

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
MARCH 8, 2021
6:00 P.M CLOSED SESSION
6:30 P.M. OPEN SESSION
REMOTE MEETING**

COVID-19 ADVISORY NOTICE

Due to Covid concerns and consistent with State Executive Orders No. 25-20 and No. 29-20, the meeting will not be physically open to the public. Members of the City Council and staff will participate in this meeting remotely.

Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing the City Clerk at: clerk@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 City Council and included in the public record for the meeting. Those received after this time will be added to the record and shared with City Councilmembers after the meeting.

City of Belvedere is inviting you to a scheduled Zoom meeting.

Topic: Belvedere Regular City Council Meeting

March 8, 2021

Join Zoom Meeting:

<https://us02web.zoom.us/j/87437201325?pwd=WHFDV0RUd0NveG9XWdV2ZU5UYm5aZz09>

Webinar ID: 874 3720 1325

Passcode: 726395

877 853 5247 US Toll-free

888 788 0099 US 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 city 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 the city clerk at clerk@cityofbelvedere.org, who will use her best efforts to provide assistance.

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
MARCH 8, 2021
6:00 P.M. CLOSED SESSION
6:30 P.M. OPEN SESSION
VIA REMOTE ZOOM MEETING**

COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

The audience will be given an opportunity to speak on each agenda item when it is called. Upon being recognized by the Mayor, please state your name and address, and limit your oral statement to no more than three minutes. The Council welcomes comments and questions raised by interested citizens but typically does not respond during the comment period.

**6:00 PM CALL TO ORDER
PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM
ADJOURN TO CLOSED SESSION**

CLOSED SESSION

1. Conference with Labor Negotiator. Government Code section 54957.6. Negotiator: City Manager. Bargaining Unit: Belvedere Police Department.
2. Public Employee Performance Evaluation (Government Code Section 54957)
Title: City Attorney

6:30 PM RECONVENE IN OPEN SESSION

OPEN FORUM

This is an opportunity for any citizen to briefly address the City Council on any matter that does not appear on this agenda. Upon being recognized by the Mayor, 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 Council consideration may be agendaized for further discussion at a later meeting.

REPORTS & PRESENTATIONS

3. Interview applicants for open volunteer positions on:
 - a. Planning Commission
 - b. Historic Preservation Committee
4. City Council reports
5. City Manager report
6. Report from Harbormaster Curtis Havel of the Richardson's Bay Regional Agency

CONSENT CALENDAR

The Consent Calendar consists of items that the City Council considers to be non-controversial. Unless any item is specifically removed by any member of the City Council, staff, or audience, the Consent Calendar will be adopted by one motion. Items removed will be considered in the sequence as they appear below. If any member of the audience wishes to have an item removed, please step to the microphone, state your name, and indicate the item.

7. Approve minutes of the February 2, 2021 Special meeting
8. Approve minutes of the February 8, 2021 Regular meeting
9. Approve warrants of February 2021
10. Approve response to Marin Grand Jury: Roadblocks to a Safer Evacuation in Marin

INDIVIDUAL CONSENT CALENDAR ITEM(S)

Individual Consent Calendar Items are considered non-controversial but require individual motions for approval due to necessary recusals.

11. Approve recommendation from the Historic Preservation Committee for the City to enter into a Mills Act Agreement for the property at 370 Bella Vista Avenue. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA status: categorically exempt pursuant to Section 15331. Property Owner: Mitul Modi and Steven Howard

PUBLIC HEARING

12. Introduction and First Reading of Ordinance Amendment to Belvedere Municipal Code Chapter 20.04, Design Review, adding Section 20.04.200 regarding Analysis of “Substantial Improvement” for Floodplain Regulation Purposes; and Adopt Resolution Amending Administrative Policy Manual, Section 14.7 *Administration* of Substantial Improvement Requirements for Projects within Designated Floodplains.
13. Consider resolution updating the City’s Master Schedule of Fees, Charges, and Application Fees. Changes include increases in existing fees, charges, and application fees, and the addition of new ones.

OTHER SCHEDULED ITEMS

14. Report from the City of Belvedere trustee representatives on the Belvedere Tiburon Library Agency Board on library operations and expansion status, along with a recommendation that the City of Belvedere make a financial contribution to the library expansion budget.
15. Appoint members to:
 - a. Planning Commission
 - b. Historic Preservation Committee

ADJOURN

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other materials distributed to the City Council are available for public inspection at the following locations:

- Online at www.cityofbelvedere.org/archive.aspx
- Belvedere City Hall, 450 San Rafael Avenue, Belvedere. *(Materials distributed to the City Council after the Thursday before the meeting are available for public inspection at this location only.)*
- Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.

To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

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 the Office of the City Clerk or by calling 415/435-3838. Whenever possible, please make your request four working days in advance.

OTHER SCHEDULED ITEM

**BELVEDERE CITY COUNCIL
MARCH 8, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Interview and make an appointment to the Planning Commission and to the Historical Preservation Committee

Recommended Motion/Item Description

That the Council interview applicants and make appointments to the Planning Commission and to the Historical Preservation Committee.

Background

Planning Commission- 1 opening; 2 applicants

On December 14, 2020, an unexpected vacancy occurred on the Planning Commission when James Lynch was sworn in to the City Council. Mr. Lynch's term on the Planning Commission was set to expire June 30, 2022. Two applications have been received for the one open position. The applications received are from: Alex Seidel and Ashley Johnson. The applicants have been invited to attend the March Council meeting to be interviewed by Councilmembers.

Historic Preservation Committee- 1 opening; 1 applicant

On November 9, 2020, an unexpected vacancy occurred on the Historic Preservation Committee when Corinne Wiley retired. Ms. Wiley's term on the Historic Preservation Committee was set to expire June 30, 2021. One application has been received for the one open position. The application received is from: Marshall Butler. The applicant has been invited to attend the March Council meeting to be interviewed by Councilmembers.

Recruitment Efforts

Recruitment advertisements were run in *The Ark* and on the City's website throughout December, January, and February.

Recommendation

That the Council make an appointment to the Planning Commission and to the Historic Preservation Committee.

Attachments

- Applications or reappointment requests received:

- Ashley Johnson (Planning Commission)
- Alex Seidel (Planning Commission)
- Marshall Butler (Historic Preservation Committee)

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Vacancy: Planning Commission
Date: Sunday, February 28, 2021 3:07:23 PM

Dear City Council:

I am writing to express interest in the open Planning Commission seat that was vacated last November by Jim Lynch.

I grew up in Belvedere and I am now here as an adult raising my own young family. The fact that I returned is a testament to my deep and enduring love for Belvedere and a strong desire for my own children to also know this special place.

Belvedere's architecture and landscaping are unique in that there is no single dominant style or aesthetic. Further, each neighborhood has its own distinct quality and character— this is part of what makes it so special. My hope is that by serving on the Planning Commission I can help preserve this legacy of beauty and character, while also cultivating newness and growth in a way that respects what is already here.

Given my long history in Belvedere, I think I could offer valuable perspective and sound judgement as the community grows and evolves.

I hope the City Council will consider me as a candidate for the open seat.

With appreciation,

Ashley Johnson
(1 North Point Circle)

February 10, 2021

Mayor James Campbell
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920
By Email: Mayor at clerk@cityofbelvedere.org

Dear Mayor Campbell,

I am writing this letter to express my interest in serving on the Belvedere Planning Commission.

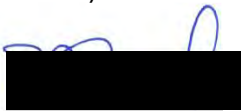
I currently reside with my husband, Raj Sardesh-Seidel, at 14 Lagoon Road, Belvedere. I have been a homeowner in Belvedere since the mid 1980's, and built a new home on the lagoon in the mid 1990's. In the course of the 2000's I served on a committee to study Belvedere's zoning code, as well as on the Belvedere Planning commission.

By profession I am an architect. My practice, Seidel Architects, is located in San Francisco and focuses on multifamily residential and mixed use design throughout the Bay Area. The type of work we are involved in is sometimes referred to as "infill housing" and typically involves the redevelopment underutilized sites to accommodate new housing. A current of example of current work in our office includes the Jefferson Union High School District (Daly City) Staff and Faculty Housing to provide affordable housing for school district employees at an abandoned high school site. We are also designing 43 condominiums in Los Altos slated to replace an existing gas station. A third project we are completing is 268 apartments and townhouses in Burlingame on a site formerly occupied by low density automotive related uses.

Each of the above projects required a significant design process involving the local community, elected officials, and City staff. Inevitably each project had to successfully navigate an open and transparent discussion of community character, design quality, density among other topics of keen interest to local community members.

Should my above described background seem suitable for the open position on the Planning Commission, please feel free to reach out to me. I would be happy to answer any questions you may have.

Sincerely,



Alexander (Sandy) Seidel, FAIA



From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Vacancy: Historic Preservation Committee
Date: Sunday, February 28, 2021 9:27:33 PM

To Whom It May Concern:

I am writing to express interest in the open seat on the Historic Preservation Committee.

My wife and I moved to Belvedere in 2017 and are raising our two young daughters here. Belvedere is a special place and we hope to call it home for many years.

I grew up on the ocean in Nova Scotia, Canada. I have always felt most at home in places like Belvedere: maritime communities with rich and enduring histories.

I would welcome the opportunity to commemorate Belvedere's past and the homes that make up its rich history and unique character.

In addition to learning more about Belvedere's history and architecture, I would also enjoy getting to know some of Belvedere's beloved long-time residents.

Thank you for considering my application.

With appreciation,

Marshall Butler
1 North Point Circle
Belvedere, California

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
March 8, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Approve minutes of the February 2, 2021 Special City Council meeting

Recommended Motion/Item Description

That the City Council approve the minutes as part of the Consent Calendar.

Attachments

Minutes.

**SPECIAL JOINT MEETING
BELVEDERE CITY COUNCIL &
PLANNING COMMISSION
FEBRUARY 2, 2021, 4:00 PM
REMOTE VIA ZOOM
MINUTES**

COUNCIL PRESENT: Steve Block, James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell.

COUNCIL ABSENT: None

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: City Manager Craig Middleton, Planning & Building Director Irene Borba, Public Works Director Robert Zadnik, Senior Planner Rebecca Markwick, Building Official Brian Van Son, City Attorney Emily Longfellow, Fire Marshall Mike Lantier, 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 4:00 PM via remote Zoom meeting. COVID-19 disclaimer was read. City Manager Middleton conducted a roll call.

Councilmember Kemnitzer and Commissioner Stoehr recused themselves as their properties are within 500 feet of the property discussed.

SCHEDULED ITEM

Item 1. Study Session – The City Council and Planning Commission will receive a presentation for a potential future residential project located at the Mallard Pointe properties located in the R-2 zoning district across from City Hall and the park. The City Council and Planning Commission will not take any formal action on the potential future project, but direction to staff may be given. This is a Study Session/Preliminary Review of a potential project.

Planning & Building Director Borba provided a brief introduction on the scheduled item and stated that the presentation is a preliminary review of a potential project and no decision will be made at this meeting. Director Borba stated that the Mallard Road properties currently consisted of three separate parcels, the site is approximately 2.8 acres, and is currently developed with a total of 22 duplexes. Director Borba stated that the parcels are located in a flood zone and any new project would be required to meet the FEMA threshold. Building Director Borba introduced those presenting on the possible residential development: Erik Hohmann, Paul Lettieri, Ron Sutton, Francis Gough, and Bruce Dorfman.

Members of the City Council and Planning Commission listened to a presentation from Erik Hohmann, a partner in the Mallard Point 1951 Properties and a Belvedere resident. Hohmann described the area, the original property conditions, and the preliminary plan for the units moving forward. Hohmann stated that they have undertaken a community outreach effort, which has informed the design direction, and that they realize they must minimize the impact this project will have on neighbors. Hohmann discussed the community benefits of this potential residential project, such as a FEMA-compliant design,

inclusionary housing, property tax increment, and sustainable design features.

Paul Lettieri, Principal of the Guzzardo Partnership, presented a site plan that is organized around Mallard Road with 7 duplexes, 4 single family cottages, and 26 apartment units in the inner circle. All living units will be elevated for flood protection. Lettieri went into detail of the living units' designs.

Ron Sutton of Sutton Suzuki Architects presented a potential plan for the Lagoon units and discussed the units' materials, designs, sizes, and layouts in detail. Architect Francis Gough presented a potential plan for the apartments in the inner circle and discussed the units' designs, sizes, materials, and layouts in detail.

The presentation team took questions from Council and Commission. Mayor Campbell then opened the meeting for public comment.

Mrs. Woodring of Peninsula Road asked if this project meets the ABAG requirement for additional housing in Belvedere. Building Director Borba stated that the new units would count towards the regional housing number that the City is required to meet.

Bethany Hornthal of 13 Peninsula Road asked for a construction timeframe for this project. Bruce Dorfman stated that, if they were to build it in one faze, the project could take anywhere from 18 to 24 months.

Susan Cluff of Peninsula Road requested more notice before meetings, stated that the current rental duplexes were originally created to provide a different mix of housing, and asked who benefits from the change.

Richard Fink of 15 Windward Road expressed concern about the design on Community Road and with increasing density. He also stated that he has a tremendous amount of faith in this group of architects.

Ken Johnson stated his concern with the lighting and reflection on the Lagoon, and also expressed a concern about the amount of glass that is being used in the renderings.

Jill Barnett of 50 Peninsula Road stated her concern about traffic impacts and water conservation, and asked for more notification. Mayor Campbell stated that all meetings are listed on the City's website and reiterated that this is just a preliminary meeting and that no decisions will be made at this meeting.

Jill Nash of 6 Leeward Road stated her concern about the traffic impact of the project. Director Borba indicated that it is very early on in the project and the traffic impacts have not been evaluated at this point.

Liz Elle asked for an explanation of the workforce housing and if there is an affordability element. Bruce Dorfman stated the City does not have an inclusionary housing requirement so it is part of a further discussion, but the original plan was that the workforce units would be oriented for first responders. Liz Elle also asked if existing tenants might be displaced. Bruce Dorfman stated that they plan to work with the residents and would welcome all existing residents to come back.

Robert Leitstein of 17 Peninsula Road stated that he would like to see the proposed design superimposed on what is there now to see on paper what the height, mass and bulk will be.

Hanns Kristen of 31 Peninsula Road asked if, in order to comply with FEMA regulations, dirt will be used to raise the buildings. Bruce Dorfman stated buildings will more than likely be raised with concrete. Hans also stated his concerns about traffic.

Mr. Dunbar of 7 Peninsula road stated his concerns about the timeline of construction, traffic, parking and noise disruption that comes with construction.

Larry Stoehr stated concerns about landscaping and issues of having enough space.

Mayor Campbell closed public comment. The Council and Commission discussed issues that were raised by the public. Mayor Campbell thanked all for their involvement, and adjourned the meeting.

ADJOURN

The meeting was adjourned at 5:36 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on March 8, 2021, by the following vote:

AYES: Steve Block, James Lynch, Nancy Kemnitzer, Vice Mayor Wilkinson, and Mayor Campbell

NOES: None

ABSENT: None

RECUSED: None

Approve: _____
James Campbell, Mayor

Attest: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
March 8, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Approve minutes of the February 8, 2021 Regular City Council meeting

Recommended Motion/Item Description

That the City Council approve the minutes as part of the Consent Calendar.

Attachments

Minutes.

**REGULAR MEETING
BELVEDERE CITY COUNCIL
FEBRUARY 8, 2021, 6:30 PM
REMOTE VIA ZOOM
MINUTES**

COUNCIL PRESENT: Steve Block, James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell.

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Craig Middleton, and City Attorney Emily Longfellow

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 6:30 PM via remote Zoom meeting.

COVID-19 disclaimer was read.

City Manager Middleton took roll call.

PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

No one wished to speak.

Mayor Campbell called to adjourn to Closed Session.

ADJOURN TO CLOSED SESSION

1. **Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): (One potential case) Claims filed by Yema Khalif and Hawi Awash on January 25, 2021, on file with the City Clerk's Office.**
2. **Significant exposure to litigation pursuant to Government Code sections 54956.9(d)(2) and (e)(1): (One potential case)**
3. **Conference with Labor Negotiator. Government Code section 54957.6. Negotiator: City Manager. Bargaining Unit: Belvedere Police Department.**

RECONVENE IN OPEN SESSION

The meeting reconvened in open session via Zoom at 7:11 p.m. The following staff members joined the meeting: Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Manager Amber Johnson, Planning and Building Director Irene Borba, and City Clerk Beth Haener.

City Attorney Emily Longfellow announced that no reportable actions were taken in the closed session.

OPEN FORUM

No one wished to speak.

REPORTS & PRESENTATIONS

Item 4. City Council Reports

Councilmember Block reported on the Ad Hoc Police Oversight Committee meeting and stated that he is looking forward to seeing a draft of the template from City staff. Councilmember Block stated that the Committee will reconvene in March. Councilmember Block also reported on an email and subsequent conversation he had with Harbormaster Curtis Havel of the Richardson's Bay Regional Agency. There has been an increase in aggressive behavior from some in the anchor out community and Councilmember Block is concerned that the situation may be escalating. Harbormaster Havel has suggested that an onboard

presence of sworn officers support him, and Councilmember Block hopes Chief Wu will consider this action.

Councilmember Kemnitzer extended her thanks to the Traffic Safety and Circulation Committee and Chair Michele Kyrouz, who collectively put in countless hours of work on an excellent data-driven report about traffic safety concerns and recommendations. Councilmember Kemnitzer urged that this report be provided to each relevant City department and would like to have updates on its implementation. Councilmember Kemnitzer also reported on the One Book Belvedere event, where a book discussion on “Caste” by Isabel Wilkerson was facilitated by Dr. Carol Benet. Councilmember Kemnitzer stated it was a timely and fascinating discussion, and extended her appreciation to City Manager Middleton for his help with this event.

Item 5. City Manager Reports

City Manager Middleton reported on continuing COVID-related challenges for the City staff team and indicated that an employee had been exposed and is currently in quarantine. City Hall is carrying out contact tracing to make sure no one else was exposed. Middleton reported that the City had deferred repaving and slurry seal work in areas where trenching for the undergrounding of utilities was occurring, and that we are now in position to move forward. He stated that Public Works Director Zadnik will be putting a sizable roadwork project out to bid in the next couple of months, and that the City will be repaving segments of Bayview Avenue, San Rafael Avenue, Acacia Avenue, Beach Road and Bella Vista Avenue. City Manager Middleton extended the City’s thanks to the Belvedere Lagoon Property Owners Association (BLPOA) for its efforts to ensure the reliability of pumping infrastructure that protects the residents in the Lagoon area and is essential to the City’s overall effort to protect against flooding and sea-level rise. The BLPOA has recently installed a generator that will keep the pumps working in the event of a power outage. Middleton stated that the BLPOA has spent over \$900,000 on water management infrastructure in the past four years.

CONSENT CALENDAR

Mayor Campbell removed Item 9 from the Consent Calendar to the Individual Consent Calendar.

MOTION: Move to adopt the Consent Calendar

MOVED: By Wilkinson, seconded by Lynch; approval was unanimous.

The Consent Calendar consisted of the following Items:

- 6. Approve minutes of the January 14th, 2021 regular meeting**
- 7. Approve warrants of January 2021**
- 8. Fiscal Year Investment Report for the quarter ending December 31, 2020**
- 10. Approve a Resolution authorizing the City Manager or Designee to submit a 2022-2023 Shoreline Erosion Control grant application to the California Department of Boating and Waterways**

INDIVIDUAL CONSENT CALANDAR

- 9. Amendment to 2019 Resolution authorizing vacation of unused portions of Golden Gate Avenue to allow minor landscaping improvements in public utility easement area**

MOTION: To adopt the Individual Consent Calendar.

MOVED: By Kemnitzer, seconded by Wilkinson; approved.

VOTE:

AYES:	Wilkinson, Block, Kemnitzer, and Campbell
NOES:	None
ABSENT:	None
RECUSED:	Lynch

PUBLIC HEARING

10. Fiscal Year 2020-2021 Mid-Year Budget Review

Administrative Services Manager Amber Johnson presented the staff report and stated that the mid-year budget review gives

the Council and the public an opportunity to review the City financial status, ensure the City is on track, and provide for fiscal transparency. Administrative Services Manager Johnson stated that this year's review is more robust than years past and went into detail of the review.

Administrative Services Manager Johnson answered questions from Council. Mayor Campbell thanked Administrative Services Manager Johnson and stated he is a fan of the more robust format of this review. Councilmember Kemnitzer requested that staff examine whether the Ranch is required to reimburse the City for the use of the Community Center during COVID which has needed extra cleaning and janitorial work.

There was no public comment.

ADJOURN

The meeting was adjourned at 7:42 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on March 8, 2021, by the following vote:

AYES: Steve Block, James Lynch, Nancy Kemnitzer, Vice Mayor Wilkinson, and Mayor Campbell

NOES: None

ABSENT: None

RECUSED: None

Approve: _____
James Campbell, Mayor

Attest: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
MARCH 8, 2021**

To: Mayor and City Council
From: Amber Johnson, Administrative Services Manager
Subject: **Approve warrants of February 2021**

Recommended Motion/Item Description

That the City Council approve the February 2021 warrants as part of the Consent Calendar.

