AGENDA - REGULAR MEETING BELVEDERE CITY COUNCIL AUGUST 8, 2022, 6:30 P.M. TELECONFERENCE MEETING

On March 3, 2020, Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow teleconference meetings at the current time. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. The Council will take public comment by email or by speaking at the meeting. Members of the public are entitled to provide public comment once on each agenda item when it is called. Those who wish to comment on an agenda item during the meeting should use the "raise hand" function or should write "I wish to make a public comment" in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes.

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.

> City of Belvedere is inviting you to a scheduled Zoom meeting. Topic: Belvedere Regular City Council Meeting Time: August 8, 2022, 6:30 P.M. Join Zoom Meeting:

 $\underline{https://us02web.zoom.us/j/85233028685?pwd=WkszV29mU201eURUdlRDc0IWY3B0UT09}$

Webinar ID: 852 3302 8685 Passcode: 573698 877 853 5247 US Toll-free

COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

Members of the public are encouraged to participate remotely via Zoom or telephone. The Council will take public comment by email or by speaking at the meeting. Members of the public are entitled to provide public comment once on each agenda item when it is called. Those who wish to comment on an agenda item during the meeting should use the "raise thand" function or should write" I wish to make a public comment "in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes. The Council welcomes comments raised by interested citizens but typically does not respond during the comment period.

6:30 PM CALL TO ORDER

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 limit your oral statement to no more than three minutes. Matters that appear to warrant a more lengthy presentation or Council consideration may be placed on the agenda for further discussion at a later meeting.

REPORTS AND PRESENTATIONS

- City Council reports. City Manager report
- Presentation of the City of Belvedere Spotlight Award to Mauricio Avila of Mill Valley Refuse Service. Presentation by the Ranch Director Jessica Hotchkiss providing an update on the Ranch.
- Interviews of the following applicants for an appointment to the Finance Committee:

CONSENT CALENDAR

The Consent Calendar consists of items that the City Council considers to be routine, or Council has discussed previously and do not require further discussion. Unless any item is specifically removed by any member of the City Council, staff; or the public, 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 public wishes to have an item removed, please raise your hand when called and indicate the item.

- Approve minutes of the July 11, 2022, regular meeting.

 Approve warrants for June 2022.

- Adopt a Resolution approving an amendment to the Memorandum of Understanding for the Police Employee Group providing a 1% Cost of Living salary increase for the 2022-23 Fiscal Year. Adopt a Resolution authorizing the City Manager to execute an Amendment to the City's Professional Services Agreement with MIG, Inc. to increase the not to exceed limit of the Agreement
- Adopt an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by Amending Title 2. Chapter 2.28 "Planning Commission."
- 12. Approve the response to Marin County Civil Grand Jury Report regarding a Countywide Approach to Electrifying M

 - Appoint Larry Binkley to the Marin County Commission on Aging.
- 15. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only (Standard procedural item no backup information provided)

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

- 16. Authorize the City to enter into a Milis Act Agreement for the property at 428 Golden Gate Avenue, as recommended by the Historic Preservation Committee The Milis Act is a tax abstatus: Categorically exempt pursuant to Section 15331. Property Owner. Shawn and Debbie Bennett.

 17. Approve a revocable license for proposed private improvements on the City tide lot. "The Strip" for the property located at 310 Beach Road, as recommended by the Planning Commission.
 - Correspondence *Jean Bordon

PUBLIC HEARING

g the City's Master Schedule of Fees, Charges & Application F

Staff recommendation: Adopt the Resolution.

Discussion and possible action on the Construction Impact Committee draft report.

Staff recommendation: Review and discuss the findings of the Construction Impact Committee and provide staff with direction with respect to specific recommendations of the Committee

- *Linda Bine
- *Susan Cluff *Wendy Miller

20. Adopt a Resolution establishing a Citizens' Advisory Committee for the Protect Belvedere Project. Staff recommendation: Adopt the Resolution.

22 Discussion of and Possible Action to Appoint a Member to the Finance Committee

Staff recommendation: Appoint one applicant to the Finance Committee.

NOTICE: WHERE TO VIEW AGENDA Materials

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

- Belvedere City Hall, 450 San Rafael Avenue, Belvedere. (Materials distributed to the City Council after the Thursday before the meeting are available for public insp

Staff recommendation: Appoint a voting delegate and alternate.

