

**SPECIAL JOINT MEETING  
BELVEDERE CITY  
COUNCIL & PLANNING  
COMMISSION  
JULY 29, 2021, 9:00 AM  
REMOTE VIA ZOOM  
MINUTES**

**COUNCIL PRESENT:** James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell

**COUNCIL ABSENT:** Steve Block

**COMMISSIONERS PRESENT:** Peter Mark, Patricia Carapiet, Nena Hart, Marsha Lasky, and Larry Stoehr

**COMMISSIONERS ABSENT:** Ashley Johnson, and Claire Slaymaker

**STAFF PRESENT:** City Manager Craig Middleton, Planning & Building Director Irene Borba, City Attorney Emily Longfellow, and City Clerk Beth Haener

*These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available: <https://www.cityofbelvedere.org/agendacenter>.*

**CALL TO ORDER IN REMOTE OPEN SESSION**

The meeting was called to order by Mayor Campbell at 9:00 AM via remote Zoom meeting. COVID-19 disclaimer was read. City Manager Middleton conducted a roll call.

**OPEN FORUM**

No one from the public wished to speak.

**SCHEDULED ITEM**

**Item 1. Receive informational presentation regarding housing laws. No action to be taken.**

City Manager Craig Middleton introduced Attorney Barbara Kautz, partner at Goldfarb & Lipman.

Attorney Kautz delivered a detailed presentation on key State laws relating to housing, focusing on the Housing Accountability Act and density bonus law. Ms. Kautz took questions from the members of the Council and the Commission.

Commissioner Mark asked when a city has a 30-to-60-day period in which to respond to a completed application, does that application have to be consistent solely to City standards, or applicable law as well. Attorney Kautz stated that it usually involves city standards, but that it must comply with State law.

Councilmember Wilkinson inquired about rent control terms and where those terms are defined. Attorney Kautz stated that the State rent control applies to any building that is over 15 years old, and said it is defined in a separate statute.

Mayor Campbell stated that with regard to affordable replacement housing, he understood that a replacement unit must be of similar or equal size to the unit being replaced and asked whether this is indeed the case. Attorney Kautz stated that the replacement housing provisions require a unit of equivalent size, which is defined as having the same number of bedrooms.

Councilmember Kemnitzer discussed the limitations on local control affecting perhaps a moratorium on development and asked Attorney Kautz to address how the law would impact a potential moratorium on water hookups. Attorney Kautz stated that while a water hookup is a condition for a building permit, she is not certain that the water shortage in Marin would be an adequate basis on which to deny a project. She stated further that a review under the California Environmental Quality Act would need to be done, and if there were inadequate water for a project, there would likely be a significant impact that would need to be mitigated.

Commissioner Hart inquired about protected housing and asked who is responsible for the relocation of tenants who need help. Attorney Kautz stated that it is the developer's obligation, but it is the City's obligation to make sure it is done.

Commission Mark asked about relocation versus replacement and whether relocating someone would relieve the developer from a requirement to replace a unit, or are they separate responsibilities. Attorney Kautz stated they are separate responsibilities and detailed those two responsibilities.

Mayor Campbell called for public comment.

Belvedere resident Susan Cluff requested that Attorney Kautz address the difference between replacement rental units and units for purchase and condos. Attorney Kautz stated that if ownership housing is replacing rental units, those units must have the same affordability requirements and first refusal requirements.

Mayor Campbell closed public comment.

Attorney Kautz moved on to discuss the Density Bonus law in detail, then took questions from Council and Commission.

Waiver requests by developers, and the City's objective standards, were discussed. Provisions relating to nearby transit stops were discussed.

Mayor Campbell opened public comment, seeing none, Mayor Campbell closed public comment. Mayor Campbell thanked Attorney Kautz for her time.

**ADJOURN**

The meeting was adjourned at 10:18 A.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere Planning Commission on September 21, 2021, by the following vote:

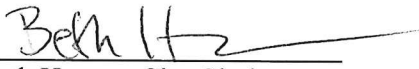
**AYES:** Peter Mark, Pat Carapiet, Larry Stoehr

**NOES:** None

**ABSENT:** Nena Hart, Marsha Lasky

**ABSTAIN:** None

**RECUSED:** None

**ATTEST:**   
Beth Haener, City Clerk

**APPROVED:**   
Peter Mark, Planning Commission Chair