Attachments

Warrants.

CITY OF BELVEDERE
WARRANTS REPORT
FEBRUARY 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
26731	02/22/21	ACCELINSIGHT ASSOCIATES	160.00	Automatic Generated Check
26732	02/22/21	ALCAL SPECIALTY	160.00	Automatic Generated Check
26733	02/22/21	AXIOM ENGINEERSINC	160.00	Automatic Generated Check
26734	02/22/21	CLEMENTS TREE SERVICE INC	58.00	Automatic Generated Check
26735	02/22/21	DIANA BRADLEY	132.50	Automatic Generated Check
26736	02/22/21	FAUBEL CONSTRUCTION	160.00	Automatic Generated Check
26737	02/22/21	HSC SERVICES INC	160.00	Automatic Generated Check
26738	02/22/21	KAREN GANN, INTERIOR DESIGN	158.93	Automatic Generated Check
26739	02/22/21	PACIFIC COAST CUTTERS INC	134.25	Automatic Generated Check
26740	02/22/21	POLESTAR DESIGN AND CONSTRUCTION	160.00	Automatic Generated Check
26741	02/22/21	REDHORSE CONSTRUCTION INC	104.21	Automatic Generated Check
26742	02/22/21	SHEEDY DRAYAGE CO.	160.00	Automatic Generated Check
26743	02/22/21	SUSAN S. IMEL INTERIOR DE	144.00	Automatic Generated Check
26744	02/22/21	THE SMALL WORLD TREE CO.	125.00	Automatic Generated Check
26745	02/22/21	VIRGINIA K. DOYLE	160.00	Automatic Generated Check
26746	02/23/21	AMMI PUBLISHING COMP. INC	650.00	Automatic Generated Check
26747	02/23/21	AT&T	318.69	Automatic Generated Check
26748	02/23/21	AT&T MOBILITY	197.60	Automatic Generated Check
26749	02/23/21	BAY AREA PHLEBOTOMY & LABORATORY SERVICES	70.20	Automatic Generated Check
26750	02/23/21	BENTON TROPHY & AWARDS, I	331.12	Automatic Generated Check
26751	02/23/21	BERTRAND, FOX, ELLIOT, OSMAN & WENZEL	1,683.56	Automatic Generated Check
26752	02/23/21	CALIFORNIA BUILDING STAND	1,058.08	Automatic Generated Check
26753	02/23/21	CALIFORNIA CHAMBER OF COM	106.53	Automatic Generated Check
26754	02/23/21	CALIFORNIA NORTHERN 2914 TRUST ET AL	3,067.86	Automatic Generated Check
26755	02/23/21	CINTAS CORPORATION #626	105.00	Automatic Generated Check
26756	02/23/21	COUNTY OF MARIN/CAL-SLA	315.00	Automatic Generated Check
26757	02/23/21	DATA TICKET	223.95	Automatic Generated Check
26758	02/23/21	DEPT. OF CONSERVATION	2,013.42	Automatic Generated Check
26759	02/23/21	ENGINEERING SOLUTIONS SERVICES	13,287.50	Automatic Generated Check
26760	02/23/21	FLYERS ENERGY, LLC	1,505.34	Automatic Generated Check
26761	02/23/21	GOODMAN BUILDING SUPPLY	19.87	Automatic Generated Check
26762	02/23/21	LEAGUE OF CALIF CITIES	1,477.00	Automatic Generated Check
26763	02/23/21	L.N. CURTIS AND SONS	462.20	Automatic Generated Check
26764	02/23/21	MARIN CO TAX COLLECTOR	5.78	Automatic Generated Check
26765	02/23/21	MARIN COUNTY FORD	2,677.12	Automatic Generated Check
26766	02/23/21	MARIN COUNTY POLICE CHIEF	300.00	Automatic Generated Check
26767	02/23/21	MARIN GENERAL SERVICES AU	14,394.50	Automatic Generated Check
26768	02/23/21	MARIN MUNICIPAL WATER DIS	154.40	Automatic Generated Check
26769	02/23/21	MICROIX	1,336.25	Automatic Generated Check
26770	02/23/21	MOE ENGINEERING, INC.	8,325.00	Automatic Generated Check
26771	02/23/21	OTIS ELEVATOR COMPANY	1,150.00	Automatic Generated Check

CITY OF BELVEDERE
WARRANTS REPORT
FEBRUARY 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
26772	02/23/21	SHRED-IT USA - CONCORD	119.72	Automatic Generated Check
26773	02/23/21	SRJC FOUNDATION-FILM LIBR	100.00	Automatic Generated Check
26774	02/23/21	STETSON ENGINEERS, INC.	10,643.50	Automatic Generated Check
26775	02/23/21	STOP STICK LTD	173.80	Automatic Generated Check
26776	02/23/21	TOWN OF TIBURON	1,710.00	Automatic Generated Check
26777	02/23/21	TPX COMMUNICATIONS	783.80	Automatic Generated Check
26778	02/23/21	UPS	12.68	Automatic Generated Check
26779	02/23/21	U.S. BANK CORPORATE PAYME	3,898.04	Automatic Generated Check
26780	02/23/21	VERIZON	129.89	Automatic Generated Check
26781	02/23/21	WAGeworks INC.	106.00	Automatic Generated Check
26782	02/23/21	WELLS FARGO CLEARING SERVICES LLC	183.30	Automatic Generated Check
26783	02/23/21	WOLFECOMMUNICATIONS, INC.	327.00	Automatic Generated Check
A-750	02/01/21	TAKE CARE/WAGE WORKS	15.00	Electronic Payment
A-751	02/02/21	GLOBAL PAYMENTS	388.44	Electronic Payment
A-752	02/04/21	MOJO PAY	9.95	Electronic Payment
A-753	02/09/21	PACIFIC GAS & ELECTRIC	2,772.36	Electronic Payment
A-756	02/13/21	U.S. BANK COPIER	1,066.27	Electronic Payment
A-757	02/13/21	CALPERS	18,847.59	Electronic Payment
A-758	02/13/21	CALPERS	18,071.93	Electronic Payment
A-759	02/16/21	WESTAMERICA BANK	276.27	Electronic Payment
A-760	02/17/21	AFLAC INSURANCE CO	102.58	Electronic Payment
A-761	02/18/21	COMCAST	48.80	Electronic Payment
A-762	02/22/21	CALPERS	32,094.04	Electronic Payment
A-763	02/22/21	DELTA DENTAL	2,823.72	Electronic Payment
A-764	02/22/21	LINCOLN LTD	714.30	Electronic Payment
A-765	02/22/21	RELIANT STANDARD LIFE/ADD	354.57	Electronic Payment
A-766	02/22/21	AT&T	190.97	Electronic Payment
A-767	02/23/21	PITNEY BOWES	500.00	Electronic Payment
A-768	02/24/21	AT&T	64.20	Electronic Payment
A-769	02/25/21	EFTPS	15,030.65	Electronic Payment
A-770	02/25/21	CA EDD	10,060.30	Electronic Payment
A-771	02/25/21	CALPERS	18,855.22	Electronic Payment
AP022321-01	02/23/21	ALHAMBRA & SIERRA SPRINGS	58.72	Electronic Payment
AP022321-02	02/23/21	ALISON FOULIS	862.50	Electronic Payment
AP022321-03	02/23/21	AVENU MUNISERVICES	60.17	Electronic Payment
AP022321-04	02/23/21	BAY ALARM COMPANY	380.00	Electronic Payment
AP022321-05	02/23/21	BELVEDERE-TIBURON LIBRARY	1,132.41	Electronic Payment
AP022321-06	02/23/21	CAPITAL ONE PUBLIC FUNDING, LLC	119,681.87	Electronic Payment
AP022321-07	02/23/21	DC ELECTRIC GROUP, INC.	312.43	Electronic Payment
AP022321-08	02/23/21	DC ELECTRIC GROUP, INC.	6,776.17	Electronic Payment
AP022321-09	02/23/21	EDMUND H. SAN DIEGO	619.50	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
FEBRUARY 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
AP022321-10	02/23/21	EPSTEIN + HOLTZAPPLE	9,450.50	Electronic Payment
AP022321-11	02/23/21	EPSTEIN + HOLTZAPPLE	1,272.00	Electronic Payment
AP022321-12	02/23/21	EPSTEIN + HOLTZAPPLE	1,871.50	Electronic Payment
AP022321-13	02/23/21	FORSTER & KROEGER LANDSCA	7,280.00	Electronic Payment
AP022321-14	02/23/21	JESUS ARGUELLES	393.75	Electronic Payment
AP022321-15	02/23/21	JESUS ARGUELLES	1,280.00	Electronic Payment
AP022321-16	02/23/21	LEHR	210.00	Electronic Payment
AP022321-17	02/23/21	MARIN IT, INC.	531.50	Electronic Payment
AP022321-18	02/23/21	MARY NEILAN	556.94	Electronic Payment
AP022321-19	02/23/21	MICHAEL PAUL COMPANY INC.	15,000.00	Electronic Payment
AP022321-20	02/23/21	PARS	600.00	Electronic Payment
AP022321-21	02/23/21	PORAC RETIREE MEDICAL TRU	1,500.00	Electronic Payment
AP022321-22	02/23/21	TIBURON FIRE PROTECTION	146,262.33	Electronic Payment
AP022321-23	02/23/21	TREEMASTERS	5,460.00	Electronic Payment
AP022321-24	02/23/21	U.S. BANK OPERATIONS CENT	52,975.19	Electronic Payment
AP022321-25	02/23/21	U.S. BANK OPERATIONS CENT	137,050.51	Electronic Payment
AP022321-26	02/23/21	U.S. BANK OPERATIONS CENT	11,992.50	Electronic Payment
AP022321-27	02/23/21	VISION COMMUNICATIONS CO	214.85	Electronic Payment
AP022321-28	02/23/21	WILLDAN FINANCIAL SERVICE	2,150.00	Electronic Payment
AP022321-29	02/23/21	WILLDAN FINANCIAL SERVICE	8,100.00	Electronic Payment
Total for Bank Account 1000 ----->			731,883.09	

CITY OF BELVEDERE
WARRANTS REPORT
FEBRUARY 2021
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
092	02/11/21		64,708.83	Electronic Payment
093	02/25/21		66,872.41	Electronic Payment
P-066	02/11/21	MASS MUTUAL	276.92	Electronic Payment
P-067	02/25/21	MASS MUTUAL	276.92	Electronic Payment
PR021120-01	02/11/21	BPOA	92.30	Electronic Payment
PR021120-02	02/11/21	ICMA-RC	4,575.25	Electronic Payment
PR021120-03	02/11/21	GARNISHMENT	1,141.38	Electronic Payment
PR022521-01	02/25/21	BPOA	92.30	Electronic Payment
PR022521-02	02/25/21	ICMA-RC	4,575.25	Electronic Payment
PR022521-03	02/25/21	GARNISHMENT	1,141.38	Electronic Payment
Total for Bank Account 1010 ----->			143,752.94	
Grand Total of all Bank Accounts ----->			875,636.03	

To: Mayor and City Council

From: Craig Middleton, City Manager
Robert Zadnik, Director of Public Works

Subject: Response to Marin Count Civil Grand Jury Report: Roadblocks to Safer Evacuation in Marin

Recommended Motion/Item Description

Approve the response to Marin County Grand Jury Report: Roadblocks to Safer Evacuation in Marin

Background

The 2019- 20 Marin County Civil Grand Jury has issued a report that requires a response from the City of Belvedere. The response must conform to the format required by Penal Code Section 933.05.

Findings

On December 14, 2020, the 2019-2020 Marin County Civil Grand Jury released a report entitled “Roadblocks to Safer Evacuation in Marin”. The Grand Jury Report investigates and makes determinations about Marin’s evacuation needs and whether they are considered adequately when planning for and building improvements to roads and traffic infrastructure. The report recognizes the fact that wildfire evacuations were a remote concern when the Transportation Authority of Marin (TAM) was chartered, and that the Marin Wildfire Prevention Authority (MWPA) does not possess the authority or funding to address the infrastructure needs. Instead, the report places the responsibility for public safety on the county, towns, and cities and suggests that none have prioritized evacuation needs when funding public work projects.

The Grand Jury report released in December of 2020, was distributed to the County of Marin and to all cities and towns therein. Of the five recommendations made in the report, the City of Belvedere has been requested to respond to findings F1-F5 and the first three of five recommendations: R1-R3. Staff’s recommended responses to these items are attached.

Attachments

1. Response to Grand Jury
2. Grand Jury Report: Roadblocks to Safer Evacuation in Marin
3. Copy of Response Letter to Grand Jury

Responses to Findings and Recommendations
Marin County Civil Grand Jury
“Roadblocks to Safer Evacuations in Marin”

DRAFT

RESPONSE TO GRAND JURY REPORT

REPORT TITLE: “Roadblocks to Safer Evacuations in Marin”
REPORT DATE: December 14, 2020
RESPONSE BY: City of Belvedere
FROM: James Campbell, Mayor

GRAND JURY FINDINGS

We agree with the findings numbered: F1, F2
We partially disagree with the findings numbered: F3, F4, F5

GRAND JURY RECOMMENDATIONS

Recommendations numbered R1 and R3 have been implemented.

Recommendation R2 will not be implemented because the recommendations are not warranted or are not reasonable.

Date: _____

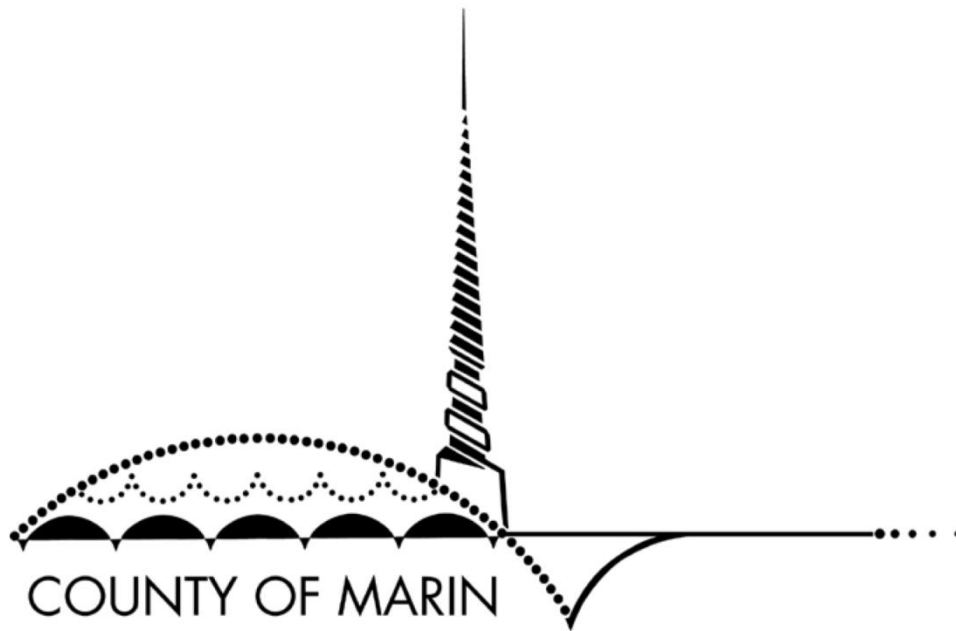
Signed: _____

James Campbell, Mayor

2019–2020 MARIN COUNTY CIVIL GRAND JURY

Roadblocks to Safer Evacuation in Marin

December 14, 2020



A Note about the Coronavirus Pandemic

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.

Roadblocks to Safer Evacuation in Marin

SUMMARY

California's 2020 fire season got off to an early start in mid-August with dry lightning that sparked five of the six largest wildfires in the state's history.¹ As of the end of September, nearly four million acres had burned, 22 major wildfires were still active, and 30 people were dead.²

As fires burned throughout the San Francisco Bay Area, anxious Marin residents sheltered from heavy smoke and kept a wary eye on the Woodward Fire in the Point Reyes National Seashore, hoping they would not be forced to evacuate at a moment's notice. People worried whether it would be possible to evacuate safely. The Grand Jury chose to investigate this question. Specifically, the jury sought to determine whether Marin's evacuation needs are considered adequately when government entities plan and build improvements to roads and traffic infrastructure.

Funding for transportation-related infrastructure projects is complicated, involving agencies at the local, county, regional, state, and federal levels. The rules and regulations governing these funding sources were largely developed before wildfire was the threat it has become in recent years and before the citizenry was fully aware of the urgent need to be able to evacuate quickly and safely. For instance, the Transportation Authority of Marin was chartered at a time when traffic congestion was high on Marin's priority list and wildfire evacuation was a remote concern. Times have changed.

Today, there is considerable uncertainty about who has the ultimate responsibility for building the transportation infrastructure capable of evacuating Marin residents safely in a rapidly evolving emergency. The Transportation Authority of Marin has not been willing to include evacuation as a criterion when funding roadway projects. The recently created Marin Wildfire Prevention Authority has neither the authority nor the funds to address the infrastructure needs. In fact, the county, towns, and cities have responsibility for public safety, but they have not prioritized evacuation needs when funding public works projects.

The Grand Jury recommends the following:

- Marin's county, town, and city governing bodies should include evacuation needs among their criteria for evaluating and recommending public works projects, and that they call on the Transportation Authority of Marin to do the same
- Marin's county, town, and city governing bodies should address evacuation infrastructure needs as they update their general plans

¹ Michael McGough, "5 of the 6 Largest California Wildfires in History Started in the Last 6 Weeks," *Sacramento Bee*, September 22, 2020, <https://www.sacbee.com/article245917915.html>.

² Phil Helsel, "Deadly Fires in California have claimed at least 30 lives this year," NBC News, September 30, 2020, <https://www.nbcnews.com/news/us-news/deadly-fires-california-have-claimed-least-30-lives-year-n1241632>.

- The Transportation Authority of Marin should formally establish evacuation as one of its criteria for consideration when planning and funding traffic projects
- The Marin Wildfire Prevention Authority should invite a Transportation Authority of Marin representative to become an at-large, nonvoting member of its Advisory/Technical Committee to support program development, funding, and implementation of improvements to evacuation routes

APPROACH

The Grand Jury interviewed officials of the Transportation Authority of Marin (TAM) and the Marin Wildfire Prevention Authority (MWPA), as well as county supervisors, city and town council members, city managers, public works directors, fire and police officials, agency legal counsel, and staff of the Marin County Office of Emergency Services. The Grand Jury reviewed TAM's charter as well as its response to a previous Grand Jury wildfire report that called on TAM to assume some responsibility for evacuation planning. In addition, it reviewed the authorizing documents of the MWPA, attended public meetings, and examined county and municipal general plans.

The Grand Jury investigation focused exclusively on evacuation as it relates to planning, funding, and implementing public works projects on our roads.

BACKGROUND

Marin County has made progress in addressing the threat of wildfire with the formation and funding of the MWPA that was recommended by the 2018–19 Marin County Civil Grand Jury. With the leadership of fire officials and FIRESafe Marin, county residents are establishing certified Firewise neighborhoods focused on vegetation management and hardening homes against the risk of fire. The MWPA is getting off to a good start with several important initiatives, including inspection, vegetation management, public education, establishment of refuge centers, signage, planning, and mapping.

Planning to safely evacuate a community is complex and includes the need to consider public works projects for making rapid evacuation possible along Marin's narrow and congested roads. The September 2020 Glass Fire forced the sudden evacuation of 68,000 Sonoma County residents and resulted in gridlock on a major route.³ During the 2018 Camp Fire in Paradise, flames raced at a rate of more than one football field every three seconds.⁴ In that fire, eight people perished in their cars trying to escape.

In Marin, evacuation needs are not routinely included in the criteria used by county and municipal public works departments or TAM to prioritize and finance traffic projects. When it comes to planning and funding public works projects, the primary considerations are the safety

³ Lori A. Carter, Kevin Fixler, Guy Kovner, et al., "Live Updates: More Fire Evacuation Orders Issued for East Santa Rosa," Santa Rosa Press Democrat, September 28, 2020, <https://www.pressdemocrat.com/article/news/live-updates-more-fire-evacuation-orders-issued-for-east-santa-rosa/amp/>.

