of Non-Renewal is issued, the Assessor applies a capitalization rate and an escalation factor that gradually increases the Mills Act value to equal the unrestricted roll value.

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WHO CAN CANCEL A MAA?

Termination is typically handled through the issuance of a Notice of Non-Renewal (see p.3 above), however the *termination* is not immediately effective, but must run for ten years after the Notice has been served.

Only the City can elect to cancel an Agreement immediately. The City can elect to cancel an Agreement immediately if the owner of the property breaches the conditions of agreement. If Agreement conditions are breached by the owner, including the duty to prevent deterioration, the City can either bring legal action to enforce the Agreement or choose to immediately cancel the Agreement. If the Agreement is immediately cancelled, the owner is assessed a penalty of 12.5% of the property's market value at the time.

HOW MANY PROPERTIES CAN BE GIVEN A MILLS ACT AGREEMENT?

The City Council has established a \$25,000 maximum cap on the amount of property tax loss to the City due to Mills Act Agreements. The Historic Preservation Committee has the authority to recommend Mills Act Agreements in any number in any given year up to the maximum cap established by the City Council. The total number of properties that can be under Mills Act Agreements at any given time will vary based on the actual assessed valuations of the properties and their respective stage in a Mills Act Agreement.

The City receives twenty-one (21%) of the total property taxes paid on a property. As shown in the table above, a property assessed at \$3,000,000 will result in \$30,000 in property taxes - \$6,300 going to the City of Belvedere. Under a Mills Act Agreement, the first year's property taxes are reduced to \$6,365 with \$1,337 going to the City of Belvedere. This results in a net property tax loss of \$4,963.

The Historic Preservation Committee will track the assessed value of current and pending Mills Act Agreement properties to annually analyze where the property tax loss is with respect to the established cap and what is remaining for potential use by new Agreements.

WHAT STANDARDS APPLY IF I WISH TO REHABILITATE OR PERFORM WORK ON MY PROPERTY AFTER IT IS PLACED UNDER A MILLS ACT AGREEMENT?

The Secretary of the Interior's Standards for Historic Rehabilitation, as administered by the Historic Preservation Committee, are the standard for rehabilitation (see the final section of this Fact Sheet).

To aid in planning individual projects, the Historic Preservation Committee will inspect the property initially and note the important features of the property. This report will provide a standard against which compliance with the Secretary of Interior's Guidelines can be measured.

In addition, the Historic Preservation Committee or the City can, by appointment, inspect the exterior and interior as needed to assure the property is maintained and any proposed changes are compatible with the historic nature of the structure.

Property/Structure Address: 206 BAYVIEW AVE
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**WHAT HAPPENS IF I WISH TO SELL MY PROPERTY
DURING THE TERM OF A MILLS ACT AGREEMENT?**

If a property is sold during the normal term of a MAA, prior to the issuance of a Notice of Non-Renewal, the benefits and obligations created by the Mills Act Agreement will be transferred to the new owner. When a Mills Act property is sold under the normal term of a MAA, the property is reassessed, but the Mills Act value overrules the selling price (market value), enabling new owners to enjoy the pre-existing, reduced tax rate. This can be a real selling point, especially when the property has appreciated considerably in value.

If the property is sold after issuance of a Notice of Non-Renewal, the sales price is factored into the valuation formula used by the Assessor. For more information on what the exact impacts would be to your property, you are encouraged to contact the County Assessor's Office. Prior to the issuance of a Notice of Non-Renewal, the sale of the property to a new owner does not affect the valuation formula used by the Assessor.

**WHAT HAPPENS IF I HAVE OWNED MY PROPERTY FOR MANY YEARS AND ALREADY
HAVE A LOW ASSESSMENT? IS IT STILL WORTHWHILE
TO ENTER INTO A MILLS ACT AGREEMENT?**

Some property owners who would receive no benefit from the Agreement may apply for the Mills Act. It can be a selling point to a potential buyer because the property would not be taxed at its full market value upon sale if the property were already under a MAA.

**WHAT HAPPENS IF MY HOUSE IS DESTROYED BY FIRE
OR OTHER NATURAL DISASTER?**

If the designated historic property were destroyed, the property taxes on the site would revert back to the Prop 13 formula. None of the Mills Act Agreement conditions would apply.