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 please make your request four working days in advance. nd or participate in this meeting. Please make your request at the Office of the City Clerk or by calling 415/435-3838. Whenever possible

REPORTS AND PRESENTATIONS

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Interview and make an appointment to the Belvedere Finance Committee

Recommended Motion/Item Description

That the Council interview and make an appointment to the Belvedere Finance Committee.

MOTION: Appoint 1 applicant to the Finance Committee

Background

There is currently a vacancy on the Finance Committee as of April of, 2022. This vacant seat expires on June 30, 2024. Two applications have been received for the open seat. Both applicants, Mr. Lyon and Mr. Roulac, are here tonight to be interviewed by Council.

Recruitment Efforts and Interviews

Recruitment advertisements for the Finance Committee term expirations were run in *The Ark* throughout June and July. Information was also posted on the City's website and sent out through the City's monthly e-newsletter. All letters of interest received regarding the open seat are included in the attachments.

Recommendation

That the Council interview and make an appointment to the Belvedere Finance Committee.

Attachments

- 1. Will Lyon's letter of interest
- 2. Stephen Roulac's letter of interest

AGENDA ITEM NO. : 05 & 022

August 1, 2022

Mayor Sally Wilkinson Belvedere City Hall 450 San Rafael Avenue Belvedere, California 94920-2336

Dear Mayor,

I would like to be considered for Belvedere Finance Committee. I am a Belvedere resident (13 Britton Avenue) since 2018; previously I lived in Tiburon since 2010. I'm a father of two young children who are students in the Reed School system (5th grade and 2nd grade) and my wife Paige is a very capable home maker. We also have two wonderful Labrador Retrievers who help facilitate meeting neighbors! Recently, I completed my second term on the Board of Directors at California Tennis Club in San Francisco where I had been on the equivalent of their finance committee. I serve on the Regional Selection Committee for Jefferson Scholars Foundation at University of Virginia identifying promising undergraduate and business school applicants for this merit-based scholarship.

Professionally I work at Morgan Stanley as a Managing Director in their San Francisco office doing Private Wealth Management. As such, I'm deeply familiar with capital markets and investing. I attended business school at Darden School of Business at University of Virginia where I concentrated in finance and had a smattering of accounting classes. For further information my background is shown at http://www.linkedin.com/in/willlyon.

Please reach me with questions either using my cell --- --- or email.

Respectfully submitted,

Will Lyon

Stephen E. Roulac

Belvedere, California 94920

July 4, 2022

Mayor Wilkinson City Hall Council Chambers 450 San Rafael Avenue Belvedere, CA 94920-2336

Dear Mayor Wilkinson,

By this letter, I express my interest in serving on the Finance Committee. By way of Belvedere connection, for more than a quarter century — 1984-1992 and since 2004 — have lived in this special place.

Highlights of my background that the Council may find complementary in advising on challenging aspects of the city's finances in these most "interesting" times include:

- Financial management/analytic expertise Beyond insights and lessons learned from leading/managing numerous business enterprises — with offices in a dozen U.S. cities as well as in Asia, India, and Eastern Europe — and serving as senior partner of two of the four major accounting firms, my finance expertise derives from:
 - Professional practice: adviser to leading banks, investors, corporations, entrepreneurs and Forbes 400 individuals re strategies, analytics, modeling plus serving as litigation expert concerning financial aspects in >150 complex, high stakes matters.
 - Teaching Finance and accounting at undergraduate, graduate and doctoral levels at leading institutions of higher education, including Stanford and UC Berkeley; professional continuing education programs for numerous private companies plus organizations including American University of Cairo, California CPA Foundation, and Practicing Law Institute.
 - Award-winning research Numerous awards for scholarly research plus in several studies my research has been ranked 1/2/3/4 of 4,000+ scholars from 70+ countries.
 - Publications 500+ articles and 20+ favorably reviewed books.
 - Academic background Graduate degrees from three of four leading universities in the world: Stanford (PhD – finance/strategy), UC Berkeley (JD),

Harvard (MBA) plus have held professional designations including CPA and securities licenses.

Dilip Gaspupte, Dean of ICFAI Institute of Financial Studies, observed:

"Stephen Roulac is to finance as Albert Einstein is to physics."