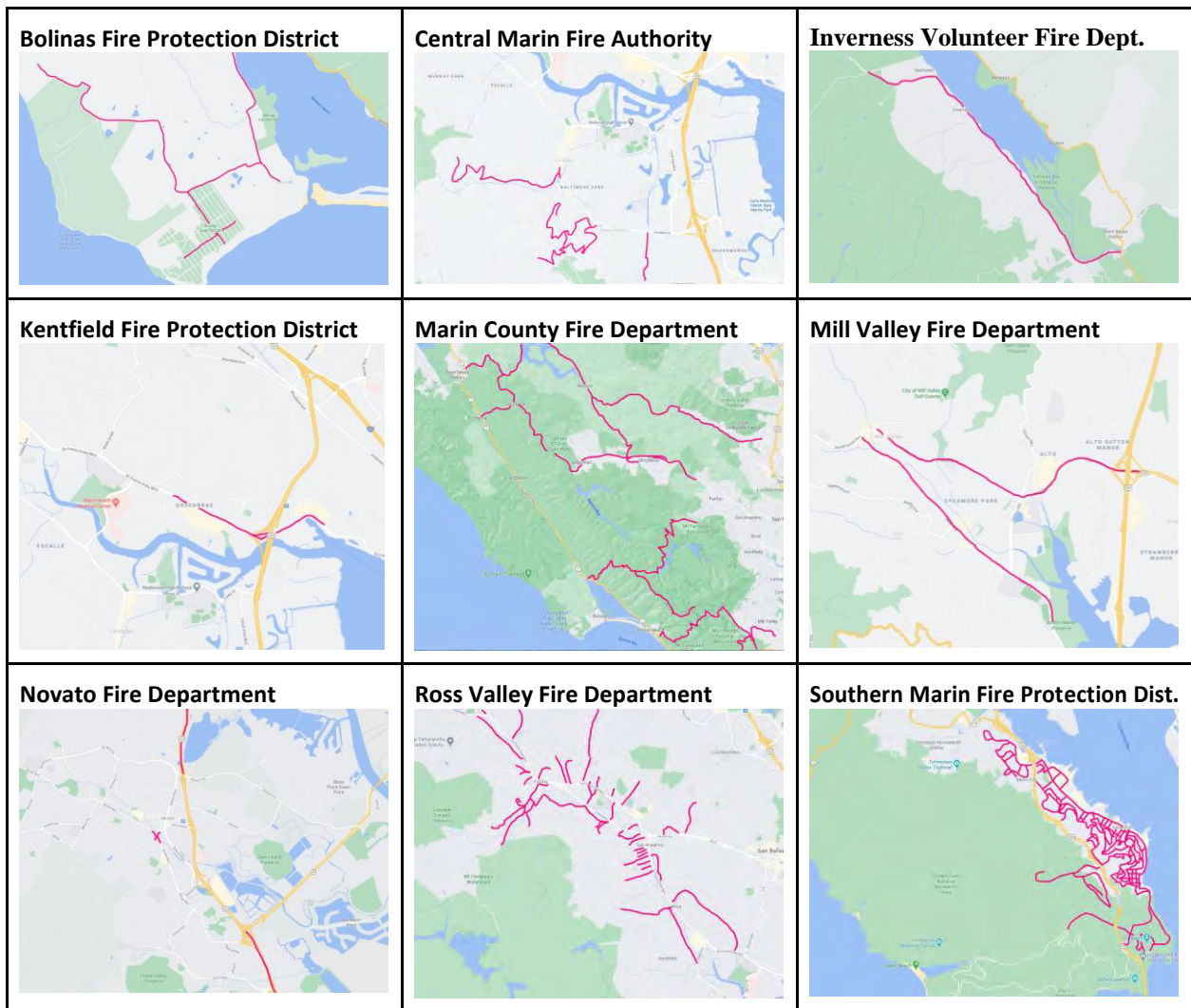
⁴ Judson Jones, "One of California Wildfires Grew So Fast It Burned the Equivalent of a Football Field Every Second," CNN, November 10, 2018, <https://www.cnn.com/2018/11/09/us/california-wildfires-superlatives-wcx/index.html>.

of pedestrians, bicyclists, and drivers as well as smooth, efficient traffic flow and congestion management. In numerous jurisdictions, evacuation needs do not make the list of approved criteria that are evaluated when deciding on a project. As one official put it, evacuation is “not on the radar.”

Traffic Congestion and Evacuation Challenges

Marin’s unique geography creates exceptional challenges for transportation planners across the county. The 2018–2019 Marin County Civil Grand Jury presented an extensive list of choke points identified by Marin’s fire districts.⁵ Some of these are illustrated in Figure 1.

Figure 1. Choke Points Identified by Fire Districts in 2019



⁵ Marin County Civil Grand Jury, *Wildfire Preparedness: A New Approach*, Appendix C, April 25, 2019, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/wildfire-preparedness--a-new-approach.pdf?la=en>.



Road narrowing at eastbound East Blithedale Avenue approaching Highway 101. (Photo by Spencer Sias)

The problem is compounded when evacuation routes cross multiple jurisdictions where no single agency has authority to make improvements along the entire route. These problems are illustrated at several locations in Marin.

For example, Mill Valley's Miller Avenue and Blithedale Avenue are the primary evacuation routes for more than 15,000 people, almost all of whom live in a fire-prone wildland-urban interface area. Normal traffic there is consistently backed up at three key choke points: the intersection of Camino Alto and East Blithedale, the Highway 101 interchange at Blithedale, and the heavily gridlocked intersection on Shoreline Highway (Highway 1) at Tam Junction. Evacuation to refuge centers near Highway 101 will almost certainly not be possible for many Mill Valley residents. Two of the three choke points that affect Mill Valley lie outside its city limits. To address this problem, multi-jurisdictional cooperation among TAM, Mill Valley, Marin County, and Caltrans will be needed.

The two primary emergency exits from San Anselmo and Fairfax are Sir Francis Drake Boulevard and Red Hill Avenue, which pass through many choke points across multiple jurisdictions, including Ross, San Rafael, Larkspur, County of Marin, and the Caltrans interchanges at Highway 101.

Similar choke points exist in Sleepy Hollow, where the Butterfield Road escape route runs across the jurisdictions of unincorporated Marin County and San Anselmo. Santa Venetia's escape route on San Pedro Road crosses unincorporated Marin County, San Rafael, and the Caltrans interchange at Highway 101. Evacuation along Novato Boulevard involves the City of Novato and the county.

In addition to the choke points on major arterial routes, natural and constructed obstacles on Marin's narrow hillside and feeder roads impede safe evacuation.

DISCUSSION

Planning for safe wildfire evacuation is complicated. It requires multi-agency cooperation to address a multitude of tasks by many different departments and administrators under the direction of Marin's elected officials. These tasks are performed by county and municipal public works, fire, and law enforcement agencies; the Marin County Office of Emergency Services; and the Marin Wildfire Prevention Authority; as well as by regional, state and federal agencies.

Current thinking among most of the county's public safety officials is that residents needing to evacuate should get into their cars, drive down to valley floors, and then go to mapped refuge centers. If necessary, evacuees can then move onto highways and out of the county. Refuge centers are typically large parking lots, playing fields at schools and community centers, and shopping malls. Putting aside the question of whether the designated refuge centers are large enough to accommodate all the evacuees from heavily populated areas, the paths to reach these refuge centers could be impassable. In the long run, it will be essential to move traffic through known choke points in order to ensure public safety in a swiftly moving emergency requiring mass evacuation with little or no warning.

Fire professionals tell residents that they will be safe in their cars on pavement en route to valley floors or designated refuge centers.⁶ They stress that residents should evacuate as soon as they are warned to avoid congestion and panic. However, fires often strike suddenly and create the need to move thousands of cars immediately with little or no warning.

While Marin's agencies are implementing many aspects of evacuation planning, they are not considering infrastructure improvements such as the removal of impediments or the widening of roads for evacuees and emergency vehicles. In interviews with the Grand Jury, many officials expressed reluctance to take on these specific evacuation infrastructure challenges because of the enormous costs, potential litigation, environmental complexities, neighborhood resistance, and lack of authority. Furthermore, it is not clear who has responsibility for addressing this critical need. Nevertheless, the dire consequences of failing to address this challenge could result in a catastrophe that far outweighs the cost of improving our roads to support mass evacuation.

Political Confusion

Marin has political as well as physical impediments to safe evacuation.

At present, it is not clear who has the political authority for all of the many aspects of planning and implementing evacuations. In fact, no single governmental entity has the authority or has accepted responsibility for overseeing and executing all of these tasks.

In interviews with the Grand Jury, public officials often expressed the belief that some other agency had the responsibility for evacuation. For example, some public works directors and city managers believe that fire and law enforcement are in charge of evacuation and involved in its planning. Transportation officials said that the county's Office of Emergency Services is in

⁶ FIRESafe Marin, "Wildfire Evacuation Guide," accessed November 5, 2020, https://firesafemarin.org/index.php?option=com_content&view=article&id=100&Itemid=614.

charge. However, when asked, officials from the Office of Emergency Services and law enforcement responded that they focus on evacuation only during active emergencies.

The Grand Jury heard from several elected officials that they anticipate that the new wildfire authority will take care of evacuation planning. To add to the muddle, there was often confusion over what planning for evacuation actually entails. No one had a complete grasp of all of the interconnected components, whether it is educating the public, cutting back vegetation, improving mapping and signage, designating refuge centers, executing evacuation during emergencies, or actually building and improving the infrastructure to support a mass evacuation.

After completing its investigation, the Grand Jury believes that the ultimate responsibility for road improvements and establishing safe evacuation routes lies with our elected officials, specifically the Marin County Board of Supervisors as well as Marin's town and city councilmembers. For a fully functional evacuation infrastructure, these officials must execute their local policies and decisions through their public works, fire, and law enforcement departments and agencies while also coordinating with one another across jurisdictions. They must also reach out to the state and federal transportation agencies to seek funds. All of this work will require the support of the Transportation Authority of Marin and the new Marin Wildfire Prevention Authority. No jurisdiction or agency can do this entirely by itself.

County, Towns, and Cities

It is up to the county and municipalities to propose and build the public works infrastructure needed to support evacuation as well as emergency access by fire equipment and first responders. It is critical that they remediate traffic choke points and improve key narrow roads within their boundaries. They also must look beyond their borders at cross-jurisdictional evacuation routes that will be needed to accommodate mass evacuations.

While jurisdictions may have the resources for small projects, they will need to coordinate with one another and regional, state, and federal transportation agencies to obtain the funding required for larger local and cross-jurisdictional projects. Major public works projects can involve enormous expense, generate litigation, and take years to accomplish. However, the Grand Jury believes that even small projects that address evacuation can make a big difference over time.

Elected officials through their local public works departments are responsible for building and maintaining a safe road infrastructure for the public, whether they are in automobiles, on bikes, or on foot. Safe, smooth, and efficient traffic flow on an everyday basis is their prime consideration. Evacuation has not been one of the criteria in planning road projects but given the effects of climate change and the rising risk of fire, it cannot be ignored.

Public works decisions are often made in response to demands from local residents who lobby for specific improvements in their neighborhoods. The Grand Jury heard from a number of public works directors that they respond to appeals from parents in regard to pedestrian safety. There have not been similar appeals from the public for evacuation-related improvements.

The responsibilities of each public works department end at its jurisdictional boundaries. While there has been some informal coordination between cities, there is no formal plan for coordinating traffic flow across cross-jurisdictional evacuation routes.

Each jurisdiction has its own challenges and priorities, and the solutions to those challenges may conflict with evacuation concerns. In some cases, individual jurisdictions have chosen to address local demands for quieter, slower streets by narrowing major routes within their cities.

Mill Valley is a good example of trying to balance evacuation with safe traffic flow, aesthetics, and other competing requirements. In 2017, Miller Avenue was re-stripped to narrow the road from four lanes to two lanes in order to add a bike lane and needed parking in the downtown area. In 2019, after evacuation concerns were expressed, the city amended the plan to prohibit parking on Miller Avenue on “red flag” days when fire danger is high. This compromise is a recognition of the need to be able to evacuate large numbers of vehicles out of the city in an emergency.

Individual governing bodies of the cities, towns, and the county should direct their departments of public works to add evacuation as an important criterion to be considered as part of their normal planning process. This does not need to be an onerous addition. A simple item on a checklist should be included with a short explanation of how evacuation would be impacted.

The county and municipal elected officials have the ultimate responsibility for evacuation and public roadways, and they can also strongly influence the policies and decisions of the Transportation Authority of Marin. TAM is a resource and the primary source of funding for transportation infrastructure projects in the county. Its board is composed solely of a councilmember from every town and city as well as all five members of the county’s board of supervisors. Unless the county, towns, and cities prioritize infrastructure work to improve evacuation, this work will not happen.

As part of fulfilling their responsibility for evacuation safety, Marin’s board of supervisors and municipal councils should each pass a resolution requesting TAM establish a policy to examine the impact on evacuation of every road project presented to it for funding.

County and Municipal General Plans

County and municipal general plans lay out each jurisdiction’s vision for long-term development, including its traffic infrastructure. General plans are required by state law, and the law requires that general plans include evacuation as a component of their safety element. Specifically, it states that “the safety element . . . shall also address evacuation routes . . . and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.”⁷

In addition, the 2015 Governor’s Office of Planning and Research’s *Fire Hazard Planning* guide recommends that general plans include evacuations.⁸ Specifically, the guidelines call for:

- Designating and maintaining safe emergency evacuation routes on publicly maintained roads for all communities and assets at risk

⁷ California Government Code 65302(g), https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65302.&lawCode=GOV.

⁸ Governor’s Office of Planning and Research, *Fire Hazard Planning*, May 2015, p. 21, [Fire Hazard Planning: General Plan Technical Advice Series](#).

- Identifying potential circulation improvements necessary to avoid unacceptable community risks

The Grand Jury reviewed the general plans of the county and the municipalities and found that evacuation is not adequately addressed. As of October 2020, only Belvedere, Mill Valley, and Novato had included evacuation in their general plans, although several other jurisdictions are in the process of making some changes.

California state law also mandates that general plans be updated on a regular basis. These plan updates provide government officials the opportunity to consider evacuation when making decisions involving land use, development, and infrastructure. Given the dangers illustrated by the 2020 wildfire season, the Grand Jury believes that the county, cities, and towns should amend their general plans to explicitly address evacuation issues. Specifically, they should identify the roads within their jurisdictions that create unacceptable community risks and plan to improve them as soon as possible.

The Transportation Authority of Marin

In its *Wildfire Preparedness: A New Approach* report, the 2018–19 Marin County Civil Grand Jury made four recommendations calling on the Transportation Authority of Marin to participate in planning, prioritizing, and funding evacuation projects.⁹ TAM responded to that Grand Jury report by stating that “TAM is a funding agency and does not set local policy.”¹⁰ During subsequent interviews, the 2019–2020 Grand Jury heard TAM officials continue to deny that the agency has any role or responsibility for considering evacuation needs in its transportation projects. However, the current Grand Jury believes that the TAM board can and should ensure that evacuation considerations are integrated as a criterion into the planning and funding of all transportation projects.

TAM is ideally positioned to help address the county’s evacuation infrastructure needs. It is the only entity in Marin with countywide authority over transportation projects. It is also the primary agency through which Marin’s major transportation projects are developed and funded. Its board is broadly representative of Marin’s jurisdictions, and therefore it can support large cross-jurisdictional projects along Marin’s major evacuation routes. By coordinating grant applications for multi-jurisdictional and countywide evacuation infrastructure projects, TAM can strengthen Marin’s chances of obtaining regional, state, and federal funds.

TAM was established as Marin’s official congestion management agency¹¹ and is the major source of funding for many Marin transportation projects, both small and large. It provides funding for roads, bikeways, sidewalks, and pathways. It also supports local transit services and school safety programs. TAM gets funding from local sales taxes and a local vehicle registration fee, as well as from regional, state, and federal grants.

⁹ Marin County Civil Grand Jury, *Wildfire Preparedness: A New Approach*, p. 24.

¹⁰ Transportation Authority of Marin, “Response to Grand Jury Report “Wildfire Preparedness - A New Approach,” June 27, 2019, <https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2018-19/responses/wildfire-preparedness-a-new-approach/wildfire--tam.pdf?la=en>.

¹¹ Transportation Authority of Marin, “Overview,” accessed November 5, 2020, <https://www.tam.ca.gov/overview/>.

In 2018, Marin’s voters approved Measure AA, a ½-cent sales tax to support local transportation projects. This tax is expected to generate up to \$273 million that could be used to improve local roads over the next 30 years.¹² This money is prescribed for many purposes, but one such purpose is to make investments to address congestion and improve “traffic flow” on local streets and road corridors. Of the \$273 million, TAM estimates that \$7.2 million will be available annually for maintenance of Marin’s local transportation infrastructure, including roads, bike paths and walking paths. The measure also makes an additional \$1.9 million available on an annual basis to reduce congestion on Highway 101 and adjacent roadways.

Local spending in these areas could help to alleviate impediments to safe evacuation. The money could also be used as matching funds to obtain larger regional, state, and federal grants. This can be accomplished within the Measure AA framework approved by Marin’s voters, and it would be in keeping with the vital public interest in having safe evacuation routes.

The Grand Jury’s review indicates that TAM has the discretion as well as financial resources to address unanticipated events under existing rules. For example, TAM recently made Quick Build Grants to towns and cities to close streets to traffic so restaurants could provide outdoor dining during the COVID-19 pandemic.¹³

TAM does not need to amend its charter or amend the expenditure plan for AA funds in order to consider evacuation routes in its funding algorithms. The TAM board is not prohibited from establishing a policy that every project submitted for funding must consider the impact of the project on mass evacuation. TAM’s board can also direct its staff to work with the county and municipalities to ensure that every project proposal includes consideration of the impact on Marin’s evacuation infrastructure.

TAM could be more effective if it works directly with the new Marin Wildfire Prevention Authority to help identify and fund evacuation infrastructure projects. TAM has traffic models and an extensive set of data that could be extremely useful for evacuation planning.¹⁴

The Marin Wildfire Prevention Authority

The Marin Wildfire Prevention Authority is a new, countywide agency dedicated to all aspects of wildfire prevention and preparation. It is the first agency of its kind in the state and represents a pioneering effort in fire prevention. When it was being formed, the MWPA was presented as the agency that would address Marin’s wildfire prevention, evacuation infrastructure, and planning needs.

¹² Transportation Authority of Marin, *2018 Final Expenditure Plan*, p.9, accessed October 15, 2020, https://2b0kd44aw6tb3js4ja3jprp6-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/TAM_2018FinalExpenditurePlan_062918.pdf.

¹³ Will Houston, “Marin Grant Program Offers Virus Aid for Outdoor Commerce,” *Marin Independent Journal*, July 12, 2020, <https://www.marinij.com/2020/07/12/marin-grant-program-offers-virus-aid-for-outdoor-commerce/>.

¹⁴ Transportation Authority of Marin, *Travel Demand Model & Traffic Monitoring*, accessed October 3, 2020, <https://www.tam.ca.gov/planning/travel-demand-model-traffic-monitoring/>.

The Measure C initiative placed on the ballot to fund the MWPA specifically stated:

Marin Wildfire Prevention Measure. To support coordinated wildfire prevention including early detection, warning and alerts; reducing vegetation; ensuring defensible space around homes, neighborhoods and critical infrastructure; and **improving disaster evacuation routes/procedures**; shall the Marin Wildfire Prevention Measure, levying up to 10¢ per building square foot tax (\$75 per multifamily unit or as described in the full measure) for ten years, providing \$19,300,000 annually, with annual inflation adjustments, independent citizen oversight/audits, and low-income senior exemptions, be adopted?¹⁵

In addition, the campaign literature promoting Measure C to fund MWPA explicitly promised to address evacuation infrastructure. The image below shows a Measure C campaign flyer describing in the second bullet point that a yes vote on Measure C will “improve evacuation routes and infrastructure for quicker, safer evacuations.”

**DON'T PLAY WITH FIRE:
IT'S NOT WORTH THE RISK**

LOCAL LEADERS AGREE — VOTE YES ON C
 League of Women Voters of Marin County
 Coalition of Sensible Taxpayers (COST)
 Marin Independent Journal
 Marin County Fire Chief's Association
 FIREsafe MARIN
 Marin Association of REALTORS®
 Marin Conservation League
 Conservation Corps North Bay
 North Bay Leadership Council
 Jared Huffman, US Congressman
 Mike McGuire, CA State Senator
 Judy Arnold, Marin County Board of Supervisors
 Damon Connolly, Marin County Board of Supervisors
 Katie Rice, Marin County Board of Supervisors
 Dennis Rodoni, Marin County Board of Supervisors
 Kate Sears, Marin County Board of Supervisors
 James Andrews, Mayor, Town of Corte Madera
 Denise Athas, Mayor, City of Novato
 Elizabeth Brekhus, Mayor, Town of Ross
 Renee Goddard, Mayor, Town of Fairfax
 Ford Greene, Mayor, Town of San Anselmo
 Gary Phillips, Mayor, City of San Rafael
 Catherine Way, Mayor, City of Larkspur
 Jim Wickham, Mayor, City of Mill Valley
 *Partial list. Titles for identification purposes only.

We teach our children not to play with fire and now it's our turn to follow this commonsense advice. With longer, hotter and drier fire seasons combined with Marin's abundant natural vegetation that could fuel a wildfire, we've been fortunate to date. Destructive and fatal wildfires in Sonoma, Paradise and elsewhere have taught us that we must be proactive. Voting Yes on C — the Marin Wildfire Prevention Measure — will help protect Marin from the very real threat of wildfire.