**NOTE: IT IS ADVISED THAT PROPERTY OWNERS CONSULT WITH THEIR OWN
LEGAL COUNSEL BEFORE ENTERING INTO A MILLS ACT AGREEMENT**

**THE SECRETARY OF THE INTERIOR'S STANDARDS
FOR HISTORIC REHABILITATION, 1995, AS AMENDED
(CURRENT TO 9/11/2008)**

Department of Interior Regulations
Standards for the Treatment of Historic Properties
Title 36: Parks, Forests, and Public Property
Part 67—Historic Preservation Certifications Pursuant To Sec. 48(G) And Sec. 170(H) Of The Internal Revenue Code Of 1986
§ 67.7 Standards for Rehabilitation.

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic

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buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS. "Preservation Briefs" and additional technical information

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to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS regional offices. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(d) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the Secretary will consider such extreme intervention as part of a certified rehabilitation if:

(1) The necessity for dismantling is justified in supporting documentation;

(2) Significant architectural features and overall design are retained; and

(3) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

Section 48(g) of the Internal Revenue Code of 1986 exempts certified historic structures from meeting the physical test for retention of external walls and internal structural framework specified therein for other rehabilitated buildings. Nevertheless, owners are cautioned that the Standards for Rehabilitation require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, *i.e.*, external walls that detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(e) Prior approval of a project by Federal, State, and local agencies and organizations does not ensure certification by the Secretary for Federal tax purposes. The Secretary's Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.

(f) The qualities of a property and its environment which qualify it as a certified historic structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in National Register or related documentation.

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Specimen

MILLS ACT AGREEMENT

This Agreement is made this 24 day of OCTOBER by and between the City of Belvedere, a municipal corporation of the State of California ("City") and GIAN SOLOMON & ARIANE MAHLER ("Owner").

RECITALS

- a) Owner possess and owns real property located at 206 BAYVIEW AVE within City and more particularly described in Exhibit A (attached) and made a part hereof ("the Property").
- b) The Property is a qualified historic property within the meaning of Government Code Section 50280.1, in that it is a privately owned property which is not exempt from property taxation and is listed in the City of Belvedere Register of Landmarks.
- c) Both Owner and City desire to protect and preserve the Property so as to retain its characteristics of historical and architectural significance.

AGREEMENT

NOW THEREFORE, both Owner and City, in consideration of the mutual promises, covenants and conditions contained herein and the substantial public benefit to be derived therefrom, do hereby agree as follows:

1. **AUTHORITY.** This Agreement is made pursuant to California Government Code Sections 50280-50290 and Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of those statutes.
2. **TERM.** This Agreement shall be effective commencing on _____ and shall remain in effect for a period of ten years therefrom. It is the intent of the City that subsequent automatic renewals pursuant to Paragraph 7 shall not extend the maximum allowable term of the Agreement beyond a total of fifteen years
3. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the property and grounds as a qualified historically designated property. Any restoration or rehabilitation work undertaken on the property shall conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Historic Rehabilitation, and the State Historic Building Code. (See Exhibit B, Secretary of Interior's Standards for Historic Rehabilitation.)

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4. FURNISHING OF INFORMATION. Owner shall furnish City with any information City shall require to enable City to determine the Property's present state as well as its continuing eligibility as a qualified history property.
5. INSPECTIONS. There shall be an initial detailed inspection of the property by the City Building Inspector and a member or members of the Preservation Committee. A written report with photos shall be made for the owner and for the record detailing conditions which need to be met for its continuing eligibility as a qualified historically designated property. The report shall be attached to the Mills Act Agreement and shall serve as the basis for future inspections. Owner agrees to permit such inspections, by appointment, of the interior and exterior of the property by the City and a member or members of the Preservation Committee, and where necessary, by the Assessor, the Department of Parks and Recreation and the State Board of Equalization to determine Owner's compliance with this Agreement.
6. PAYMENT OF FEE. As a condition to entering in to the Agreement, Owner shall pay City a fee of one thousand dollars (\$1,000) or as may be established from time to time by resolution of the City Council, which fee shall not and does not exceed the reasonable cost of administering the City's landmark property agreement program.
7. AUTOMATIC RENEWAL. On the anniversary date of this Agreement, one year shall be automatically added to the initial term of this Agreement, unless notice of nonrenewal is given as provided in this Agreement.
8. NOTICE OF NONRENEWAL. If in any year either Owner or City desires not to renew the Agreement, that party shall serve written notice of nonrenewal on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner at least 90 days, or by City at least 60 days prior to the renewal date, one year shall automatically be added to the term of this Agreement. Upon receipt by Owner of the notice of nonrenewal from City, Owner may make a written protest to the City Council. At any time prior to the renewal date, City may withdraw its notice to Owner of nonrenewal. It is the intent of the City to issue a notice of nonrenewal pursuant to this Paragraph at the fifth year anniversary of the Agreement.
9. EFFECT OF NOTICE NOT TO RENEW. If in any year either party serves notice of intent not to renew this Agreement, this Agreement shall remain in effect for the balance of the period since the original execution, or the last renewal of the Agreement, as the case may be. Thereafter, this Agreement shall terminate.
10. CANCELLATION. City may cancel this Agreement if City determines that Owner has breached any of the conditions or covenants of the Agreement, or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified landmark property. City may also cancel this Agreement if it determines that Owner has failed to restore or rehabilitate the property in the manner specified in this Agreement.
11. NOTICE OF CANCELLATION. This Agreement may not be canceled pursuant to Paragraph 10 above until after City has given notice of, and has held, a public hearing as required by Government Code Section 50285.