A Seaside program participant observed:

"Stephen Roulac is to finance as Charlie Parker is to jazz."

- Municipal Finance Considerable exposure to municipal finance revenues, expenses, capital expenditures, financing – through professional practice advising governments and scholarly research.
- 3. **Pensions and Investing** Prospective advisory contributions, concerning the city's pension and associated investing oversight and decisions, are informed by significant professional advisory roles with public pensions CALPERS and CALSTERS are among my firm's clients plus deep investing involvements, including leading 100+ person team investing in the best property companies in the best places in the world that delivered 30% returns over five years, ranking in the top 1% of investments mangers globally.

You might be interested in the following comments re how our work supported CalPERS, former CALPERS Chief Investment Officer DeWitt Bowman, observed

"In consulting work performed for us at CALPERS, Stephen's creative recommendations resulted in substantial value creation in the real estate program."

Retired Principal CALPERS Real Estate Investment Officer Roger Franz, said:

"More importantly, Stephen's contribution was to add real monetary value to the pension fund's portfolio. He was directly responsible for providing ideas, strategies, analyses, systems, and procedures that added multiple billions of dollars of value over the years to the CALPERS portfolio value. His work delivered a very strong ROI, in the range of more than 100 to 1 on the professional fees paid."

 Challenging Decisions – My team and I are regularly retained to advise on unstructured, often unprecedented, always high stakes decisions. In this regard, *Professional Services Review* observed, "If the real estate related challenge requires a visionary, is going to break new ground, or involves a high stakes decision, Roulac Global is the firm to call."

In current circumstances – characterized by inflation, recession worries, increasing interest rates and much governments confront very daunting, extremely complex, high-stakes issues that no one in contemporary times has ever confronted. In this regard, Belvedere's prior City Manager Craig Middleton observed, paraphrasing, 'Belvedere is in unchartered waters as the city confronts decisions without precedent'.

- 5. **Property values/building activity** The housing market is central to the finances of smaller, high-end, residentially-focused communities, most especially Belvedere, for the city's finances are strongly linked to property transaction incidence, building activity, and locate house prices/values: more/higher are positive, while less/lower are negative. My deep professional engagement in the property markets with particular emphasis on housing valuation, including deep study of Belvedere housing values may be highly complementary to our city's financial planning and decision priorities.
- 6. **Public Service** –For many decades public service has been a central theme of my life and work. In this regard, my service on boards, committees, task forces, and in advisory roles has been beyond the borders of our city:
 - **Global** Working in leadership role to address role and impacts of research on higher education
 - National –Served in advisory roles with numerous government agencies, including DOL/IRS/HUD/SEC/FHFA
 - **State** Advisory roles to California Corporations and Real Estate plus invited testimony to State Legislature
 - Marin County Task force to investigate and recommend alternative uses of property where San Quentin Prison is located

As the Finance Committee includes most capable members with strong, long time local community engagement, the broader geographic reach of my public service background could represent a most relevant additional perspective, especially since what happens in any one place is ever more influenced by and dependent upon what happens – or does not happen – in other, perhaps very distant places.

Professional particulars and background are provided in the attached bio one sheet.

As diversity has recently been a theme of some priority to our local government my appointment to the Finance Committee would promote diversity:

 Professional background/expertise/competence is differentiated from that of those currently serving on the Finance Committee

- Insights and lessons drawn from public service beyond Belvedere
- Fresh perspectives by virtue of not being previously involved in local volunteer roles

Thank you for your consideration of my interest in serving our city as a member of the Finance Committee.

Respectfully,

Stephen E. Roulac

Attachment: Bio One Sheet



Stephen E. Roulac, Ph.D.

Strategy Advisor | Property Expert | Tech/Global Investor | Litigation Expert

- Extensive experience as trusted primary advisor to major decision-makers in many facets of place strategy/business/investing/tech innovation/entrepreneurism/real estate/litigation.
- Retained as lead litigation consulting expert in two 21st century highest profile, highest stakes, significant issues, including 9/11 and Great Recession: Appraisal/Mortgage Securities Fraud
- Effectively/persuasively employs expertise derived from research and experience combining competency in multiple disciplines • big picture and details • numbers and words • design: graphics/pictures/charts/models • local and global perspectives • preferred approach to strategy integrates singular sense of the past/pragmatic perception of the present/visionary view of the future • one-on-one/large scale onstage presentations
- Unmatched market calls track record plus extraordinary market value add record: 100:1 ROI on client investments in Roulac Global Professional services
- Only person to hold graduate degrees from and academic/research appointments at three of the world's four leading universities - Harvard (MBA), Stanford (PhD) UC Berkeley (JD)
- Competitiveness and commitment to excellence developed/applied as national class distance runner and master class cyclist competing internationally