VOTE YES ON MEASURE C TO:

- Improve emergency alert and fire warning systems
- Improve evacuation routes and infrastructure for quicker, safer evacuations
- Reduce hazardous vegetation using environmentally-responsible practices
- Expand defensible space and fire safety inspections
- Protect roads, bridges, power and communication lines, schools and police and fire stations
- Provide support for seniors, low-income homeowners and people with disabilities needing assistance to keep their homes fire resistant
- Expand neighborhood wildfire safety and preparedness programs

STRICT FISCAL ACCOUNTABILITY:

- All funds must be spent locally for wildfire prevention and preparedness only
- By law, no funds can be taken by the State
- An independent citizens' oversight committee ensures funds are spent properly
- Low-income senior citizens are eligible for an exemption from the cost
- Administrative costs are strictly capped at no more than 6% so funds go directly to wildfire prevention

YES ON C FOR WILDFIRE SAFETY

VOTE YES ON C TO PROTECT MARIN FROM WILDFIRE

Ad paid for by Committee for Wildfire Safety — Yes on C, committee major funding from Christian Larsen FPPC# 1422676.

Yes4WildfireSafety.org
/Yes4WildfireSafety

Measure C campaign flyer promising, among other statements, that a yes vote would “improve evacuation routes and infrastructure for quicker, safer evacuations.”

¹⁵ Marin County Registrar of Voters, “March 3, 2020 - Measure C,” emphasis added, <https://www.marincounty.org/depts/rv/election-info/election-schedule/page-data/tabs-collection/2020/march-3/measure/measure-c-tab>.

Marin voters approved the ballot initiative with a 71 percent majority.

The Grand Jury is concerned that Marin’s public may have a false sense of security regarding evacuation routes, thinking that all issues relating to the matter will be handled by the new government agency. Local officials told the Grand Jury that citizens are not calling on them to improve evacuation routes in current or future infrastructure projects. They are not demanding action on the inevitable, and possibly lethal, road congestion that will occur in the event of a mass evacuation.

From its interviews and investigation, the Grand Jury confirmed that not only the public, but others, including some government officials, expect that evacuation improvements will fall under the purview of the MWPA. FIRESafe Marin, a nonprofit organization formed by Marin County’s fire chiefs, produced and distributed a fact sheet about the new agency and described one of its tasks as “improving evacuation routes and infrastructure to enhance traffic flow and promote safe evacuation.”¹⁶ Seeming to further support this assumption, the MWPA website states that one of its roles is to “improve disaster evacuation routes for organized evacuation.”¹⁷ Despite these assertions, the MWPA does not plan to actually make infrastructure improvements.

The MWPA is funding major vegetation management projects, creating evacuation maps, applying for and giving grants, providing defensible space evaluations, and planning many other important tasks. However, it should be clearly understood that the MWPA does not have the political authority to initiate the public works projects to build safe mass evacuation routes, nor does it have sufficient financial resources to fund them.

The MWPA is composed of 17 different jurisdictions. Rather than giving the MWPA top-down authority, its formation agreement requires that all its actions are to be achieved through cooperation among its constituent jurisdictions. It cannot impose a requirement for major infrastructure work on the county or any individual jurisdiction. Political authority remains with the towns, cities, and county.

Although the tax for the MWPA is expected to raise approximately \$19.3 million per year, this amount of money is not enough to cover the cost of any major roadway improvement. The MWPA is planning to fund and execute other evacuation-related projects. For instance, it has allocated \$1 million for a traffic study of evacuation routes. This traffic study could be the blueprint for planning future roadway improvements; but beyond this, the agency will not be responsible for executing or funding such work.

It would make sense for the MWPA and the Transportation Authority of Marin to coordinate this infrastructure planning work with the towns, cities, and county. To facilitate this coordination, the MWPA should invite a TAM representative to become an at-large, nonvoting member of its Advisory/Technical Committee.

¹⁶ FIRESafe Marin, “Local Wildfire Prevention & Mitigation Initiative,” accessed October 4, 2020, https://www.firesafemarin.org/images/articles/mwpa/JPA_FactSheet_Final.pdf.

¹⁷ Marin Wildfire Prevention Authority, “About Us,” accessed October 17, 2020, <https://www.marinwildfire.org/about-us>.

CONCLUSION

Planning, executing, and building for evacuation is an enormous, complex, expensive, and time-consuming task that can only be achieved one step at a time. As a start, to meet the need for safer evacuation, Marin’s officials and agencies should consider evacuation impacts whenever they are planning a new roadway improvement project. Success in this endeavor will require dedicated attention by our elected leaders and cooperation across and within Marin’s jurisdictions as well as the Transportation Authority of Marin and the Marin Wildfire Prevention Authority. With recognition of the progress made so far and in view of the extensive work that remains to be done, the Grand Jury is recommending the next steps needed to build for evacuation.

FINDINGS

- F1. No single agency or jurisdiction is taking responsibility and authority for building infrastructure for safe evacuation routes across jurisdictions in Marin County.
- F2. There is confusion in the county as to who has ultimate responsibility and authority for ensuring that Marin has safe evacuation routes.
- F3. Marin County Board of Supervisors and town and city councils have the responsibility for safe evacuation routing, and they have not sufficiently considered evacuation as a criterion when approving improvements to roads and traffic infrastructure in their jurisdictions.
- F4. County and municipal administrators, public works, and traffic engineers have not adequately considered mass evacuation as a criterion for planning and funding traffic infrastructure improvements.
- F5. Most Marin jurisdictions have not yet included urgently needed evacuation plans in their general plans as required by state law and as recommended by the Governor’s Office of Planning and Research.
- F6. As Marin’s designated “congestion management agency,” the Transportation Authority of Marin, is best positioned to coordinate and support the funding of public works projects for improving evacuation routes, including cross-jurisdictional evacuation routes.
- F7. Contrary to its previous responses to the Grand Jury, the Transportation Authority of Marin is not precluded or constrained from incorporating evacuation planning needs as a criterion in its infrastructure projects.
- F8. The Transportation Authority of Marin’s decision-making process is inadequate unless it includes evacuation as a criterion when funding improvements.
- F9. The Marin Wildfire Prevention Authority’s Advisory/Technical Committee would benefit from having the expertise of the Transportation Authority of Marin to advise on evacuation infrastructure needs.

RECOMMENDATIONS

- R1. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should direct their respective planning and public works departments to include evacuation needs among their criteria for evaluating and recommending public works projects.
- R2. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should adopt resolutions calling on the Transportation Authority of Marin to include evacuation needs among the criteria it considers when planning and funding public works projects.
- R3. In calendar year 2021, the County of Marin and its cities and towns should update the safety elements of their general plans to include evacuation planning.
- R4. Within 120 days of the date of this report, the Transportation Authority of Marin should establish a criterion requiring that evacuation impacts be examined and stated when planning and funding infrastructure projects.
- R5. Within 120 days of the date of this report, the Marin Wildfire Prevention Authority should invite a Transportation Authority of Marin representative to become an at-large, nonvoting member of its Advisory/Technical Committee to support program development, funding, and implementation of improvements in evacuation routes.

REQUEST FOR RESPONSES

According to the California Penal Code, agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response. It is not within the Grand Jury's power to waive or extend these deadlines, and to the Grand Jury's knowledge, the Judicial Council of California has not done so. But we recognize that the deadlines may be burdensome given current conditions caused by the COVID-19 pandemic.

Whether the deadlines are extended or not, it is our expectation that Marin's public agencies will eventually be able to return to normal operations and will respond to this report. In the meantime, however, public health and safety issues are of paramount importance and other matters might need to wait.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as shown below. Where a recommendation is addressed to multiple respondents, each respondent should respond solely on its own behalf without regard to how other respondents may respond.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing bodies:

- County of Marin Board of Supervisors (F1–F5, R1–R3)
- Belvedere City Council (F1–F5, R1–R3)
- Corte Madera Town Council (F1–F5, R1–R3)
- Fairfax Town Council (F1–F5, R1–R3)
- Larkspur City Council (F1–F5, R1–R3)
- Mill Valley City Council (F1–F5, R1–R3)
- Novato City Council (F1–F5, R1–R3)
- Ross Town Council (F1–F5, R1–R3)
- San Anselmo Town Council (F1–F5, R1–R3)
- San Rafael City Council (F1–5, R1–R3)
- Sausalito City Council (F1–F5, R1–R3)
- Tiburon Town Council (F1–F5, R1–R3)
- Transportation Authority of Marin Board of Directors (F1, F2, F6–F9, R4)
- Marin Wildfire Prevention Authority Board of Directors (F1, F2, F9, R5)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

March 2, 2021

Lucy Dilworth,
Foreperson Marin County
Civil Grand Jury
3501 Civic Center Drive,
Room 275 San Rafael, CA
94903

Re: Responses to Grand Jury Report – “Roadblocks to Safer Evacuations in Marin”

Dear Foreperson Dilworth,

Please find the City of Belvedere’s responses to the report of the Civil Grand Jury, dated December 14, 2020, entitled ““Cyberattacks – Roadblocks to Safer Evacuations in Marin.”

FINDINGS AND RESPONSES.

F1. No single agency or jurisdiction is taking responsibility and authority for building infrastructure for safe evacuation routes across jurisdictions in Marin County.

Response – Agree with the finding. No single countywide agency is solely responsible for this task. However, most neighboring agencies collaborate to identify evacuation routes and infrastructure constraints when planning joint projects.

F2. There is confusion in the county as to who has ultimate responsibility and authority for ensuring that Marin has safe evacuation routes

Response – Agree with the finding. To date, no single agency has taken the lead on evacuation planning for all of Marin.

F3. Marin County Board of Supervisors and town and city councils have the responsibility for safe evacuation routing, and they have not sufficiently considered evacuation as a criterion when approving improvements to road and traffic infrastructure in their jurisdictions.

Response – Partially Disagree with the finding. Belvedere does factor in evacuation issues when considering whether to move forward on new capital projects. In terms of existing infrastructure or road placements and alignments, it is clearly beyond the financial capacity of the city government to address the fact that such concerns may not have been considered in past

decisions. We are focusing on eliminating bottlenecks and improving our existing systems of egress so as to improve evacuation outcomes, and understand that largescale infrastructural changes will require outside funding.

F4. County and municipal administrators, public works, and traffic engineers have not adequately considered mass evacuation as a criterion for planning and funding traffic infrastructure improvements.

Response – Partially Disagree with the finding. The Belvedere Public Works Department includes evacuation within its grading criteria when recommending Capital Improvement projects. This is re-evaluated on an annual basis.

F5. Most Marin jurisdictions have not yet included urgently needed evacuation plans as required by state law and as recommended by the Governor’s Office of Planning and Research.

Response – Partially Disagree with the finding. Belvedere’s Local Hazard Mitigation Plan addresses evacuation and sets goals for improving emergency egress through capital projects and the planning approval process.

Response to Recommendations:

R1. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should direct their respective planning and public works departments to include evacuation needs among their criteria for evaluating and recommending public works projects.

Response – This recommendation is already being implemented within the Public Works department when considering priorities for transportation and infrastructure Capital Improvement projects.

R2. Within 180 days of the date of this report, the governing boards of the County of Marin and its cities and towns should adopt resolutions call on the Transportation Authority of Marin to include evacuation needs among its criteria it considers when planning and funding public works projects.

Response – The Transportation Authority of Marin’s role has been to assist local jurisdictions in identifying and directing sources of funding for capital projects. TAM provides high level support throughout this process, and each agency is responsible for assessing their own needs and priorities.

R3. In calendar year 2021, the County of Marin and its cities and towns should update the safety elements of their general plans to include evacuation planning.

Response – This recommendation has been implemented in Belvedere through the Safety Element of the Local Hazard Mitigation Plan. This plan will be further refined through integration of evacuation software and recommendations from evacuation planning firms.

Sincerely,

Craig Middleton

City Manager

To: Mayor and City Council

From: Rebecca Markwick, Senior Planner

Reviewed By: Craig Middleton, City Manager
Irene Borba, Director of Planning and Building

Subject: Mills Act Agreement requested by owners of 370 Bella Vista Avenue

Recommended Motion/Item Description

1. That Council Member Jim Lynch state for the record that his residence is within 500 feet of the subject property and therefore he must recuse himself from this item.
2. That the City Council approve the Mills Act Agreement for the property at 370 Bella Vista Avenue and authorize the Mayor to execute the agreement on behalf of the City.

Background

The Mills Act Property Tax Abatement Program was established by the state of California in 1972 to encourage the preservation of historic properties. Local jurisdictions decide if and when to participate. The City of Belvedere formally joined the program in 1993 with the adoption of the Historic Preservation Ordinance, Title 21 of the Belvedere Municipal Code. The Mills Act Program can greatly reduce the assessed value of historic properties and thereby reduce the owner's property taxes. In return, the City benefits from the preservation of important historic or cultural resources.

On July 20, 2020, the property owners applied for historic designation of their property. After conducting a survey of the structure, the Historic Preservation Committee recommended Planning Commission approval of the application at its meeting on October 13, 2020. On November 17, 2020, the Planning Commission recommended City Council approval of the request for historic designation. On December 14, 2020, the Belvedere City Council designated the property at 370 Bella Vista Avenue a landmark designation property through City Council Resolution No. 2020-42 (Attachment 2). This action made the property eligible for a Mills Act Agreement and, on January 1, 2021, the property owners submitted a fee for the 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. On January 28, 2020, the Building Official and Senior Planner conducted an inspection of the property and found no sign of disrepair, structural failure or deterioration. (Attachment 3).

At its February 9, 2021 meeting, the Historic Preservation Committee reviewed the application and voted to recommend City Council approval of a Mills Act Agreement with the property owner at 370 Bella Vista Avenue in order to preserve the historic resource. The draft minutes of the October 13, 2020 Historic Preservation Committee meeting are included as Attachment 4.

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.)” The City Council may authorize an agreement upon recommendation by the Historic Preservation Committee. Mills Act benefits last a maximum of 15 years.

Fiscal Impact

Once a property owner enters into the Mills Act Agreement (MAA), on the anniversary of the agreement the MAA renews automatically. At year five of the MAA, the City sends the property owner a letter of non-renewal. Once such a notice is issued, the property tax savings begin to decrease and ultimately return to the normal assessed value at the termination of the Agreement. It has been past City policy to issue the Notice of Non-Renewal 60 days prior to the fifth anniversary of the Agreement, providing for a total of 15 years of tax benefits for the property owner

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. Therefore, the adjusted annual cap is now \$54,094, and the net remaining tax loss available for new properties is approximately \$18,608 (after deducting the cost of this Mills Act Agreement).

A Mills Act Agreement requires the County Tax Assessor’s 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 370 Bella Vista Avenue would represent a reduction in the assessed valuation of the property by 1,792,296. This would result in an approximate \$3,764 annual loss in tax revenue to the City of Belvedere.

Historic Property Address	Estimated 2020/21 Roll Value	Estimated 2020/21 Mills Act Value	Estimated Owner Savings per year	Estimated City Tax Loss per year
370 Bella Vista Avenue	\$3,442,296	\$1,650,000	\$17,923	\$3,764

Conclusion

The Mills Act Tax Abatement Program is a tool used by cities to encourage the preservation of historic properties by helping offset the costs associated with repair, stabilization and maintenance. The Historic Preservation Committee recommends that the City Council authorize a Mills Act Agreement for the historic residence located at 370 Bella Vista Avenue.

Recommendation

That the City Council approve the Mills Act Agreement for the property at 370 Bella Vista Avenue and authorize the Mayor to execute the agreement on behalf of the City.

Attachments

1. Draft Mills Act Agreement.
2. Historic Preservation Committee staff report of February 9, 2021.
3. Maintenance Inspection Report
4. Draft minutes of the February 9, 2021 Historic Preservation Committee meeting.

MILLS ACT AGREEMENT

This Agreement is made this 8th day of March 2021 between the City of Belvedere, a municipal corporation of the State of California ("City") and Mitul Modi and Steven Howard.

RECITALS

- a) Owner possesses and owns real property located at 370 Bella Vista Avenue 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 Rehabilitation, and the State Historic Building Code. (See Exhibit B, The Secretary of the Interior's Standards for Historic Rehabilitation.)
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 this Agreement as Exhibit C 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 Historic 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, two-hundred and forty-five dollars (\$1,245) 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.
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 (12.5%) 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.
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 OF RECORD

CITY OF BELVEDERE

By: _____
Owner, Mitul Modi

By: _____
James Campbell, Mayor

By: _____
Owner, Steven Howard

APPROVED AS TO FORM

Emily Longfellow, City Attorney

SPECIMEN

EXHIBIT A

PROPERTY DESCRIPTION

The land referred to is situated in the County of Marin, City of Belvedere, State of California, and is described as follows:

Legal description to be provided by property owner.

SPECIMEN

EXHIBIT B

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 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 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.

SPECIMEN

EXHIBIT C

PROPERTY INSPECTION REPORT

See attachment number 3.

SPECIMEN



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

REPORT DATE: February 2, 2021 **AGENDA ITEM: 3**
MEETING DATE: February 9, 2021
TO: Chairman Owen and Members of the Historic Preservation Committee
WRITTEN BY: Rebecca Markwick, Senior Planner
REVIEWED BY: Irene Borba, Director of Planning and Building
SUBJECT: **Application for Mills Act Agreement for 370 Bella Vista Avenue**

Recommendation:

The proposed application is for a Mills Act Agreement with the property located at 370 Bella Vista Avenue. The Mills Act is an economic incentive program for the restoration and preservation of qualified historic structures. The property at 370 Bella Vista 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 370 Bella Vista Avenue to help maintain this City of Belvedere Historically Designated Property.

Background:



The project site is a sloping property within the R-15 zoning district. The site is adjacent to single-family residences to the north and south and is a street-to-street lot between Bella Vista Avenue and Beach Road. The house was built c.1892 and is an excellent example of Dutch Colonial style of architecture.

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. In order 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 20, 2020, the property owners applied for historic 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 October 13, 2020. On November 17, 2020, the Planning Commission recommended City Council approval of the request for historic designation. On December 14, 2020 the Belvedere City Council designated the property at 370 Bella Vista Avenue a landmark designation property through City Council Resolution No. 2020-42 (Attachment 2). This action made the property eligible for a Mills Act Agreement, and on January 1, 2021, the property owners submitted a fee for the 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. On January 28, 2020, the Building Official and Senior Planner conducted an inspection of the property and found no sign of disrepair, structural failure or deterioration. (Attachment 3)

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. Therefore, the adjusted annual cap is now \$54,094, and the net remaining tax loss available for new properties is approximately \$18,608 (including this proposed agreement).

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 370 Bella Vista Avenue would represent a reduction in the assessed valuation of the property by 1,792,296. This would result in an approximate \$3,764 annual loss in tax revenue to the City of Belvedere.

Historic Property Address	Estimated 2021/22 Roll Value	Estimated 2020/21 Mills Act Value	Estimated Owner Savings per year	Estimated City Tax Loss per year
370 Bella Vista Avenue	\$3,442,296	\$1,650,000	\$17,923	\$3,764

Recommendation:

Staff supports the proposed application for a Mills Act Agreement with property located at 370 Bella Vista 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 370 Bella Vista Avenue, to help maintain this City of Belvedere Historically Designated Property.

Attachments:

1. Application for Mills Act Agreement
2. City Council Resolution 2020-42
3. City Inspection Report



CITY OF BELVEDERE

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

Date: February 1, 2021
To: Rebecca Markwick, City of Belvedere Senior Planner
CC: Mitul Modi & Steven Howard
From: Brian Van Son, City of Belvedere Building Official
Re: 370 Bella Vista Ave. – Mills Act Maintenance Inspection

On January 28, 2021, I performed a building inspection at 370 Bella Vista Ave., pursuant to the provisions contained in the Mills Act Agreement requested by the property owners, Mitul Modi and Steven Howard, with the City of Belvedere. I was accompanied by Steven Howard, property owner, and Rebecca Markwick, Senior Planner for the City of Belvedere. Ms. Markwick took numerous photos to record the condition of the structure.

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:

- 1974 era permit to reroof the residence.
- 1974 era permit to remodel a bathroom.
- 1975 era permit for a sunroom addition, as well as, construction of a carport.
- 1997 era permit to reroof the carport.
- 1998 era permit to replace a site retaining wall.
- 1998 era permit to replace the windows of the structure.
- 2001 era permit to repair a site retaining wall.
- 2002 era permit for the underground relocation of utilities.
- 2004 era permit to construction a new retaining wall at Beach Rd.
- 2007 era permit to replace the foundation of the residence.
- 2008 era permit to reroof the residence.
- 2016 era permit to replace a structural beam.

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 good condition and well maintained, with minimal signs of stress or deterioration. As a result, there are no apparent aspects of the building which are in a deteriorated state nor require any repairs or rehabilitation.

**REGULAR MEETING
HISTORIC PRESERVATION COMMITTEE
TUESDAY, FEBRUARY 9, 2021, 5:30 P.M.
ZOOM MEETING
450 SAN RAFAEL AVENUE, BELVEDERE, CA
MINUTES**

COMMITTEE PRESENT: Mel Owen, Jeanne Price, George Gness, Robert Griffin, John Sheehy.

COMMITTEE ABSENT: Diana Bradley

OTHERS PRESENT: Senior Planner Rebecca Markwick, Mayor James Campbell, Technician Nancy Miller, Suzanne and James DuMolin.

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

OPEN FORUM

No one wished to speak.

REPORTS

Senior Planner Rebecca Markwick stated that there are 2 new applications for Historic Designation at 304 Golden Gate Avenue and 428 Golden Gate Avenue. Committee members will be requested to volunteer to prepare historical survey reports for each property at the end of the meeting.