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12. CANCELLATION FEE. If City cancels this Agreement in accordance with Paragraph 10 above, Owner shall pay a cancellation fee of twelve and one-half percent (12 ½ %) of the full value of the property at the time of cancellation. The full value shall be determined by the County Assessor, without regard to any restriction on the Property imposed pursuant to this Agreement. The cancellation fee shall be paid to the State Controller at such time and in such manner as the Controller shall prescribe and shall be deposited in the State General Fund.
13. NOTICES. All notices required by or provided for in this Agreement shall be given in writing and may be mailed or delivered in person. If mailed, notice by mail shall be deemed to have been given upon deposit of notice in the mail, postage prepaid, addressed as appropriate, to Owner at Owner's last known address on the City records, or to the City at 450 San Rafael Avenue, Belvedere, California 94920-2336.
14. NO COMPENSATION. Owner shall not receive any payment from City in consideration of the obligations imposed under this Agreement, it being recognized and agreed that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to Owner as a result of the effect upon the Property's assessed value on account of the restrictions required for the preservation of the Property.
15. EMINENT DOMAIN PROCEEDING. In the event that during the term of this Agreement, the Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, the Agreement shall be canceled and no fee shall be imposed pursuant to Paragraph 12 hereof. In such event, this Agreement shall be deemed null and void for all purposes of determining the value of the Property so acquired.

If subsequent to the filing of an action in eminent domain, the proposed condemnation is abandoned by the condemning agency as to all or a portion of the Property subject to the Agreement, the restriction of the use of the Property included in this Agreement shall, without further agreement of the parties, be reinstated and the terms of this Agreement shall be in full force and effect.

16. REMEDIES AND ENFORCEMENT OF AGREEMENT. In lieu of and/or addition to any provisions to cancel this Agreement herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event that it is determined this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the term or any renewal of this Agreement, then this Agreement shall be null and void and without further effect and the Property subject to this Agreement shall from that time be free from any restriction whatsoever under this Agreement, without any payment or further act of the parties to the Agreement.
17. NOTICE OF RECORDATION OF AGREEMENT. Owner or his/her agent shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of entering into the Agreement. No later than twenty (20) days after the parties execute and enter into this Agreement, City shall cause this Agreement to be recorded in the office of the County Recorder in the County of Marin.

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94920

18. SUCCESSORS AND ASSIGNS. This Agreement is binding upon all successors in interest or title of Owner. A successor in interest or title shall have the same rights and obligations under the Agreement as Owner.
19. NONWAIVER. No acts or omissions by City, or by any agent(s) of City, shall waive any or all of the City's rights under this Agreement.
20. ATTORNEY'S FEES. In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants, reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its reasonable attorney's fees in addition to court costs and other relief ordered by the court.

IN WITNESS WHEREOF, the parties to this Agreement have caused their names to be affixed hereto by the proper officer thereof on the date first set forth above.