"Professor Roulac gave one of the very best lectures I have ever heard... and I have heard more lectures than I've eaten hot meals in the last forty years...a remarkably learned, insightful and entertaining blend of the history of science, sociology and economic themes. He artfully wove together disparate strands and themes into a cohesive message about property, society and its institutions." - MEMBER,

LORD S. SMITH, BRITISH PARLIAMENT

"Stephen Roulac is to finance as Einstein is to physics" - ICFAI, DEAN

"Stephen Roulac is \$1 million pen."

- ERNST & YOUNG, VICE CHAIRMAN
- "There is nobody righter or brighter and no one more intellectually pure in his approach to real estate."
- SAN FRANCISCO BUSINESS JOURNAL
- "Few other experts come close to matching expertise or breadth/depth of knowledge in commercial and residential real estate." - SF BUSINESS
- "Based on contributions to the industry direction, you could say Stephen Roulac invented the strategic side of the real estate business." - PROFESSIONAL **SERVICES REVIEW**
- "...perhaps the most influential of the country's independent real estate analysts..." - KIPLINGER'S MAGAZINE
- "Telecom Valley talk absolutely marvelous ... smashing as ever ... phenomenal presentation ... visions of strategic possibility are inspiring." -SONOMA ECONOMIC DEVELOPMENT

"Great job! You were absolutely sensational last night. It's only lunch time and I've already received eleven calls raving about the program.

- WHARTON CLUB OF SO CAL

EXPERTISE:

- STRATEGY
- FINANCIAL ECONOMICS
- PROPERTY ANALYTICS
- LITIGATION CONSULTING
- PROPERTIES & MARKETS
- DEVELOPMENT/BUILDING
- FINANCE & INVESTMENT
- REAL ESTATE/BUSINESS
- LEASE TRANSACTIONS
- DAMAGES CALCULATIONS
- ATTRIBUTION/CAUSATION ANALYSIS
- SECURITIZATION
- DUE PROCESS/DILIGENCE
- TECHNOLOGY/NEW VENTURES

HIGH IMPACT INVOLVEMENTS

- Create/built/led two of "Big Four" accounting firms property/ valuation consulting practices
- Has advised 1,000+ clients in 1,000s of engagements in 20 countries
- Expert witness/consultant in 150+ complex, high-stakes, betyour-business lawsuits
- 'Lead advisor/investor portfolio of 25 early-stage/growth companies whose business' model award-winning research'
- Founder/CEO/CIO of investment firm 150 professionals in five offices in three continents - Investing in this property companies invest places: 30%+ returns over five years. breaking in top 1% investment managers globally
- Recognized as one of 100 most impactful real estate influentials in 20th Century
- Has held CPA, CMC, AICP designations by UC Berkeley

See second page: High Impact Profession Work, Alpha ROI Investment Track Record, Writing, Teaching, Research, Presentations



Stephen Roulac 😑 Charlie Parker and Finance

and Saxophone

- SEASIDE INSTITUTE

RETAINED BY LEADING CLIENTS

Supporting the success of Individuals, Entrepreneurs, Corporations, Law Firms, Governments (Cities, Counties, States, Countries), Investors, Non-Profits, Wall Street

American Bankers Association • American Bar Association • Apple

- Bank of America Berkshire Hathaway • Brewer Attorneys • CALPERs • CALSTRs • California CPA Foundation • California Housing Finance Agency • Caruso Holdings • Capello & Noel • CNL Financial •
- Disney Ernst & Young FannieMae • Federal Deposit • Insurance Corp
- Federal Housing Finance Authority
- FreddieMac Govt. of Singapore Invest. Corp. • Hallmark • Internal Revenue Service • Int'l Assn. for Financial Planning • JP Morgan • Keinwort, Benson & Lonsdale • Merrill Lynch • O'Melveny & Myers
- Ohio State Retirement Systems
- Pacific Telesis Practicing Law Institute • Price Waterhouse Coopers
- Prudential Investments Quinn Emanuel • Santa Anita • Securities & Exchange Commission • Standard & Poor's • Texaco/Chevron • Texas Teachers Retirement • U.S. Dept. of Labor • U.S. Dept. Housing & Urban Dev. • Universal Studios • Vivendi • Warburg Pincus • Weyerhuser





HIGH IMPACT PROFESSIONAL WORK



Created and personally delivered to Walt Disney's office Capital Budget for EPCOT (Experimental Prototype Community of Tomorrow) in featured DisneyWorld attraction.