SCHEDULED ITEMS

1. Approve Minutes of the October 12, 2020 meeting.

Minutes were approved unanimously. (Bradley absent).

2. Public Hearing for Consideration of Historical Designation of property at **308 Golden Gate Avenue** pursuant to Chapter 21.20 of the Belvedere Municipal Code. CEQA status: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines. Applicant and Property Owners: James and Susan DuMolin AB Living Trust (*Recusals Robert Griffin*)

Associate Planner Markwick was available for questions.

Committee members Jeanne Price and Bob Griffin had visited the site and studied the property historical information. They submitted a survey report accompanied by comments from John Sheehy. They recommended that the property would qualify for designation under criteria numbers 1, 2, 5, 7, and 8. Mr. Sheehy spoke about historical highlights of the property.

The applicants had submitted many historical details about the property as a part of their application numbers: 1, 2, 3, 5, and 7. Discussion was held regarding criteria 6 as well. Committee majority agreed this criteria was also met.

A motion was made and seconded to recommend to the Planning Commission an approval of Historic Designation for the property at **308 Golden Gate Avenue**. Committee approved unanimously (Griffin recused, Bradley absent).

3. Public Hearing for consideration of Mills Act Agreement for property at **370 Bella Vista 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: Mitul Modi and Steven Howard

Staff was available for Committee questions. There were no other questions of staff. Committee agreed that this recently designated property qualified for City Council consideration for a Mills Act Agreement.

A Motion was made and seconded to recommend that the City Council enter into a Mills Act Agreement with the property owners of **370 Bella Vista Avenue**, to help maintain this City of Belvedere Historically Designated Property. Committee approved unanimously (Bradley absent).

4. Future agenda items.

Committee selected members to review 2 new applications for Historic Designation at 428 Golden Gate Avenue (Sheehy and Gness to review, Griffin available to assist) and 304 Golden Gate Avenue (Owens and Price to review).

Adjourn

The meeting was adjourned at 5:44 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Historic Preservation Committee on _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mel Owen, Chairman

ATTEST: _____
Rebecca Markwick, Senior Planner

To: Mayor and City Council

From: Brian Van Son, Building Official

Reviewed By: Craig Middleton, City Manager
Irene Borba, Director of Planning & Building
Emily Longfellow, City Attorney

Subject: Introduction and First Reading of an Ordinance Amendment to Design Review, Chapter 20.04, adding Section 20.04.200 Regarding Analysis of “Substantial Improvement” for Floodplain Regulation Purposes; and Adopt Resolution to Amend Administrative Policy Manual Regarding Floodplain Regulations for Residential Construction Projects Located within the AE and VE Flood Zones

Recommended Motions

Staff recommends the City Council conduct the public hearing and make the following motions:

MOTION 1: Motion to read Ordinance Amendment by title only. The City Clerk will then read aloud the full title of the Ordinance. (**Attachment 1.**)

MOTION 2: Motion to approve the first reading of the Ordinance and waive future reading of the Ordinance in its entirety.

MOTION 3: Motion to approve the Resolution amending the Administrative Policy Manual. (**Attachment 2.**)

Introduction and Background

Introduction

Staff presents for the City Council’s consideration amendments to the Administrative Policy Manual and the Design Review Ordinance that will help provide tools to predictably and fairly determine which projects constitute a “substantial improvement” and are therefore required to be raised per federal law and the Belvedere Code. Please note that the proposed amendments *do not* impose any new substantive floodplain requirements; rather they provide tools to consistently implement current floodplain requirements under federal law and the City’s floodplain ordinance, Chapter 16.20.

Existing floodplain regulations issued by the Federal Emergency Management Agency (“FEMA”) and set forth in the Belvedere Municipal Code require all projects that constitute a “substantial improvement” in the AE and VE flood zones be raised to one foot above base flood elevation. Under FEMA requirements, a “substantial improvement” is when the value of the proposed project equals or exceeds 50% of the fair market value of the structure prior to construction. (**Attachment 3**, Bel. Mun. Code Chapter 16.20.)

The City’s Floodplain Administrator first evaluates “substantial improvement” at the beginning of the process, when an applicant submits an estimate of construction costs and an appraisal of the structure with the Design Review application. If the Floodplain Administrator calculates that the **cost of the project equals or exceeds 50% of the structure’s appraised value**, then the project is a substantial improvement and must be elevated pursuant to floodplain rules.

If an applicant wishes to avoid raising the structure pursuant to floodplain requirements, there is an incentive to overvalue the structure and undervalue the estimated cost of construction. For example, if the appraised value of the structure appears high, and/or the cost of construction appears low, the cost of construction will be less likely to meet the 50% threshold required for a substantial improvement, thereby avoiding Floodplain regulations.

To address this concern, and to provide consistency and predictability, a Planning Commission subcommittee was formed to develop tools to use when performing a substantial improvement analysis. The Planning Commission recommends adoption of these tools.

To increase predictability and consistency, the proposed tools in the Administrative Policy amendments and Ordinance amendment act to:

- Establish an accurate project cost early in the process; and
- Establish an accurate appraised value of the structure.

First, information submitted early in the planning stage is often inaccurate and frequently the project valuation increases once a contractor is secured. For example, while an applicant gives an estimate of project cost at the initial planning stage, a contractor is not selected until the end of the building permit process. Once a contractor is secured, the estimated project value is more accurate and often increases. If the project estimate at this later building permit stage is equal to or exceeds 50% of the structure’s value, then it qualifies as a “substantial improvement” and must either be raised per federal and City floodplain regulations, or modified so that it does not require either modification. Modifications to reduce the project under the “substantial improvement” threshold would require the applicant to go through the approval process again with additional time and costs to the property owner and the City.

Second, questions have been raised regarding the accuracy of a structure’s valuation in certain instances, as there is an incentive to overvalue a structure if the applicant does not wish to raise the home. *As noted above, the proposed tools do not change the requirements of either federal floodplain law or the City’s flood control ordinance.*

The proposed tools will provide a more predictable and accurate calculation of what constitutes a “substantial improvement” by confirming the accuracy of both the appraised value of a structure and the estimated costs of the project.

Background

The Floodplain Subcommittee held a series of meetings to develop tools that allow the consistent and predictable determination of what constitutes a “substantial improvement.”

After significant work at the subcommittee level, the Planning Commission considered proposed amendments at its September 22, 2020 meeting. After consideration, the Commission directed staff to make minor modifications for further consideration by the Floodplain Analysis subcommittee. The subcommittee then held a meeting on December 2020 to consider the Planning Commission’s direction.

The subcommittee recommend two modifications: 1) including an administrative policy capturing the current City practice of requiring a one year construction hiatus between large construction projects; and 2) additional language in the demolition section of the policy clarifying that a project may be deemed a demolition at any point during the construction project, prior to the finalization of the building permit, and subsequently may be deemed a substantial improvement for Floodplain purposes (please note that this is required by FEMA and Municipal Code requirements – the language was for clarification purposes.)

The Planning Commission recommended Council approval of the proposed amendments at its January 21, 2021 meeting, with the minor clarification that the substantial improvement determination, as related to the demolition, shall be determined prior to the issuance of the building permit for the project.

Proposed Administrative Policy Amendments

Below please find a summary of the proposed Administrative Policy Amendments. Please note that no one policy is dispositive. For example, if a project is *not* a substantial improvement under one policy, that does not necessarily indicate that it is not a substantial improvement under a separate policy, analysis, or Code section. The policies are intended as tools for evaluation and guidance.

A. Demolition in Flood Zones Presumptively Constitute Substantial Improvement Subject to Floodplain Regulations

The proposed Administrative Policy provides that any project located in a designated flood zone that meets the definition of a demolition in BMC section 19.08.136 is presumptively a substantial improvement subject to Floodplain regulations unless the individual facts and circumstances of the project indicate otherwise.

Noted above, a substantial improvement is a project where the cost of a project equals or exceeds 50% of the value of the structure prior to construction. In most cases, the cost of construction to replace a demolition – which is defined as including the removal of more than 50% of exterior wall and roof areas – will necessarily exceed 50% of the structure’s value, thereby qualifying as a substantial improvement. This determination may be made at the time of building permit issuance.

Please note that the Administrative Policy gives the Floodplain Administrator discretion to determine, based on the unique facts of the particular case, that a demolition does not constitute a substantial improvement.

B. Preferred Appraisal Method and Independent Third-Party Evaluations and Appraisals

The proposed policies provide tools to ensure the accuracy of an appraisal.

First, the policy provides that the applicant's submitted appraisal must be an "Actual Cash Value" appraisal in most circumstances, unless the Floodplain Administrator determines otherwise based on the unique facts of the case. The Actual Cash Value appraisal method evaluates the cost to replace a structure on the same parcel with a new structure of like-kind and quality, minus depreciation due to age and use. The Actual Cash Value method is accepted by FEMA.

Second, the policy provides that the Floodplain Administrator may require that the applicant pay for an independent third-party appraiser, to be retained by the City, to perform an independent appraisal and/or an evaluation of an appraisal submitted by the applicant. This independent third-party analysis and/or appraisal will help confirm the accuracy of any appraisal initially submitted by the applicant.

C. Standardized Per Square-Foot Multiplier

Currently, the valuation of a construction project is provided by the applicant at the time of building permit application before a contractor is selected. Often when the contractor is selected, the project costs become more accurate and increase.

The proposed policy provides for a standard per square-foot multiplier to allow the Floodplain Administrator to evaluate construction costs based on a standardized measure, and create a transparent system that allows property owners, architects, contractors, and members of the public to better understand how the City of Belvedere evaluates projects within the flood zones.

The policy provides that the Floodplain Administrator analyzes project-based valuations provided by the Craftsman National Building Cost Manual (CNBM). This publication provides national averages per square foot for construction within specific regions of all 50 states, as well as local area modification factors for construction within a specific region.

For example, the most common type of home built in Belvedere's Floodplain qualifies as luxury construction. The CNBM provides a cost per square foot of construction as \$388.89 for luxury construction in the Bay Area with a local area multiplier of 27%. For a 2,600 square foot home, staff would initially multiply the square footage of the project by the cost per square foot, \$388.89. This totals \$1,011,114.00. That total would then be adjusted with the local area modifier of 27%. This totals \$1,284,114.78. Therefore, the total cost of construction for this project would be \$1,284,114.78, or \$493.89 per square foot. This amount would be used in the substantial improvement determination, unless the Floodplain Administrator determines that another methodology is appropriate based on the unusual facts of the case.

Additionally, for projects consisting of remodels, staff has developed a scope of work valuation worksheet to evaluate and document the valuation of the proposed construction (**Attachment 4**). Staff would utilize a percentage of the square foot valuation provided above for areas of the proposed remodel, with a higher percentage being given to areas commonly known to have higher construction costs, such as kitchens and bathroom, as well as areas with more extensive construction.

D. Time Period of Construction Inactivity Between Projects

The proposed policy captures current City practice of requiring a minimum of one year of construction inactivity between projects in order to not be considered a “substantial improvement”. The one-year timeframe will begin at the finalization of the initial building permit. Any subsequent building permits will not be issued until a minimum of one year following the final approval. Should a building permit need to be issued during the time of required inactivity, the valuation of the initial building permit and any other building permit issued during that time, will be added together for the purposes of making a Substantial Improvement designation.

Additionally, during the time of construction inactivity, the site and structure must be safe and habitable, as determined by the Building and Planning Departments. The structure and/or site shall appear finished and shall not appear incomplete or unfinished in any way during the time of required inactivity between projects. A complete or finished appearance may require the installation of site improvements, landscaping, or other features required by the Planning and Building Departments.

Proposed Ordinance Amendment to Consider Substantial Improvement

The proposed Ordinance amendment allows the Planning Commission to evaluate whether it determines, based on the evidence presented, that the project qualifies as a “substantial improvement.” This would provide an additional safeguard and inform applicants that the issue will be considered as a larger part of the project approval. The proposed language states:

The proposed work shall be evaluated as to whether it meets the definition of “substantial improvement” as defined in Section 16.20.040 of the Municipal Code. If it is found that the proposed work constitutes a “substantial improvement,” then it must satisfy all applicable floodplain requirements in the Municipal Code and pursuant to Federal Emergency Management Agency guidelines.

Environmental Review

The proposed Administrative Policies and Ordinance Amendments are exempt from the provisions of the California Environmental Quality (“CEQA”) Guideline section 15061(b)(3) as it can be seen with certainty that there is no possibility that the policies will have a significant adverse effect on the environment

Conclusion and Recommendation

Staff recommends that the City Council approve the proposed Administrative Policy amendments and the Ordinance Amendment as recommended by the Planning Commission. The policies and Ordinance amendment will provide valuable tools to ensure an accurate substantial improvement determination, providing for the consistent and predictable application of floodplain regulations.

Staff recommends that the Council make the motions first mentioned above.

Attachments

1. Ordinance
2. Administrative Policy Resolution and Amendments
3. Belvedere Municipal Code Chapter 16.20
4. Construction cost per square foot evaluation worksheet

CITY OF BELVEDERE

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELVEDERE ADDING SECTION 20.04.200 TO THE DESIGN REVIEW ORDINANCE, CHAPTER 20.04 REGARDING SUBSTANTIAL IMPROVEMENT FOR FLOODPLAIN REGULATION

WHEREAS, regulations issued by the Federal Emergency Management Agency (“FEMA”) and contained in Belvedere’s floodplain regulations, Belvedere Municipal Code chapter 16.20, require that when a project constitutes a “substantial improvement” it must be raised pursuant to said regulations; and

WHEREAS, a “substantial improvement” is defined by federal and City requirements as when the cost of a project equals or exceeds 50% of the structure’s value prior to construction; and

WHEREAS, the City desires to provide tools to ensure that the determination of “substantial improvement” is made in a predictable and consistent manner to provide stability and predictability for members of the community and the City; and

WHEREAS, the Floodplain Subcommittee held numerous public meetings to develop proposed amendments to the Administrative Policy Manual and an Ordinance amendment to the Design Review Code that assist the City in providing consistent and predictable determinations of “substantial improvement”; and

WHEREAS, on January 21, 2021, the Planning Commission recommended City Council approval of said amendments to the Administrative Policy Manual and the Design Review Code; and

WHEREAS, the proposed Ordinance amendment would allow evaluation of whether a project meets the definition of “substantial improvement” pursuant to Section 16.20.040 of the Belvedere Municipal Code, during Design Review consideration, and if so, it must comply with all applicable floodplain requirements (the “Ordinance Amendment”); and

WHEREAS, on March 8, 2021, the City Council held a duly noticed public hearing to consider the Ordinance Amendment; and

WHEREAS, the Ordinance Amendment is categorically exempt from the California Environmental Quality Act (“CEQA”) under the “common sense” exception, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the Amendment does not have a significant adverse effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELVEDERE HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amendment. Section 16.20.200 is hereby added by the Belvedere Municipal Code as follows:

20.04.200 Substantial Improvement. The proposed work shall be evaluated as to whether it meets the definition of “substantial improvement” as defined in Section 16.20.040 of the Municipal Code. If it is found that the proposed work constitutes a “substantial improvement,” then it must satisfy all applicable floodplain requirements in the Municipal Code and pursuant to Federal Emergency Management Agency guidelines.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those City Council members voting for and against the Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

INTRODUCED AND ADOPTED AT A PUBLIC HEARING at a regular meeting of the Belvedere City Council on March 8, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

CITY OF BELVEDERE RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE ADDING SECTION 14.7 TO THE ADMINISTRATIVE POLICY MANUAL REGARDING SUBSTANTIAL IMPROVEMENT DETERMINATION FOR FLOODPLAIN REGULATION

WHEREAS, the Belvedere Administrative Policy Manual is a resource that contains the published statements of the City’s standards, policies, and procedures, and is adopted and amended by City Council Resolution; and

WHEREAS, regulations issued by the Federal Emergency Management Agency (“FEMA”) and contained in Belvedere’s floodplain regulations, Belvedere Municipal Code chapter 16.20, require that when a project constitutes a “substantial improvement” it must be raised pursuant to said regulations; and

WHEREAS, a “substantial improvement” is defined by Federal and City requirements as when the cost of a project equals or exceeds 50% of the structure’s value prior to construction; and

WHEREAS, the City desires to provide tools to ensure that the determination of “substantial improvement” is made in a predictable and consistent manner to provide stability and predictability for members of the community and the City; and

WHEREAS, the Floodplain Subcommittee held numerous public meetings to develop proposed amendments to the Administrative Policy Manual and an Ordinance amendment to the Design Review Code that assist the City in providing consistent and predictable determinations of “substantial improvement”; and

WHEREAS, on January 21, 2021, the Planning Commission recommended City Council approval of said amendments to the Administrative Policy Manual and the Design Review Code; and

WHEREAS, the Administrative Policy Amendment, adding Policy section 14.7, would provide tools for the Floodplain Administrator to consistently and predictably determine whether a project meets the definition of “substantial improvement” pursuant to Section 16.20.040 and therefore must be raised per Federal and City floodplain requirements (the “Policy Amendment”); and

WHEREAS, on March 8, 2021, the City Council held a duly noticed public hearing to consider the Policy Amendment; and

WHEREAS, the Policy Amendment is categorically exempt from the California Environmental Quality Act (“CEQA”) under the “common sense” exception, CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the Amendment does not have a significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere as follows:

1. The above recitals are true and correct and incorporated as findings herein; and
2. Section 14.7 “Administration of Substantial Improvement Requirement for Projects Within Designated Floodplains” is hereby added to the Administrative Policy Manual as set forth in Exhibit “A”

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on March 8, 2021, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

ATTEST: _____

APPROVE _____

Beth Haener , City Clerk

James Campbell, Mayor

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 14.7 ADMINISTRATION OF SUBSTANTIAL IMPROVEMENT REQUIREMENT FOR PROJECTS WITHIN DESIGNATED FLOODPLAINS		
	Adoption Date:		Adopted by:
Creation Date:		Revised by:	None
Authority:	City Council		

14.7.1 BACKGROUND

We intend the following Administrative Policies to help ensure the consistent and predictable application of floodplain regulations to projects within the City’s flood zones. No one policy shall be dispositive. For example, if a project is not subject to floodplain regulations under one policy or Municipal Code section, it may still be subject to such regulations pursuant to another policy or Municipal Code section.

The Federal Emergency Management Agency (“FEMA”) has designated two floodplain areas in Belvedere, which are the AE and VE Zones. Projects in these Zones are subject to the Floodplain Management Code sections in the Belvedere Municipal Code, Chapter 16.20, and applicable FEMA regulations.

Pursuant to Chapter 16.20, any construction project that constitutes a “substantial improvement” is required to be elevated a minimum of 1 foot above Base Flood Elevation (“BFE”), with minor differences between the separate zones. Municipal Code, section 16.20.040 provides that a “substantial improvement” is any project where the cost equals or exceeds 50% of the market value of the structure prior to the start of construction. Municipal Code section 16.20.035(AK) further provides that “market value” is the appraised valuation for the property minus the land value as determined by an appraiser.

To assist in establishing whether a project constitutes a substantial improvement subject to Floodplain regulations, an applicant submits with the Design Review application an estimate of construction costs and an appraisal of the structure. If the Floodplain Administrator calculates that the cost of the project equals or exceeds 50% of the structure’s appraised value, then the project is a substantial improvement and must be elevated pursuant to Floodplain rules.

However, there have been questions raised regarding the accuracy of some structure appraisals and project cost estimates. If an applicant wishes to avoid raising the structure pursuant to Floodplain requirements, there is an incentive to overvalue the structure and undervalue the estimated cost of construction. For example, if the appraised value of the structure appears high, and/or the cost of

construction appears low, the cost of construction will be less likely to meet the 50% threshold required for a substantial improvement, thereby avoiding Floodplain regulations.

The intent of the following policies is to provide tools for the Floodplain Administrator to make the “substantial improvement” determination by confirming the accuracy of both the appraised value of a structure and the estimated costs of construction. These tools will help provide consistent and predictable determinations for whether a project constitutes a substantial improvement and must be raised per Floodplain regulations.

If the Floodplain Administrator determines that a project constitutes a substantial improvement subject to floodplain regulations, then the Floodplain Administrator shall inform the Planning Commission of this determination in writing at the time the project is reviewed by the Planning Commission. This determination will advise the Planning Commission’s review of the project.

14.7.2 COMMENTS

1. Demolition In Flood Zone Presumptively Substantial Improvement Subject to Floodplain Regulations

This Administrative Policy provides that any project located in a designated flood zone that meets the definition of a demolition in BMC section 19.08.136, determined at the time of building permit issuance, is presumptively a substantial improvement subject to Floodplain regulations, unless the individual facts and circumstances of the project indicate otherwise. BMC section 19.08.136, defines demolition as:

19.08.136 Demolition. “Demolition,” for the purposes of this Title and Title 20, means the razing of a building, removal of a dwelling unit, or the removal of more than fifty percent of the total exterior wall and roof area from the grade up, including all exterior openings. Removing a residential second unit or converting a duplex into a single unit is considered a demolition. The following activities shall not be considered to be demolitions within the meaning of this definition: a retrofit (see Section 19.08.458); maintenance, repair and/or replacement of exterior surfaces, so long as the materials are consistent with the requirements of Section 20.04.140 “Materials and colors used;” and other maintenance efforts deemed by the Building and Planning Departments to be minor in nature and scope. It is the intent of this definition to ensure that all alterations to existing structures that are part of a major project for the remodel, alteration, construction, or repair of a home or accessory structure are reviewed by the City through a Design Review process, pursuant to Title 20 of the Belvedere Municipal Code.