OWNER(S) OF RECORD

CITY OF BELVEDERE



Owner

Mayor



Owner

APPROVED AS TO FORM

City Attorney







Sent from my iPhone







Scot from my iPhone



From: scot@scot.com
Subject: 202
Date: Wednesday, November 30, 2022 12:28:42 PM



Scot from my phone



5 PD KM



2022-0033123

Recorded
Official Records
County of
Marin
SHELLY SCOTT
Assessor-Recorder
County Clerk

REC FEE

0.00

11:14AM 22-Sep-2022

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Recording requested by:
City Clerk, City of Belvedere
RECORD WITHOUT FEE PER G.C. 27383

And when recorded mail to:

**CITY CLERK
CITY OF BELVEDERE
450 SAN RAFAEL AVENUE
BELVEDERE, CA 94920-2336**

Local Historic Designation at 206 Bayview Avenue, Belvedere, CA
Owner: Gian Solomon & Ariane Mahler
Assessor's Parcel No. 060-173-40

CITY OF BELVEDERE

RESOLUTION NO. 2022-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
DESIGNATING THE PROPERTY LOCATED AT 206 BAYVIEW AVENUE
A CITY OF BELVEDERE HISTORIC PROPERTY**

WHEREAS, a proper application for Historical Status Designation pursuant to Belvedere Municipal Code Chapter 21.20 for the property located at 206 Bayview Avenue has been submitted; and

WHEREAS, the project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the Historical Designation of the property will not cause a significant adverse impact on the environment; and

WHEREAS, a home may be designated as an Historic Belvedere Property if three or more of the findings of facts per to Belvedere Municipal Code section 21.20.070(A) can be made; and

WHEREAS, the City of Belvedere Historic Preservation Committee made a favorable recommendation to the Planning Commission on the Historical Designation application on July 12, 2022; and

WHEREAS, the Planning Commission held duly a noticed public hearing on the Historical Designation application on August 16, 2022, and approved a motion recommending that the City Council designate the property at 206 Bayview Avenue a City of Belvedere Historic Property; and

WHEREAS, the City Council held a duly noticed public hearing on the Historical Designation application on September 12, 2022; and

WHEREAS, Section 21.20.070.A of the Belvedere Municipal Code sets forth the criteria for Historical Designation, requiring that a designated property meet at least three of said criteria; and

WHEREAS, the City Council made the following findings of fact pursuant to Section 21.20.070(A) 2, 3, and 7 of the Belvedere Municipal Code for the property at 428 Golden Gate Avenue:

1. *Architecture: It is an outstanding example of a particular style, construction method or material.*

The property does not meet this standard. The house is a modest example of American Queen Anne Style built on Belvedere Island in the 1890's. "Contrary to what might be expected, there were few houses built in the late Victorian (Queen Anne) style. The few Queen Anne's built here (in Belvedere) were stripped-down versions, having only the most characteristic elements, round towers with witch's cap roofs rather than the exuberant excesses of San Francisco's Victorians". This Queen Anne style of the house can be identified by its polygonal turret with a conical tower roof visible from both land and water.

Queen Anne houses like 206 Bayview were built in towns across America in the late nineteenth century. These house designs were often chosen from widely circulated pattern books where only a builder was required.

2. *Architecture: It is outstanding because of age.*

The property meets this standard. 206 Bayview is outstanding because of age, being one of Belvedere's first homes constructed 11.15.1891 – 1892 soon after the Belvedere Land Company subdivided Belvedere Island.

3. *Architecture: It is outstanding because it is the work of a significant architect or builder.*

The property meets this standard. The Builder of the house on 206 Bayview Avenue was D.A. McLean of Mclean Brothers. Daniel McLean and his brother Neil built many of the earliest houses on Belvedere Island. They also served in numerous official capacities for the town. Both Daniel and his brother Neil are included in the list of Town Trustees and Presidents 1890 – 1928. Daniel McLean is also listed as one of the Volunteer Fire Department Chiefs 1918 – 1980.

***A Pictorial History of Belvedere 1890 – 1990* includes D. A. McLean as one of the early Belvedere merchants showing an advertisement for D. A. McLean Dealer in Lumber, Wood, Coal, Coal Oil and Kindling as well as being the agent for Consumer's Ice, Shasta and other Mineral Waters.**

4. Architecture: *It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.*

The property does not meet this standard. Although the home was built in 1892, soon after the Belvedere Land Company subdivided the Island, staff cannot verify that it was the first, last or most significant architectural property in the American Queen Ann style.