As lead consultant to NAR - National Association of Realtors – presented public **testimony** and prepared white paper concerning property securitizations to SEC Real Estate Advisory Committee that became **foundation** for Securities and Exchange Commission for promulgating **public policy** and regulatory particulars in overseeing property securitization regulation.



Residential Mortgage Securitization - Designed implemented feasibility study standards for Section 11b mortgage revenue bond financial offerings of Section 11b/Section 8 of HUD (Housing and Urban Development) securitized housing financing.



STANDARD For Standard & Poors evaluating feasibility, developed business strategy, and designed rating model for CMBS - Commercial Mortgage Backed Securities - which became the foundation for the emergence of the one trillion dollar plus financial sector.



Developed and implemented a strategy/social **systems**, enabling the largest public pension funds to transitions from deal-by-deal basis to integrated property investing program: resulted in substantial alpha-above-market performance, creating billions of dollars in value for pension beneficiaries: California's public employees.



In major litigation matter, testifying as expert witness retained by attorneys representing Joan Irvine Smith in dispute with Donald Bren over the value of The Irvine COMPANY Company, provided comprehensive valuation analysis of Since 1864 Irvine Ranch, the largest private real estate enterprise in US. Determined value as of 1990 was \$3 billion.

> In commenting on the impact of Stephen Roulac's 15 days of deposition testimony and 13 days of trial testimony, Loeb and Loeb lead attorney Howard Friedman observed:

"Dr. Roulac's thorough work and articulate, persuasive testimony were absolutely crucial in our achieving the \$250 million settlement we obtained for our client."



Developed real estate strategy, operating policies, for Office of Hawaiian Affairs (OHA) and advised the OHA in selecting \$200M of lands being returned to native Hawaiians and partial settlement/reparation for claims made against the U.S. Government for the wrongful taking of indigenous Hawaiian peoples' lands.



As consulting expert for Quinn Emmanuel (QE), representing Federal Housing Finance Agency in litigation against investment banks concerning appraisal/residential mortgage securities fraud

- the primary cause of the 2008-9 Great Recession supported damages analytics; conceptualized model that evaluated and quantified appraisal report credibility shortfalls, thereby enabling QE prevailing on liability claims; and supported cross-examination of opposing experts' work products and deposition testimony: leading to \$25 Billion recovery.

STEPHEN ROULAC INVESTING TRACK RECORD: DECADES OF SUBSTANTIAL ALPHA ROI

LAND DEVELOPMENT — Lead partner in joint venture with my father's development company, that acquired five-acre waterfront parcel with derelict house in Friday Harbor, San Juan Island, WA for \$29k, with seller 75% seller financing. Few years later, after renovations and improvements, sold for \$122k, which proceeds were transfered - via section 1031 tax-deferred exchange – into down payment combined with high leverage seller financing to acquire 300+ acres in Victorian Valley, near Ferry Landing on Orcas Island in the San Juan Islands. Also personally purchased additional acreage. Subdivided, developed, and improved - plus preserved by Conservation Easement - property: selling all of the lands for 10X purchase price over the next 20 or so years.

INSTITUTIONAL INVESTING — Roulac Global served as lead real estate advisor to CALPERs from 1986 through 1992. CALPERs CIO DeWitt Bowman recognized Roulac Global's substantial value add:

"In consulting work performed for us at CALPERS, Stephen's creative recommendations resulted in substantial value creation in the real estate program."

CALPERs Principal Real Estate Investment Officer Roger Franz, described that work as: "Transforming CALPERS from a primitive transaction mode to be strategic, systembased, proactive, and creative. CALPERS moved from a reactive investor searching for direction with inefficient operations and lacking important investment systems, to a policy oriented investor with a wide range of acquisition and asset management policies, procedures, and operating systems to manage a multibillion dollar portfolio."