A substantial improvement is a project where the cost of a project equals or exceeds 50% of the value of the structure prior to construction. In most cases, the cost of construction to replace a demolition – which is defined as including the removal of more than 50% of exterior wall and roof areas – will exceed 50% of the structure’s value, thereby qualifying as a substantial improvement. However, the Administrative Policy provides that the Floodplain Administrator retains discretion to determine, based on the unique facts of the particular case, that a demolition does not constitute a substantial improvement.

2. Preferred Appraisal Method and Independent Third Party Appraisals and Evaluations

The City finds that in most circumstances, the “Actual Cash Value” appraisal method, which is accepted by FEMA, is accurate and should be used. The Actual Cash Value appraisal method evaluates the cost to replace a structure on the same parcel with a new structure of like-kind and quality, minus depreciation due to age and use.

The Administrative Policy provides that initial appraisals submitted with building permit applications shall use the Actual Cash Value approach, unless the Floodplain Administrator in his/her discretion determines otherwise, based on the particular property.

The Administrative Policy also allows the City to hire an independent licensed appraiser to evaluate the appraisal submitted by an applicant, and/or perform an independent appraisal of a structure. All costs for any such appraisal and/or analysis shall be paid by the applicant. The third-party appraiser shall use the Actual Cash Value appraisal methodology unless otherwise determined by the Floodplain Administrator based on the particular property.

3. Standardized Per Square-Foot Cost Estimate

Establishing an accurate project cost estimate is an important component in determining whether a project constitutes a substantial improvement.

An applicant submits an estimated project cost with a building permit application. In most cases an applicant’s project cost estimate is a rough estimate by the architect, designer, and/or property owner. These estimates may be inaccurate because a contractor has not been selected, final “build” drawings have not been prepared, or other reasons. If estimate project costs increase after issuance of a building permit, the project may trigger the 50% threshold for substantial improvement, compelling the City to rescind project approvals, require modification of the project, or require the home to be raised pursuant to Floodplain regulations.

To avoid this outcome, and to provide predictable and accurate project cost estimates, the Administrative Policy provides that the Floodplain Administrator may compare the applicant’s estimated project costs with an estimated project cost using a standardized cost per square foot set forth in the latest version of the Craftsman National Building Cost Manual (the “NBCM”). The NBCM provides a national and statewide average per square foot valuation for construction within specific regions of all 50 states, including the Bay Area, and considers the size and configuration of the home, as well as the type of construction.

For example, the most common type of home built in Belvedere’s Floodplain qualifies as luxury construction. The NBCM provides a cost per square foot of construction as \$388.89 for luxury construction in the Bay Area with a local area multiplier of 27%. For a 2,600 square foot home, staff would initially multiply the square footage of the project by the cost per square foot, \$388.89. This totals \$1,011,114.00. That total would then be adjusted with the local area modifier of 27%. This totals \$1,284,114.78. Therefore, the total cost of construction for this project would be \$1,284,114.78, or \$493.89 per square foot.

Additionally, for projects consisting of remodels, staff has developed a scope of work valuation worksheet to evaluate and document the valuation of the proposed construction. Staff would utilize a percentage of the square foot valuation provided above for areas of the proposed remodel, with a higher percentage being given to areas commonly known to have higher construction costs, such as kitchens and bathroom, as well as, areas with more extensive construction.

If the NBCM project cost estimate is greater than the project cost estimate submitted by the applicant, the NBCM cost estimate shall be used in the substantial improvement analysis. The Floodplain Administrator has the discretion to use the applicant's project cost estimate if appropriate based on facts and circumstances of a particular project.

4. Time Period of Inactivity Between Construction Projects

FEMA regulations prohibit the "phasing" of construction projects. Phasing construction projects is defined as separating a large construction/remodel project into multiple smaller projects to keep the total project valuation under the Substantial Improvement threshold.

In order to address this issue, this policy requires a minimum of one year of construction inactivity between projects. The one-year timeframe will begin at the finalization of the initial building permit. Any subsequent building permits will not be issued until a minimum of one year following a building permit final. Should a building permit need to be issued during the time of required inactivity, the valuation of the initial building permit and any other building permit issued during that time, will be added together for the purposes of making a Substantial Improvement designation.

Additionally, during the time of construction inactivity, the site and structure must be safe and habitable, as determined by the Building and Planning Departments. The structure and/or site shall appear finished and shall not appear incomplete or unfinished in any way during the time of required inactivity between projects. A complete or finished appearance may require the installation of site improvements, landscaping, or other features required by the Planning and Building Departments.

14.7.3 POLICY/PROCEDURE

1. A Demolition in Flood Zone Presumed Substantial Improvement for Floodplain Regulation Purposes.

If a project located in a designated floodplain constitutes a "demolition" as defined in Belvedere Municipal Code chapter 19.08, determined at the time of building permit issuance, then the project presumptively will be considered a substantial improvement pursuant to Belvedere Municipal Code chapter 16.20 and as such, must comply with all applicable Floodplain regulations. In his or her discretion, based on unusual facts or circumstances, the Floodplain Administrator may determine a demolition is not a substantial improvement and is not required to satisfy Floodplain regulations.

2. Use of Independent Licensed Appraisers and Preferred Appraisal Method

The Actual Cash Value appraisal method evaluates the cost to replace a structure on the same parcel with a new structure of like-kind and quality, minus depreciation due to age, use, and neglect. The Actual Cash Value appraisal method is accepted by FEMA.

The initial appraisal submitted with a Design Review application shall use the Actual Cash Value approach, unless otherwise agreed to by the Floodplain Administrator based on the facts and circumstances of the particular property. All submitted appraisals shall use FEMA approved appraisal methodologies. Currently, FEMA approved appraisal methodologies can be found at <https://www.fema.gov/media-library-data/20130726-1535-20490-4788/unit8.pdf>

Additionally, in its discretion, the City may hire an independent licensed appraiser to evaluate any appraisals submitted by an applicant, and/or perform an independent appraisal of a structure's fair market value. The applicant shall pay all costs of such evaluations and/or appraisals. Appraisals and appraisal evaluations shall use the Actual Cash Value appraisal methodology, unless otherwise directed by the Floodplain Administrator based on the facts and circumstances of the particular property.

3. Standardized Per Square-Foot Cost Estimate

In his or her discretion, the Floodplain Administrator may analyze the accuracy of an applicant's estimated project cost by comparison with the standardized project cost per square foot construction established in the latest version of the Craftsman National Building Cost Manual (the "NBCM"). If the NBCM project cost estimate is greater than the project cost estimate submitted by the applicant, the NBCM cost estimate shall be used in the substantial improvement analysis. Notwithstanding anything to the contrary in this section, the Floodplain Administrator may use the applicant's project cost estimate if appropriate based on the facts and circumstances of the particular project.

4. Time Period of Construction Inactivity Between Projects

Unless there is a period of at least 12 months of construction inactivity between the finalization of an initial building permit and the issuance of subsequent building permits, the value of such projects will be added together for purposes of making a Substantial Improvement determination. During this time of construction inactivity, the site and structure must be safe and habitable as determined by the Planning and Building Departments. Each project must receive final inspection approval from the City. The structure/site must appear in finished form and shall not appear incomplete in any way during the time of inactivity between projects. This may require the installation of site improvements, landscaping, or other features required by the Planning Department.

Chapter 16.20

FLOODPLAIN MANAGEMENT

Sections:

- 16.20.010 Statutory authorization.
- 16.20.020 Findings of fact.
- 16.20.030 Statement of purpose.
- 16.20.035 Methods of reducing flood losses.
- 16.20.040 Definitions.
- 16.20.100 General provisions—Lands to which this Chapter applies.
- 16.20.110 General provisions—Basis for establishing the areas of special flood hazard.
- 16.20.120 General provisions—Compliance.
- 16.20.130 General provisions—Abrogation and greater restrictions.
- 16.20.140 General provisions—Interpretation.
- 16.20.150 General provisions—Warning and disclaimer of liability.
- 16.20.200 Administration—Establishment of development permit.
- 16.20.210 Administration—Designation of the Floodplain Administrator.
- 16.20.220 Administration—Duties and responsibilities of the Floodplain Administrator.
- 16.20.230 Administration—Appeals.
- 16.20.300 Provisions for flood hazard reduction—Standards of construction.
- 16.20.310 Provisions for flood hazard reduction—Standards for utilities.
- 16.20.320 Provisions for flood hazard reduction—Standards for subdivisions.
- 16.20.330 Provisions for flood hazard reduction—Standards for manufactured homes.
- 16.20.340 Provisions for flood hazard reduction—Standards for recreational vehicles.
- 16.20.350 Provisions for flood hazard reduction—Floodways.
- 16.20.400 Variances—Nature.
- 16.20.410 Variances—Appeals board.
- 16.20.420 Variances—Conditions.
- 16.20.500 Enforcement.

16.20.010 Statutory authorization. The Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Belvedere does hereby adopt the following floodplain management regulations. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.020 Findings of fact. A. The flood hazard areas of the City of Belvedere are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.030 Statement of purpose. It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10, § 1 (part), 1987.)

16.20.035 Methods of reducing flood losses. In order to accomplish its purposes, this Chapter includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10, § 1 (part), 1987.)

16.20.040 Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- B. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- C. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
- D. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.

E. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

F. "Area of special flood hazard"—see "Special flood hazard area."

G. "Base flood" means a flood which has a 1 percent chance of being equaled or exceeded *in any given year* (also called the "100-year flood"). Base flood is the term used throughout this Chapter.

H. "Basement" means any area of the building having its floor below ground level on all sides.

I. "Building"—see "Structure."

J. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

K. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

L. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

M. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

N. "Flood, flooding, or flood water" means:

1. a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows)—see "Mudslides;" and

2. the condition resulting from flood-related erosion—see "Flood-related erosion."

O. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

P. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

Q. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

R. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

S. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source—see "Flooding."

T. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

U. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and

enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

V. "Floodplain management regulations" means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

W. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

X. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

Y. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

Z. "Fraud and victimization" as related to Sections 16.20.400 through 16.20.420 of this Chapter regarding variances, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

AA. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes *only* docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does *not* include long-term storage or related manufacturing facilities.

AB. "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

AC. "Hardship" as related to Sections 16.20.400 through 16.20.420 of this Chapter regarding variances means the *exceptional* hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

AD. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AE. "Historic structure" means any structure that is:
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

AF. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

AG. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

AH. "Lowest floor" means the lowest floor of the lowest enclosed area, *including basement* (see "Basement"):

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor *provided it conforms to applicable non-elevation design requirements, including, but not limited to:*

a. the wet floodproofing standard in Subsection 16.20.300C3 of this Chapter;

b. the anchoring standards in Subsection 16.20.300A of this Chapter;

c. the construction materials and methods standards in Subsection 16.20.300B of this Chapter; and

d. the standards for utilities in Section 16.20.310 of this Chapter.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

AI. "Manufactured home" means a structure, transportable in one or more Sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does *not* include a "recreational vehicle."

AJ. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

AK. "Market value" means the appraised valuation for the property minus the land value as determined by an independent appraisal by a certified appraiser.

AL. "Mean sea level" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

AM. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

AN. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

AO. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

AP. "100-year flood"—see "Base flood."

AQ. "Public safety and nuisance" as related to Sections 16.20.400 through 16.20.420 of this Chapter regarding variances, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

AR. "Recreational vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light-duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AS. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

AT. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

AU. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

AV. "Sheet flow area"—see "Area of shallow flooding."

AW. "Special flood hazard area (SFHA)" means:

1. an area having special flood, mudslide (i.e., mudflow), and shown on a FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, E, M.
2. areas subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action and shown on FHBM or FIRM as Zone V, VE, V1-30.

AX. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

AY. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

AZ. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

BA. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

BB. "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

BC. "Violation" means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

BD. "Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

BE. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 2016-1 §§ 2, 3, 4, and 5, 2016; Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.100 General provisions—Lands to which this Chapter applies. This Chapter shall apply to all areas of special flood hazards within the City of Belvedere. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.110 General provisions—Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the *Flood Insurance Study (FIS)* dated March 16, 2016, and accompanying Flood Insurance Rate Maps (FIRMs) dated March 16, 2016, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the Floodplain Administrator. The study and FIRM are on file at Belvedere City Hall, 450 San Rafael Avenue, Belvedere, CA. (Ord. 2016-1 § 6, 2016; Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.120 General provisions—Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Belvedere from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.130 General provisions—Abrogation and greater restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.140 General provisions—Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and
- C. deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.150 General provisions—Warning and disclaimer of liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Belvedere, any officer or employee thereof, the State of California, or the Federal Insurance Administration or Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.200 Administration—Establishment of development permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 16.20.110 of this Chapter. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. proposed elevation in relation to base flood, of the lowest floor (including basement) of all structures in the AE Zone—including the elevation of highest adjacent grade and the proposed elevation of lowest floor. In the VE Zone, the proposed elevation, in relation to base flood, of the bottom of the lowest structural member supporting the lowest floor; or
- B. proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Subsection 16.20.300C3 of this Chapter; and
- C. all appropriate certifications listed in Subsection 16.20.220D of this Chapter; and
- D. description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.210 Administration—Designation of the Floodplain Administrator. The Building Official of the City of Belvedere is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.220 Administration—Duties and responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review. Review all development permits to determine that:

1. permit requirements of this Chapter have been satisfied,
2. all other required state and federal permits have been obtained,
3. the site is reasonably safe from flooding, and
4. the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 16.20.110 of this Chapter, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 16.20.300 through 16.20.350 of this Chapter. Any such information shall be submitted to the City Council for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
3. assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. certification required by Subsection 16.20.300C1 of this Chapter (lowest floor elevations);
2. certification required by Subsection 16.20.300C2 of this Chapter (elevation or floodproofing of nonresidential structures);
3. certification required by Subsection 16.20.300C3 of this Chapter (engineered foundation openings);
4. certification of elevation required by Section 16.20.320 of this Chapter(subdivision standards); and
5. certification required by Section 16.20.350 of this Chapter (floodway encroachments).

E. Map Determinations. Make interpretations where needed as to the locations of the boundaries of the areas of special flood hazard. For example, where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevation data shall be used to determine the boundaries of the Special Flood Hazard Area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.20.230 of this Chapter.

F. Remedial Action. Take action to remedy violations of this Chapter as specified in Section 16.20.120 of this Chapter, or other applicable law. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.230 Administration—Appeals. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter. (Ord. 2004-1 § 3 (part), 2004.)

16.20.300 Provisions for flood hazard reduction—Standards of construction. In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 16.20.330 of this Chapter.

B. Construction materials and methods. All new construction and substantial improvement shall be constructed:

1. with materials and utility equipment resistant to flood damage;

2. using methods and practices that minimize flood damage;

3. with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

4. within Zones AE or VE, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and floodproofing. (See Section 16.20.040 of this Chapter—definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

a. in an AE zone, above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or

elevated at least three feet above the highest adjacent grade if no depth number is specified.

b. in a VE zone, the bottom of the lowest structural member supporting the lowest floor elevated at least one foot above the base flood elevation, as determined by the community.

c. in all other Zones, elevated at least one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor, including basement, in the AE Zone, or the bottom of the lowest structural member, excluding pilings and columns, supporting the lowest floor, in the case of the VE Zone, shall be certified by a registered professional engineer or land surveyor to meet the elevation requirements as contained in this Section. Such certification shall be provided to the Floodplain Administrator and recorded in the City's floodplain records.

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform to Subsection 16.20.300C1 of this Chapter, or together with attendant utility and sanitary facilities, shall:

a. be floodproofed below the elevation specified in Subsection 16.20.300C1 of this Chapter so that the structure is watertight with walls substantially impermeable to the passage of water, shall:

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. be certified by a registered professional engineer or architect that the standards of this Subsection (16.20.300C2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. be certified by a registered professional engineer or architect to comply with the requirements of FEMA technical Bulletin 1-93; or

b. have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 16.20.330 of this Chapter.

D. V Zone setback for new construction. All new structures constructed within Zones V, V1-30, and VE shall be located on the landward side of the reach of mean high tide (also known as mean high water). (Ord. 2016-1 §§ 7 and 8, 2016; Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.310 Provisions for flood hazard reduction—Standards for utilities. A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. infiltration of flood waters into the systems, and
2. discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.320 Provisions for flood hazard reduction—Standards for subdivisions. A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.330 Provisions for flood hazard reduction—Standards for manufactured homes. A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, AE and VE on the community's Flood Insurance Rate Map, on sites located:

1. outside of a manufactured home park or subdivision,
2. in a new manufactured home park or subdivision,
3. in an expansion to an existing manufactured home park or subdivision, or

4. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 16.20.330A will be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement, and elevated so that either the:

1. lowest floor of the manufactured home is at least one foot above the base flood elevation, or
2. manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.340 Provisions for flood hazard reduction—Standards for recreational vehicles. All recreational vehicles placed on sites within Zones A1-30, AH, AE and VE on the community's Flood Insurance Rate Map will either:

A. be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

B. meet the permit requirements of Subsection 16.20.200 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 16.20.330(A) of this Chapter. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.350 Provisions for flood hazard reduction—Floodways. Located within areas of special flood hazard established in Section 16.20.110 of this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

B. If Subsection 16.20.350A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 16.20.300 through 16.20.340 of this Chapter. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.400 Variances—Nature. The variance criteria set forth in this Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the City of Belvedere to help protect

its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 2004-1 § 3 (part), 2004.)

16.20.410 Variances—Appeals board. A. The City Council shall hear and decide appeals and requests for variances from the requirements of this Chapter. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the:

1. danger that materials may be swept onto other lands to the injury of others;
2. danger of life and property due to flooding or erosion damage;
3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. importance of the services provided by the proposed facility to the community;
5. necessity to the facility of a waterfront location, where applicable;
6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. compatibility of the proposed use with existing and anticipated development;
8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. safety of access to the property in time of flood for ordinary and emergency vehicles;
10. expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Marin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.420 Variances—Conditions. A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures

of Sections 16.20.200 through 16.20.230 and 16.20.300 through 16.20.350 of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 16.20.040 of this Chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. showing of good and sufficient cause;
2. determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 16.20.040 of this Chapter) to the applicant; and

3. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 16.20.040 of this Chapter—see "public safety or nuisance"), cause fraud and/or victimization (as defined in Section 16.20.040 of this Chapter) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 16.20.420A through E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 16.20.410 of this Chapter and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter. (Ord. 2011-1 § 1 (part), 2011; Ord. 2004-1 § 3 (part), 2004; Ord. 87-10 § 1 (part), 1987.)

16.20.500 Enforcement. Violation of any provision of this Chapter may be enforced by the procedures outlined in Belvedere Municipal Code Chapters 1.12 and/or 1.14. (Ord. 2004-1 § 3 (part), 2004.)



CITY OF BELVEDERE FLOODPLAIN CONSTRUCTION COST EVALUATION WORKSHEET

The City of Belvedere Building Dept. utilizes the latest edition of the Craftsman National Building Cost Manual (CNBM) to establish an average cost, per square foot, of construction within the City. Due to the quality of construction performed in the City of Belvedere, the price per square foot number is based on the CNBM designation of Luxury Quality Class 1. Additionally, the price per square foot is also based on the size and shape of the structure and the proposed construction.

Remodel projects are discounted on a percentage basis based on the extent of the scope of work.

CNBM Average \$/sqft: 2400 sqft home	\$388.89
Local Area Multiplier	27%
Belvedere Average \$/sqft	\$493.89

Project Address: 2309 Country Rd, Anytown, Ca

Project Description: Complete residential remodel & addition

Total Project Sq Ft: 1945 sf

<u>Types of Proposed Construction</u>	<u>Sq Ft</u>	<u>\$/sqft</u>	<u>Est. Cost</u>
New Construction:	346	\$493.89	\$170,885.94
75% Renovation:	871	\$370.42	\$322,635.82
50% Renovation:	728	\$246.95	\$179,775.96
25% Renovation:	NONE		

Total: \$673,297.72

Per the information provided, the proposed construction cost, as determined by the City of Belvedere Building Department Cost Evaluation Worksheet totals \$673,297.72

- New Construction represents new additions and/or portions of the proposed scope of work to be built from the ground up.
- 75% Renovation represents portions of the proposed scope of work containing higher than average renovation cost (kitchens/baths).
- 50% Renovation represents portions of the proposed scope of work which are simple room renovation without high cost finishes
- 25% Renovations represent portions of the proposed scope of work which can be identified as minimal cost renovation.