5. Design: *It has a unique or original design or demonstrates outstanding craftsmanship*

The property does not meet this standard. The American Queen Anne style of the original mass of the building of the house has been altered by the addition of 2 modern greenhouse glass bay windows that doubles as a source of additional daylighting. Staff does not know when this was added but, the addition of sunrooms was popular in the 1970's in modern residential design.

These architecture additions of the house are pleasing and do no harm; however, the original Queen Anne style has been compromised to some extent. However, there are a few original decorative architecture features such as the front door with wooden applique above the door and other locations as well as an original stained-glass window.

6. History: *It is associated with a person, group or event significant to the city, state or nation, or shows broad cultural, political, social or economic patterns, or embodies and expresses the history of the city.*

The property does not meet this standard. The house was built for Captain Robert B. Phillips and his wife. We have little information about the Phillips family. The original deed lists their names and also the Dunham, C. & H. Co. There are records from the Sausalito News (cited in "Life in Belvedere and Tiburon 1890 – 1900")

"Among this week's arrivals are...Mr. and Mrs. Phillips and family. 6.22.1895.

In 1896, Mr. Phillips signs a petition seeking the Incorporation of Belvedere:

Notice.

We the undersigned petitioners, hereby give notice that we will present to the honorable the Board of Supervisors of the county of Marin in the State of California...a petition for the incorporation of the proposed town of Belvedere ... That each of the undersigned is a qualified elector of said county of Marin and a resident within the hereinbefore bounded and described limits of the territory of proposed town of Belvedere ... Robert B. Phillips State of California, City and County of San Francisco ... Subscribed and sworn to me this 10th day of September, 1896. See Belvedere Incorporation. 9.19.1896.

Another citation in the Sausalito News states that The Phillips house is for rent.

3.11.1899. However, Mr. Phillips was recorded in the 1905 Marin County Directory as living in Belvedere but provides no further information.

7. Environment: *It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location.*

The property meets this standard. 206 Bayview is in Belvedere's Historic Resource

Sensitivity Map as a parcel of high historic sensitivity. Perched over Beach Road, near the middle of the Island, 206 Bayview is visible from Belvedere Cove as well as from Corinthian Island and the Bay. Although not highly visible from Bayview Avenue, the water side visibility of the house, perched directly above the San Francisco Yacht Club Marina, is a contributing piece of architecture in this historic neighborhood. The house the house with its typical Queen Anne polygonal turret with a conical roof contributes to the unity and diversity of the island.

8. Integrity: *It retains most of its original materials and design features.*

The property does not meet this standard. As we noted in Item 5 Design: The American Queen Anne style of the original mass of the building of the house has been altered by the addition of two modern greenhouse glass Bay windows (sunrooms). We don't know when this was added but, the addition of sunrooms was popular in the 1970s and modern residential design. As we also noted the architecture additions of the house are pleasing and do no harm but from a long distance are noticeable. Several of the terraces and handrails have been added and it appears all of the windows have been replaced. The original Queen Anne style has been compromised to some extent.

9. National Register of Historic Places: *It is a site or structure listed on the National Register of Historic Places.*

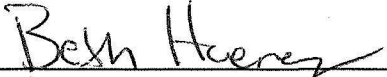
The property does not meet this standard. 206 Bayview is not on the National Register of Historic Places in Marin County.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belvedere does hereby grant approval of Historical Designation status to the residence located at 206 Bayview Avenue pursuant to the findings stated above and incorporated herein.


PASSED AND ADOPTED at a public hearing of the City Council of the City of Belvedere on September 12, 2022, by the following vote:

AYES: James Lynch, Peter Mark, and Mayor Wilkinson
NOES: None
ABSENT: None
RECUSED: James Campbell and Nancy Kemnitzer

ATTEST:


Beth Haener, City Clerk

APPROVED:


Sally Wilkinson, Mayor

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Marin
City of Belvedere

On 9/14/2022, before me, Beth Haener, City Clerk of the City of Belvedere, personally appeared Sally Wilkinson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the entity upon behalf of which the person acted executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and the city seal of the City of Belvedere.



B Haener



I certify under PENALTY OF PERJURY under the laws of the State of California that the former is a true and correct copy of City Council Resolution No. 2022-46.

WITNESS my hand and the city seal of the City of Belvedere.



Beth Haener
City Clerk
City of Belvedere, California
(Seal)

9/14/2022
Date