City of Belvedere Building Department
450 San Rafael Ave., Belvedere, Ca 94920
Brian Van Son, CBO: bvanson@cityofbelvedere.org

To: Mayor and City Council

From: Craig Middleton, City Manager
Amber Johnson, Administrative Services Manager

Subject: Adopt resolution amending the City’s Master Schedule of Fees, Charges & Application Fees

Recommended Motion/Item Description

1. Conduct the public hearing.
2. Adopt the attached resolution approving changes to the City’s Master Schedule of Fees, Charges and Application Fees.

Background

The City’s Master Fee Schedule reflects fees charged by all City departments. Council last approved adjustments to the City’s fee schedule in February 2018.

Findings

A user fee, or service fee, is a payment made by an individual for a service that primarily benefits the individual. By law, user fees may not exceed the reasonable cost of the service for which they are collected. The California Mitigation Fee Act allows the City to establish and increase fees to offset the City’s costs in processing permits, licenses, and other services. The City maintains and publishes a Master Fee Schedule that provides for such fees to be charged for various local government services. The following amendments are recommended for Council consideration, and the proposed updated Master Schedule is attached.

Planning Department Fees:

- Appraisal Deposit. An appraisal deposit of \$1,000 is proposed to be added to the schedule. The City is streamlining the evaluation process of proposed construction projects within the City’s designated floodplains in order to comply with federal and Belvedere flood control regulations. A project that constitutes a “substantial improvement” must be raised per floodplain rules. A “substantial improvement” is when the cost of the proposed project equals or exceeds 50% of the fair market value of the structure prior to construction. An independent appraisal may be necessary to confirm or establish the fair market value of the structure. The direct cost of the third-party evaluation or independent appraisal will be

passed directly from the City's contracted appraiser to the applicant. This deposit will be collected up front, and the actual cost of the appraisal will be charged against the deposit. Any unused deposit will be returned to the applicant.

- Development Agreement. A development agreement is an agreement entered into between the City and a developer pursuant to Government Code Section 65864 et seq. The current fee schedule does not include a fee for development agreements. This proposal would add a fee for development agreements, with time and materials as the basis for the fee.
- Housing – Preliminary Housing Development Application (SB 330). SB 330, the Housing Crisis Act, went into effect in January 2020, and makes numerous changes and amendments to State housing law with the intent to increase residential unit development, protect existing housing inventory, and expedite the permitting process. Broadly, this law restricts the application of local ordinances and policies that can be applied to a housing development (two or more units), and generally requires approval if the project complies with objective standards in the zoning code and general plan. Like an SB 35 application (below), there is specific criteria that is required for this type of a request and therefore an application & a fee for this process needs to be established for the City of Belvedere. A time and materials-based fee is proposed for this type of application, with an initial deposit collected. Any unused deposit would be returned to the applicant. Fees in excess of the deposit would be billed to the applicant.
- Housing – Housing Development Application (SB 35). SB 35, which amended Government Code Section 65913.4, requires a streamlined ministerial approval process for development in localities that have not yet met their Regional Housing Need Allocation (RHNA) goal if certain requirements are met. The project must satisfy all objective requirements and the comply with the existing zoning code. This is a voluntary program that a prospective property developer may elect to pursue. In order, to be eligible for a streamlined process for SB 35 projects, there is specific criteria that is required for submittal and therefore an application & a fee for this process needs to be established for the City of Belvedere. A time and materials-based fee is proposed for this type of application, with an initial deposit collected. Any unused deposit would be returned to the applicant. Fees in excess of the deposit would be billed to the applicant.
- Other Planning Fees. The City currently under-collects for Planning fee-related services. Most planning services are billed at a flat rate that does not capture the full cost of the service offered. Therefore, staff proposes adopting a time and materials system for most Planning service fees. Cost recovery under the current fee structure is roughly 68%. The proposed fees and hourly billing rates target 90% cost recovery. This proposal will increase cost recovery while keeping fees in line with rates imposed by neighboring jurisdictions.

Public Works Fees:

- Road Closure Signs. To recover actual cost of road closure signs, staff recommends increasing the fee from \$17 to \$25 per sign.
- Slurry Seal. The slurry seal in-lieu fee is proposed to be increased from \$0.35/square foot to \$0.65/square foot to reflect current contractor costs to perform slurry seal work. This fee is charged to permittees who will be excavating in public property, and is authorized in the Belvedere Municipal Code section 13.04.065. The fee covers the cost of a full roadway width slurry seal on that portion of the roadway affected by the permittee's excavation activities.
- Electric Vehicle. To incentivize Electric Vehicle (EV) charging station users to move their vehicle after it has fully charged, staff proposes to add an "Idling Fee" to the fee schedule. The proposed fee is \$1.00 for every 15 minutes of idle time, with a maximum fee of \$50 per occurrence.

General Administrative:

- Credit Card Service Charge. The City's website credit card processing platform cannot calculate a service charge with two decimal points. Therefore, the rate charged to customers for credit card usage is proposed to be increased to 2.8% from 2.75%, to match with the functionality of our website credit card processing platform.

Fiscal Impact

Since the most significant changes to the fee schedule involve switching from a flat fee to a time and materials basis, it is difficult to estimate the amount of additional fees that will be generated from this change. Staff will return to Council with an analysis of the fiscal impact of this change once six months has elapsed from the effective date of the new fees.

It is important to note that while adjusting fees will provide a fiscal impact in the form of additional revenue, the revenue is not intended to be used to fund new services. Rather, as required by the Fee Mitigation Act, the revenue will offset the costs of providing existing services that are recoverable from fees. Consequently, while fees may rise annually, typically labor and service costs (the primary drivers of fee-related costs) also rise annually. Recalibration of these fees simply provides an offset of existing expenditures/needs rather than a source of funding for expanded service levels.

Environmental Review

The fees authorized by the Resolution are statutorily exempt from the California Environmental Review Act ("CEQA") per CEQA Guideline section 15273 as they are for the purposes of meeting operating expenses; and categorically exempt under the "common sense" exemption, CEQA

Guideline section 15061 because it can be seen with certainty that it will not have a significant adverse effect on the environment.

Recommendation

Staff recommends that the Council amend the Master Schedule of Fees, Charges and Application Fees by conducting a Public Hearing at this City Council meeting.

Attachments

Attachment 1: Resolution

Attachment 2: Master Schedule of Fees – Proposed Amendments

CITY OF BELVEDERE

RESOLUTION NO. 2021-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AMENDING THE CITY’S MASTER SCHEDULE OF
FEES, CHARGES, AND APPLICATION FEES**

WHEREAS, City of Belvedere staff have recommended amendments to the City’s Master Schedule of Fees, Charges and Application fees, as set forth in Exhibit A attached hereto (the “Fee Schedule”); and

WHEREAS, on March 8, 2021, the Belvedere City Council held a duly-noticed public hearing on the proposed changes to its Fee Schedule; and

WHEREAS, the City Council finds that the Fee Schedule changes are categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline section 15061(b)(3) (the “common sense exemption”) as it can be seen with certainty that there is no possibility of a significant adverse environmental effect.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere as follows:

1. The City’s Master Schedule of Fees, Charges and Application Fees, as amended (Exhibit A), is adopted.
2. In accordance with the California Government Code, this resolution shall become effective sixty days after the date of its adoption.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on March 8, 2021, by the following vote:

AYES: —
NOES: —
ABSENT: —
ABSTAIN: —

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

Master Schedule of Fees, Charges Application Fees Proposed Amendments for FY 2021

Current: April 2018

Proposed
N/C = No Change

Item/Purpose	Planning Department	Fee	Fee
Architectural Consultant Deposit		\$2,500	N/C
Appraisal Deposit		none	\$1,000
Design Review - Staff Level		\$263	\$500
Design Review - Exception		\$473	T&M* with an initial deposit of \$1,000.
Design Review - Planning Commission Approval (remodel 251 - 500 sf)		\$525	T&M* with an initial deposit of \$1,000.
Design Review - Planning Commission Approval (remodel 501 - 1,500 sf)		\$1,680	T&M* with an initial deposit of \$2,000.
Design Review - Planning Commission Approval (=> 1,501 sf)		\$2,520	T&M with an initial deposit of \$3,000.
Design Review - Planning Commission Approval (new residence)		\$3,360	T&M with an initial deposit of \$4,000.
Design Review - Continuance (redesign or revision)		\$523	T&M with an initial deposit of \$1,000.
Design Review - Application for a Previously Approved Project		1/2 total fees	N/C
Design Review - Extension (1st Time)		\$62	\$200
Design Review - Extension (2nd and each subsequent time)		\$263	\$500
Retroactive Approval		2X total fees + \$500 min. fine	N/C
Planning Commission Noticing Fee (applicant-requested continuance)		\$105	N/C
Variance Application		\$969	T&M with an initial deposit of \$1,000.
Appeal of Planning Commission Action		\$523	\$1,000 applicant; \$750 non-applicant
Appeal of Staff Action		\$184	\$500 applicant; \$250 non-applicant
Conditional Use Permit		\$849	T&M with an initial deposit of \$1,000.
Demolition Permit (Planning Only)		\$261	T&M with an initial deposit of \$1,000.
Environmental Review Deposit - Initial Study/Negative Declaration. For the filing of a Notice of Determination for either a Negative Declaration or Mitigated Negative Declaration. - \$2,500 City fee - Pass-through fee as set by State Fish & Wildlife Dept - Pass-through fee as set by County of Marin		\$2,500 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin	T&M with an initial deposit of \$2,500 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin
Environmental Review Deposit - Environmental Impact Report. For the filing of an Environmental Impact Report. - \$5,000 City fee - Pass-through fee as set by State Fish & Wildlife Dept - Pass-through fee as set by County of Marin.		\$5,000 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin	T&M with an initial deposit of \$5,000 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin
Development Agreement		none	T&M with an initial deposit of \$10,000.
Floor Area Exception		\$653	T&M with an initial deposit of \$1,000.
Housing - Preliminary Housing Development Application (SB 330)		none	T&M with an initial deposit of \$5,000.
Housing - Affordable Housing Streamlined Application (SB 35)		none	T&M with an initial deposit of \$5,000.
Lot Line Adjustment		\$653	T&M with an initial deposit of \$1,000.
Lot Merger		\$653	T&M with an initial deposit of \$1,000.
Reasonable Accommodations Requests for Disabled		\$473	\$500
Revocable License		\$392	\$500
Second Unit and Junior Second Unit		Free	N/C
Study Session (Planning Commission or City Council)		\$500	T&M with an initial deposit of \$1,000.
Subdivision - Tentative Map		\$1,575	T&M with an initial deposit of \$2,000.
Subdivision - Final Map		\$1,575	T&M with an initial deposit of \$2,000.
Subdivision - Improvement Plan		\$1,575	T&M with an initial deposit of \$2,000.
Subdivision - Minor - Tentative Map (Lot Split)		\$788	T&M with an initial deposit of \$1,000.
Subdivision - Minor - Final Map (Lot Split)		\$525	T&M with an initial deposit of \$1,000.
Historic Preservation Application		\$53	N/C
Mills Act Contract Application (\$105 non-refundable deposit + \$1,202 application)		\$1,307	T&M with an initial deposit of \$2,000.
Work in Inundated Lands		\$158	\$300
Zoning Ordinance Amendment		\$1,960	T&M with an initial deposit of \$2,000.
Planned Unit Development Rezone/Planned Unit Development Permit		Time & materials with an initial deposit of \$5,000.	N/C
Second Kitchen Agreement		\$341	\$500
Planning Permit Tracking/Technology Fee		\$26	N/C
Hourly Billing Rates for Deposit-Based Services: a) Director of Planning & Building b) Senior Planner c) Building & Planning Technician		none	a) \$110 b) \$80 c) \$60
NOTES:			
*T&M = Time and Material for staff time (hourly rate plus 20% overhead) to provide service. If costs exceed the deposit, the applicant will be billed for the overruns.			
When more than one Planning application is required (except environmental), the application fee/deposit that is greatest shall be required, plus an additional \$1,000 deposit. The Director of Planning may require a larger deposit when warranted by the size and scope of a project.			

Master Schedule of Fees, Charges Application Fees Proposed Amendments for FY 2021

Current: April 2018

Proposed
N/C = No Change

Item/Purpose	Building Department	Fee	Fee
Building Permits based on project valuation and two (2) times the following fee schedule:			
\$1 to \$500 valuation		\$23.50	N/C
\$501 to \$2,000 valuation		\$23.50 for 1st \$500 plus \$3.05 for each add'l \$100 or fraction thereof, to and including \$2,000	N/C
\$2,001 to \$25,000 valuation		\$69.25 for 1st \$2,000 plus \$14 for each add'l \$1,000 or fraction thereof, to and including \$25,000	N/C
\$25,001 to \$50,000 valuation		\$391.75 for 1st \$25,000 plus \$10.10 for each add'l \$1,000 or fraction thereof, to and including \$50,000	N/C
\$50,001 to \$100,000 valuation		\$643.75 for 1st \$50,000 plus \$7 for each add'l \$1,000 or fraction thereof, to and including \$100,000	N/C
\$100,001 to \$500,000 valuation		\$993.75 for 1st \$100,000 plus \$5.60 for each add'l \$1,000 or fraction thereof, to and including \$500,000	N/C
\$500,001 to \$1,000,000 valuation		\$3,233.75 for 1st \$500,000 plus \$4.75 for each add'l \$1,000 or fraction thereof, to and including \$1,000,000	N/C
\$1,000,001 and up valuation		\$5,608.75 for 1st \$1,000,000 plus \$3.65 for each add'l \$1,000 or fraction thereof	N/C
Building Permit - Plan Check		65% of permit cost	N/C
Retroactive - Building Permit		Up to 5X total permit cost	N/C
Building Permit - Reinstatement (expired 1-180 days)		1/2 building permit fee	N/C
Building Permit - Final Approval Only (expired 1-180 days)		\$150	N/C
Hourly Rates for Inspections, Plan Reviews, Re-Inspections Not Listed		\$85	N/C
Administrative Charge for Outside Services, including plan review charges not covered under normal plan review fee		Cost + 25%	N/C
Building Permit Tracking/Technology Fee - Valuation \geq \$5,000		\$25	N/C
Building Permit Tracking/Technology Fee - Valuation < \$5,000		\$15	N/C
Plumbing Permits			
Plumbing Permit		\$55	N/C
Water Heater		\$85	N/C
Each Fixture & Vent		\$25	N/C
Building Internal Rain Water Systems		\$85	N/C
Site Drainage System, including 2 retaining wall back drains		\$45	N/C
Site Drainage System, including more than 2 retaining wall back drains		\$85	N/C
Potable Water Piping System, System Repairs & Additions <500 SF		\$45	N/C
Potable Water Piping System, Additions \geq 500 SF		\$90	N/C
Potable Water Piping System, New Residential Structures		\$170	N/C
Gas Piping Systems, each internal branch or outlet		\$25	N/C
Backflow Protection Device or Landscape Irrigation System		\$85	N/C
Swimming Pools		\$170	N/C
Site Built Spas		\$85	N/C
Retroactive Plumbing Permit		Up to 5X total permit cost	N/C
Hourly Rates for Inspections, Plan Reviews, Re-Inspections Not Listed		\$85	N/C
Plumbing Permit Tracking/Technology Fee		\$15	N/C
Mechanical Permits			
Mechanical Permit		\$55	N/C
Furnace		\$85	N/C
Miscellaneous heating appliance, including internal gas fireplace		\$45	N/C
Exterior site built gas barbecue or fireplace		\$45	N/C
Residential boiler		\$85	N/C
Air conditioning unit		\$45	N/C
Residential kitchen hood		\$45	N/C
Each ventilation and/or exhaust fan		\$15	N/C
Duct Work		\$45	N/C
Retroactive mechanical permit		Up to 5X total permit cost	N/C
Hourly rates for inspections, plan reviews, reinspections not listed		\$85	N/C
Mechanical Permit Tracking/Technology Fee		\$15	N/C
Elevator Permits (Interior or Hillside)			
Elevator Permit Issuance		\$170	N/C
Elevator Permit Tracking/Technology Fee		\$15	N/C

Master Schedule of Fees, Charges Application Fees Proposed Amendments for FY 2021

Current: April 2018

Proposed
N/C = No Change

Item/Purpose	Fee	Fee
Building Department (continued)		
Electrical Permits		
Electrical Permit Issuance	\$55	N/C
Fixtures, switches or receptacles, when counted individually for repairs or addition <500 SF	\$3.50 each	N/C
Fixtures, switches or receptacles or additions \geq 500 SF and new structures, when calculated by floor area	\$0.12 per SF	N/C
New services and/or main panel	\$85	N/C
Each sub-panel	\$45	N/C
Swimming Pool Electrical	\$130	N/C
Saunas, including heater	\$85	N/C
Appliances, non-cord connected	\$45	N/C
Signs	\$45	N/C
Motors, when counted individually	\$15	N/C
Miscellaneous apparatus, conduits & conductors, when counted individually	\$25	N/C
Temporary Power	\$85	N/C
Solar Photovoltaic Systems <5 kw	\$85	N/C
Solar Photovoltaic Systems \geq 5 kw	\$170	N/C
Permanent auxiliary generator	\$170	N/C
Retroactive Electrical Permit	Up to 5x total permit cost	N/C
Hourly rates for inspections, plan reviews, reinspections not listed	\$85	N/C
Electrical Permit Tracking/Technology Fee	\$15	N/C
Other Miscellaneous Building Fees		
Road Impact Fee	.0075 of total valuation	N/C
Construction Timeline Extension Application	\$1,000	N/C
Deposit for extension of landscaping completion time limit by 90 days.	1% of total project valuation, not to exceed \$200,000	N/C
Partial fee waiver for building permits, electrical permits, plumbing permits and mechanical permits for buildings holding historic preservation status	50% to max of \$10,000	N/C
Construction Timeline Penalty Appeal	\$400	N/C
Appeal of decisions made by the Building Official regarding the City's construction and demolition debris diversion ordinance.	\$400	N/C
Residential Building Report	\$300	N/C
Charge RUSD for referrals of addition to residential square footage	\$30/referral	N/C
Dredging Permit	Application fee: \$1,000. Permit insurance fee: 2X Building	N/C
Appeal of Building Official determination to Local Appeals Board	\$400	N/C
Strong Motion Instrumentation & Seismic Hazard Mapping (SMIP) Fee	Project valuation x 0.00013	N/C
California Building Standards Administration (CABSA) Fee		N/C
	Up to \$25,000	\$1
	\$25,001 - \$50,000	\$2
	\$50,001 - \$75,000	\$3
	\$75,001 - \$100,000	\$4
	\$100,000 and up	Add \$1 for every \$25,000
Change of Contractor, Engineer, Property Owner, or other permit changes requiring additional administrative staff time	\$50	N/C
Re-issuance of Construction related parking permits	\$50	N/C
Public Works Department		
Encroachment permit - 1 day	\$53	N/C
Encroachment permit - 1 week	\$105	N/C
Encroachment permit penalty	\$105	N/C
Road Closure - 4 hours maximum	\$245	N/C
Road Closure - 8 hours maximum	\$489	N/C
Road Closure - Signs (per sign)	\$17	\$25
Road Closure - Re-Noticing Fee	\$53	N/C
Road Closure - Sign Removal Deposit (per sign)	\$26	N/C
No Parking Signs (per sign)	\$2	N/C
Hazardous Tree Evaluation (plus costs)	\$105	N/C
Public Works Inspection (per hour)	\$49	N/C
Lane Abandonment (Lane Vacation)	\$1,313	N/C
Parcel Map	\$788	N/C
Boundary Line Adjustment (fee waived if requested by City)	\$525	N/C
Slurry Seal Fee	\$0.35/sq. ft.	\$0.65/sq. ft.
Electric Vehicle Charging Station Fee	\$0.25/kWh	N/C
Electric Vehicle Idling Fee	none	\$1.00 per 15 minutes; \$50 maximum fee

**Master Schedule of Fees, Charges Application Fees
Proposed Amendments for FY 2021**

Current: April 2018

Proposed
N/C = No Change

Item/Purpose	Fee	Fee
General Administrative		
Business License Tax (annual)	\$160	N/C
Business License - Relocation Fee	\$15	N/C
Business License - Duplicate/Replacement	\$15	N/C
Business License - Penalty	\$160	N/C
Filming/Still Photography Permit - 1-3 Production Members Per 8 hours	\$105	N/C
Filming/Still Photography Permit - 4-6 Production Members Per 8 hours	\$210	N/C
Filming/Still Photography Permit - 7-9 Production Members Per 8 hours	\$315	N/C
Filming/Still Photography Permit - 10+ Production Members Per 8 hours	\$630	N/C
Application by property owner to change street address	\$567	N/C
Copy of meeting audio on CD	\$5	N/C
Photocopies (per page)	\$0.25	N/C
Certification of City document	\$3	N/C
Certificate of Compliance (Building/Planning - Record Search)	\$315	N/C
Creation of records search CD (includes postage)	\$5	N/C
Returned check fee	\$20	N/C
Emailing of electronic document (available for docs 1mb or smaller only)	\$0	N/C
Acknowledgement of signature(s) on City documents	\$0	N/C
Service charge for payments by credit card	2.75% of amount charged.	2.8% of amount charged.
Boat Permit Fee	\$300	N/C
Police Department		
Copy of report (per page)	\$0.25	N/C
Parking Permit (2 years, all zones)	\$50	N/C

From: [Michael A. Davis](#)
To: [Beth Haener - City Clerk](#)
Subject: Support of the Library
Date: Wednesday, February 17, 2021 1:36:00 PM

Dear Fellow Citizens and City Council Members,

We would like to add our voice to those who have been supporting our wonderful local library for many years.

The library is a highlight of this peninsula, and a hallmark of culture and erudition.

We hope the City of Belvedere can offer what support it is able for this center of education, and a resource drawn upon by all age groups.

With all kind regards,

Ever yours,

Jyll Johnstone
Michael Davis

475 Belvedere Ave.

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Attention: City Council
Date: Tuesday, February 23, 2021 12:57:48 PM

To:
Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

RE: Library Capital Campaign

Dear Council Members and Staff,

I understand that our Library Agency Board will be asking the City of Belvedere on March 8 to contribute toward the Library's capital campaign. I am writing to voice my support for the City making such a contribution.

It is impressive to see that \$16M has been raised privately for the Library, proving just how much our community values its library. As is well known, the Library is an invaluable resource and meeting place for community members of all ages, and the current expansion project will only make it more so, for generations to come.

Thank you for all your efforts on behalf of our community. Please prioritize the Library as you consider what is essential for our town

Sincerely,

Barton Hoey
298 Bella Vista Avenue

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Cc: [Craig Middleton - City Manager](#); [Nancy Kemnitzer](#); [James Campbell](#); [Jim Lynch - Councilmember](#); [Steve Block - Councilmember](#); [Claire McAuliffe - Councilmember](#); [Bob McCaskill - Councilmember](#); [Sally Wilkinson - Councilmember](#)
Subject: library
Date: Thursday, February 25, 2021 8:57:54 AM

To our Council members and staff:

Hello and thank you for the time you spend making our community the best it can be!

We understand that the Library is going to request financial help and we do hope that you will give your full support to our library.

We have lived here for 53 years and both of our kids definitely used the library a great deal as have our Grandkids. (so lucky to have them 4 houses away!)

It seems to us that the City should be contributing to the support of public places that bring neighbors together.

Many thanks and best regards,
Richard & Karen Hyde

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: City of Belvedere Funding The Library
Date: Thursday, March 4, 2021 2:37:45 PM

Dear Council Members,

The Library is vital to our community. Reading broadens your mind and takes you to new places. We all have an innate desire to grow, learn and expand our horizons and The Library is an essential resource to achieve that.

My children and I have read many, many books from The Library over the years and we look forward to reading many, many more for many years to come. It allows us to read things that we would never have access to otherwise.

The Library is the center of our beautiful community.

Please fund The Library.

Sincerely, Jenny B Jackoboice

From: [REDACTED]
To: [Beth Haener - City Clerk](#); [Craig Middleton - City Manager](#)
Subject: Support for Belvedere-Tiburon Library expansion
Date: Tuesday, March 2, 2021 8:34:13 PM

Hi Beth and Craig,

I understand one of the agenda items for next week's Council meeting will be considering a request from the Belvedere Tiburon Library Foundation to support the library expansion project currently in progress.

I have so many fond memories of the library as a child (dating back to when it was located where the post office currently is!) and it is a place I still enjoy today with my daughters. The library continues to be a vital community resource and touchstone for people of all ages and I know the new building will bring much joy for years to come.

I understand the city of Tiburon has committed funds to help with the improvements and I hope Belvedere will consider some financial support as well.

Thank you,

Ashley Johnson

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Library expansion budget
Date: Monday, March 1, 2021 10:14:53 PM

To: Belvedere City Clerk
Belvedere City Manager
Beth Haener
Craig Middleton

Having lived in Belvedere for over 60 years, I would urge that the City of Belvedere financially support the Library expansion to the greatest extent possible.

My children and grandchildren all have always and still use the Library as do my wife and I. We are so impressed with the construction to date of the expansion and the speed with which it is being built. In addition, the architecture fits in so well with landmark structures in Belvedere and Tiburon. Good job!!

Sharon and Bob Kahn
7 N. Pt. Circle
Belvedere, CA 94920



**Bob & Sharon Kahn
7 North Point Circle
Belvedere, CA. 94920**

February 15, 2021

City Council
City of Belvedere
450 San Rafael Ave.
Belvedere, CA. 94920

Attn: Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff:

"I cannot remember a time when I was not in love with them.....with the books themselves, cover and binding and the paper they were printed on, with their smell and their weight and with their possession in my arms, captured and carried off to myself."

Eudora Welty

From the first stack of books that you check out from the library as a young child to the many programs you enjoy as an adult, I cannot imagine a community without a vibrant library – and we have one!

We fully support the beautiful expansion of the Belvedere Tiburon Library and encourage the Belvedere City Council to realize it's significance and support it generously.

Sincerely,

A handwritten signature in black ink that reads "Sharon Kahn" followed by a stylized flourish.

Sharon and Bob Kahn

From: [REDACTED]
To: [Craig Middleton - City Manager](#); [Beth Haener - City Clerk](#)
Subject: Belvedere's Contribution to the Library Expansion
Date: Tuesday, March 2, 2021 8:17:50 AM

Dear Ms. Haener and Mr. Middleton,

I hope you are doing well. I write to you to request that Belvedere make a financial contribution to the Belvedere Tiburon Library Expansion budget.

As I life-long Belvedere resident, I remember searching for Nancy Drew books on the children's shelf when the library was still in what is now the Post Office. I remember attending the opening day of the library when it moved to the new location. My and my brother's names appear on the tile book spines in the children's section. I spent hours studying for high school biology and chemistry tests in the sun-filled alcoves, and wrote many college term papers in those same spots when home from Stanford. Taking my own young children to story time and Teddy Bear Tea at this same library has been one of my favorite experiences since moving back to the Peninsula. They **love** the library and every time we drive past it they say how excited they are to visit once it is open.

The library is truly a touchstone of this community: a meeting place where all members of this community can explore, feel safe, and continue to foster a love of learning. I urge Belvedere to contribute to this important institution.

If you have any questions, please feel free to reach out to me.

Best,
Kristin

[REDACTED]
Kristin McNeile Kemnitzer
[REDACTED]

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Attention City Council
Date: Thursday, March 4, 2021 1:45:12 PM

Dear Council Members and Staff,

I understand that our Library Agency Board will be asking the City of Belvedere on March 8 to contribute toward the Library's Capital Campaign. As residents of Tiburon and regular users of the Library, we urge the Council to answer this call for financial support so that we may finally close the gap for the targeted budget required to bring the Library building to completion.

The Library is one of the most important cultural assets of our community, meeting the needs of families and individuals of every age and interest. Our children have been going to the Library since they were 6 months old (now 4.5 and 3). Our youngest thinks of the library as her school because this is where she goes to get her books, spends time with "Teacher" Alicia, Children's Librarian, and sees her friends. During the pandemic the Library provided a great service of curbside pick-up that allowed my children to continue to experience new books and further their love for reading.

The Library provides a unique gathering place for our town, a meeting venue, a cultural and educational focus for all. Particularly in its new expanded form, it will be an incredible venue for artistic and cultural events, and a way for the community to come together to celebrate.

Of course, in addition to all the above, the function of the Library is to give free access to many, young and old, rich or poor, to literature, educational works, periodicals, movies, e-books, etc and to provide a portal to the digital world — which its outstanding staff does day in and day out with incredible skill to provide this great pleasure to our community.

The community is behind the Library. Over \$16,000,000 has already been raised privately from the local citizens and we sincerely hope that the City of Belvedere will truly be a part of this community with your civic contribution.

Thank you for the time. We hope the Council will consider the Library's request favorably and contribute to the Capital Campaign.

Sincerely,

Kelly and Martin Lauber

120 Gilmartin Drive

Tiburon, CA 94920



Thursday, February 18th 2021

The City Council
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920-2336

Attn: Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members,

We understand that at your March 8 Council meeting, the Library Agency Board will present to the City for consideration to contribute towards the Library Capital Campaign.

As long-time residents of Belvedere and avid users of our Library, we strongly urge the Council to answer this call for financial support so that we may finally close the gap for the targeted budget required to bring the library building to completion.

The Library is one of the most important cultural assets of our community, meeting the needs of families at all age levels — from young children to teenagers to seniors. The Library provides a unique gathering place for our town, a meeting venue, a cultural and educational focus for all.

It is an especially important safe haven for teenagers and much used by them as a place to gather after school; be amongst people; do their homework away from home; be able to access a rich resource of information for research material (instead of simply collecting from the top 5 postings in a google search); and enjoy a conducive and educational environment.

The Library, particularly in its new expanded form, also provides a unique venue for artistic and cultural events. Our City Hall, while delightful, is not large enough nor has it the adequate facilities or parking to meet this need.

Of course, in addition to all the above, the function of the Library is to give free access to many, young and old, rich or poor, to literature, educational works, periodicals, movies, e-books, etc and to provide a portal to the digital world — which its outstanding staff does day in and day out with incredible skill to provide this great pleasure to our community.

We hope the Council will look on the Library's request favorably and contribute to the Capital campaign.

Should you need any evidence that our community is totally behind the Library, please note that over \$16,000,000 has already been raised privately from the local citizens. We sincerely hope that the City will truly be a part of this community with your civic contribution.

With thanks for your consideration



John & Dawn Owen

RECEIVED

FEB 22 2021

City of Belvedere

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Library Support Appropriate and Timely
Date: Saturday, February 13, 2021 10:30:43 AM

A short note to ask that our City Council recognize the value added to our City by having an outstanding library. A substantial donation, joining the thousands already given by hundreds of our citizens will be a long term investment in Belvedere and keep Belvedere one of the outstanding cities not just in California, but nationwide.

Look forward to reading in the Ark about your thoughtful discussion and investment in our outstanding Library.

Mel Owen
25 Beach Rd. Apt. H
Belvedere, CA 94920



From: [Mel Owen](#)
To: [Beth Haener - City Clerk](#)
Subject: Library Support Appropriate and Timely
Date: Saturday, February 13, 2021 10:30:43 AM

A short note to ask that our City Council recognize the value added to our City by having an outstanding library. A substantial donation, joining the thousands already given by hundreds of our citizens will be a long term investment in Belvedere and keep Belvedere one of the outstanding cities not just in California, but nationwide.

Look forward to reading in the Ark about your thoughtful discussion and investment in our outstanding Library.

Mel Owen
25 Beach Rd. Apt. H
Belvedere, CA 94920



From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Attention Belvedere City Council for Monday March 8 Meeting
Date: Wednesday, March 3, 2021 5:15:56 PM

Attention Belvedere City Council for Monday March 8 Meeting

To Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff,

I understand that on March 8 our Library Agency Board will be asking the Belvedere City Council to contribute toward the Library's capital campaign. The Library has done an amazing job of fundraising, showing just how strongly our community values this public asset. The City was right in the 90's to join forces with Tiburon to take control of its library branch, and I hope that our city leaders will continue to back this effort while seizing the opportunity this public space can create for our town. Please support the Library Agency's request for help to close the capital campaign.

The Belvedere Tiburon Library truly is OUR library. Unlike other Marin County branch libraries, this facility is the responsibility of the Agency Board with equal representation between Belvedere and Tiburon (plus one Reed School representative). The decisions of that Board are overseen by both city councils; decisions owned by both our towns. The Library is one of our peninsula's greatest public assets, and its free services are equally available to anyone with the curiosity to enter its doors or its online portal. The Library is here for all generations — tots to teens to seniors. And it has proven its value as a dependable, responsive resource even in this unpredictable pandemic year. It has also proven its ability to cover operating expenses without any dependence on annual City books!

Rather than questioning whether or not to partner now with the Library in this capital campaign, I would suggest how can you not???

Our community and its individuals benefit tremendously from this public asset. We look to the Library as we seek ways to deal with greater polarization of thought in society, fewer opportunities to meet neighbors, more time pressure and childcare concerns on dual income families, greater need for engaging and promoting the well-being of our senior population, and for creating improved outdoor and indoor spaces to anchor our downtown area. We look to the Library to learn and to strengthen our schools. Belvedere relies on the strength of its social bonds as the community strives to maintain the town's special character— and as we aim to prepare ourselves for whatever the future may bring. Quietly, the Library promotes all of it. (Quietly and effectively)

We look to the City now to back the Library. Thank you for your vote of confidence and for recognizing the importance of the City's leadership in supporting and taking the project to the finish line.

Sincerely,

Roxanne Richards
266 Beach Road, Belvedere

Dear City Council Members,

I am so excited about our new library expansion! Fantastic! What a wonderful addition to our community. I'm aware that our library board will be asking the City of Belvedere to contribute to the library expansion fund at the March 8th meeting. I hope you all agree that the money will be very well spent!

The library serves all of us - little kids, big kids, students, adults and seniors - truly the perfect gathering place. Growing up I have so many fond memories of time spent at the Merello Park library on the peninsula.

(over)

I've loved the "vibe" of libraries my
entire life - and feel I've instilled
that love to my children and grand-
children. I'm so happy to be a part
of this community that feels the
same way - Please help!

Looking forward to seeing you
there!

Barbara Russell

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Cc: [REDACTED]
Subject: Belvedere City Council meeting March 8
Date: Thursday, March 4, 2021 4:40:37 PM

To: Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff,

I strongly support the current expansion of our Library. It is a vital part of our community and provides invaluable resources to all our residents. I understand you will be considering a request for \$400,000 to assist in the final fundraising effort to complete the project. I also understand that the Town of Tiburon has pledged \$600,000 over 4 years, and I think the \$400,000 would be an appropriate contribution from Belvedere.

The citizens have done an outstanding job of fundraising the bulk of the expansion cost, and the finished building will have greatly expanded facilities for all ages, including sophisticated technical equipment and support. The Belvedere Tiburon Library will be a major addition to our wonderful downtown area.

I strongly urge you to approve the requested funding.

Sincerely,

John S. Scarborough
210 San Rafael Ave.
Belvedere

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Support the Library!
Date: Tuesday, March 2, 2021 2:34:13 PM

Attention City Council

To Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff,

The Library is one of the most important assets in our community that gathers people across generations, creating a diverse and robust community. It is the most beautiful building in the community that defines the entrance to our downtown and it is so loved by the people that they have donated over \$16,000,000 to the renovation.

Now is the time for the City to step up and contribute to the capital campaign. It would be a shame if the City did not participate in funding such a significant institution. So, please do your duty and vote to help close the capital campaign.

Thank you for all that you do to make Belvedere such a wonderful place.

Sincerely,

Wyman and Gay Harris
405 Paradise Dr.
Tiburon, CA 94920

(After 33 years our hearts are still at--
306 Bella Vista Ave.
Belvedere, CA 94920)

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Please support the Belvedere Tiburon Library Agency's request for funding to close the capital campaign
Date: Friday, March 5, 2021 5:30:38 PM

Dear Mayor Campbell, Vice Mayor Wilkinson, Council Member Kemnitzer, Council Member Block, Council Member Lynch, and Mr. Middleton,

I know that the Belvedere Tiburon Library Agency will be asking the City of Belvedere to contribute to the Library's capital campaign at the upcoming meeting on March 8. I wholeheartedly support this request, and hope that you will do so, as well.

I believe that the Belvedere Tiburon Library is our community's single most valuable asset. It serves all ages and all walks of life with its many programs and services, and has been immensely popular and well-used, before and during the pandemic. It will be even more important than ever, as the pandemic wanes and we are permitted to gather again.

Of all the initiatives that Belvedere has chosen to fund over the years, this is one of the most important and valuable. I implore you to join the many citizens who have already supported the Library's capital campaign in helping to close out this capital campaign.

Thank you for all you do!

Sincerely,

Ann Aylwin
56 Lagoon Road
Belvedere, CA 94920

[REDACTED]

March 7, 2021

Dear Belvedere City Council Members:

One of our most treasured preternatural gifts is our imagination. As a child, I developed mine through the joy of reading. Nearly every day after school, I walked to my town's library and spent hours exploring the shelves for inspirational stories and the afternoons reading in quiet corners. Today I make good use of my imagination by creating fantastical stories with my daughter, Morgan. Morgan is nearly jumping out of her skin for the opening of our reimagined library. While there are many good reasons for the city of Belvedere to offer further support for our library, my request for support is so that we can do our part to cultivate the imaginations of our children -- I know they will be grateful for it.

With warm regards,

Paul Falzone
440 Bella Vista Avenue
Belvedere, CA 94920

From: [REDACTED]
To: [Beth Haener - City Clerk](#); [Craig Middleton - City Manager](#)
Subject: Advocacy for funding library expansion
Date: Sunday, March 7, 2021 12:51:24 PM

Beth and Craig,

I understand that the topic of whether and how much to financially support the library expansion project is soon to be discussed among the City Council. Please forward this to the City Council or other relevant sub-committee members.

I would like to advocate for the City of Belvedere providing funding expressly for the ongoing library expansion. I recognize that there are many other pressing financial priorities for the City to address. But Belvedere's financial support is also appropriate and meritorious, as the library is co-owned by Belvedere, and a successful expansion will provide direct benefits to the Belvedere residents, both qualitatively (e.g. access to and enjoyment of the facilities and expanded programs), and also financially. Notably, it will contribute to the overall sales story supporting individual real estate prices: both directly as a component of real estate sales pitches to individuals from outside the area, as well as supporting a vital downtown Tiburon, which in turn further supports overall real estate prices. And higher real estate prices in the long run support higher property taxes, of which a portion goes directly to the City of Belvedere for its many priorities. So investment now in the library does have direct payback considerations.

It may be tempting for the City to "freeride" a bit, given Town of Tiburon has already agreed to kick in funding that will close some of the Library Foundation's existing budget gap. However Belvedere should recognize that as a co-equal partner, desiring ongoing legitimacy of setting priorities for this joint asset, we have to step up to the plate financially in some meaningful way, while also ensuring that this new asset of the area indeed reaches its full potential.

Regards,

David Sandrich
4 Maybridge Road
Belvedere

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Attention City Council
Date: Monday, March 8, 2021 11:52:17 AM

To:
Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff,

I hope this email finds you all well. I am writing as I understand that our Library Agency Board will be asking the City of Belvedere on March 8th to contribute toward the Library's Capital Campaign. I urge the Council to support the Library's request for help to close the Capital Campaign.

I am a resident of Tiburon with two young children in our school district and long time lover of the library and its place in the community. One of the things I have missed most during this pandemic has been not being able to roam the halls of the library, looking for the next read for my children and for myself. Bumping into new and old friends while checking out books, finding a quiet spot to do my work while sitting at a table tucked behind the aisles or attending one of the many great programs that are offered daily.

It has been astounding and inspiring to see the community's support come behind the new library in their contributions of over 16 million dollars in private donations.

I hope that the City will be a part of this effort to financially support what will be a true gem to our community - servicing all ages of our residents.

Thank you for your time and all that you do to make this such a wonderful place to live.

Sincerely,
Suzannah Scully
239 Round Hill Road, Tiburon

Suzannah Scully
[REDACTED]

From: [REDACTED]
To: [Beth Haener - City Clerk](#)
Subject: Public Comment
Date: Saturday, March 6, 2021 12:34:25 PM

Dear Belvedere City Council Members,

I am writing to you to request that the Belvedere City Council make a financial commitment to support the Library Expansion Project. Not only have I made a personal contribution, but feel strongly that the library is and will continue to be a vital part of our Belvedere-Tiburon community. Thank you for your consideration of this matter.

Sincerely,

Judy C. Webb

From: [REDACTED]
To: [Beth Haener - City Clerk](mailto:Beth.Haener@cityofbelvedere.org)
Subject: Tonight's Meeting - Belvedere Tiburon Library
Date: Monday, March 8, 2021 3:52:48 PM

To: clerk@cityofbelvedere.org
March 8, 2021

City Council
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920

To: Steve Block
James Campbell
Nancy Kemnitzer
Jim Lynch
Sally Wilkinson
Craig Middleton

Dear Council Members and Staff,

We are strongly in favor of a contribution by the City of Belvedere to the Belvedere Tiburon Library. Having recently moved from Tiburon to Belvedere, we truly believe that the library is one of the most important cultural assets of our community.

We are authors of multiple *New York Times* bestselling books and are particularly interested in having a library that serves people of all ages. One reason for the expansion of the library is so that it has the capacity to host cultural events such as book signings by renowned authors and the hugely popular Pop-Up 94920 events.

We sincerely hope that the City will contribute to the Library as Tiburon has done. It would be remarkable if the City of Belvedere did not support a library with "Belvedere" as the first word in the name of the Library. Additionally, it is likely your support would serve to encourage more residents to donate as well.

With thanks for your service,

Lisa McCubbin and Clint Hill
312 San Rafael Ave.
Belvedere, CA 94920

Our books:
[REDACTED]

[Five Days in November](#)

[Five Presidents: My Extraordinary Journey with Eisenhower, Kennedy, Johnson, Nixon and Ford](#)

[The Kennedy Detail: JFK's Secret Service Agents Break Their Silence](#)

[Betty Ford: First Lady, Women's Advocate, Survivor, Trailblazer](#)

[ClintHillSecretService.com](#)

[LisaMcCubbin.com](#)