"More importantly. Stephen's contribution was to add real monetary value to the pension fund's portfolio. He was directly responsible for providing ideas, strategies, analyses, systems, and procedures that added multiple billions of dollars of value over the years to the CALPERS portfolio value. His work delivered a very strong ROI, in the range of more than 100 to 1 on the professional fees paid."

PUBLIC SECURITIES — From 2000 through 2010 Roulac Global Funds invested in best public property companies in the best places in the world. Tracked and evaluated 15 major themes, 500+ metros, all countries, and the world's major regions: North Americas, Western Europe, Eastern Europe/Western Asia, Southeast Asia, Africa/Latin America. Monitored and evaluated 15,000+ public securities in five categories and 40 sectors. Managed global, European, and India-focused strategies with upwards of 100 stocks in portfolio, representing as many as 40 countries. Consistently outperformed indexes — also besting Berkshire Hathaway — delivered 30%+ ROI net of hedge fund fees: ranked in top 1% of managers globally 2003-2008.

PRIVATE TECH VENTURE INVESTING — Invest and advise startup new ventures pursuing business models matching prioritized themes. Applied insights from award-winning research and lessons learned over several decades of high-level strategic analytics advisory roles - working globally — to leading entrepreneurs, investment banks, institutional investors, property developers, major corporations, local/state/government agencies. Value of diversified portfolio of startup new ventures concerned with facilitating place decisions and experiences plus introducing new real estate business models has increased 7X over eight years: 100X(+) value gain in one company and six companies on path to > \$1B value.

RESEARCH • WRITING • TEACHING • PRESENTATIONS

- 1,000+ keynotes, seminars, presentations, and panels
- Publisher of biweekly *Stephen* Roulac Quotations and periodic Stephen Roulac Book Letter.→ reaching more than 200k
- Leading academic: Visiting Distinguished Professor of Global Property Strategy, University of Ulster, Belfast
- Faculty member at Stanford University. UC Berkeley, UC Hastings Law visiting appointments at leading universities in Asia/Europe/US
- Teaching in diverse colleges/schools/ departments: accounting, architecture. art, business, economics, engineering. finance, law, management

- Award-winning research; ranked 1/2/3/4 in world amongst 400+ researchers from 70 countries publishing in leading journals
- Forbes columnist plus NPR "Location Matters" radio show
- Author of THE PROPERTY KNOWLEDGE SYSTEM, authoritative/innovative

500+ published articles/reviews/columns and 20+ books, many considered landmarks



CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Approve minutes of the July 11, 2022, regular City Council meetings

Recommended Motion/Item Description

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

Attachments

Minutes.

REGULAR MEETING BELVEDERE CITY COUNCIL JULY 11, 2022, 6:30 PM REMOTE VIA ZOOM

MINUTES

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Robert Zadnik, Director of Planning and Building Irene Borba, Police Chief

Jason Wu, Administrative Services Director Helga Cotter, City Building Official Brian Van

Son, City Attorney Amy Ackerman, 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 Wilkinson at 6:30 PM via remote Zoom meeting.

City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Zadnik took roll call.

OPEN FORUM

Belvedere resident Linda Remy ceded her time to William Rothman.

Belvedere resident William Rothman stated his concerns about the timeframe of the Environmental Impact Report (EIR) for the Protect Belvedere Project and stated his concerns about the project itself.

Belvedere resident Sandra Donnell reported that Mauricio Avila from the Mill Valley Refuse Service is retiring this month after working for the company for 25 years. Ms. Donnell requested that the City recognize his contribution to Belvedere. City Manager Zadnik stated that the City is planning to recognize Mr. Avila at the August Council meeting.

Seeing no one else wishing to speak, Mayor Wilkinson closed the open forum.

REPORTS & PRESENTATION

1. City Council Reports

Councilmember Lynch reported that the Construction Impact Committee published a draft report on the efforts of the group and stated that a final draft will be submitted to City Council at the August 8th meeting. Councilmember Lynch noted that the Committee encourages the public to weigh in and submit comments on the working document, which can be found on the <u>City</u> website.

2. City Manager Report

City Manager Zadnik reported that the City recently hired Ray DeMartini as the new Public Works Maintenance Worker. He also stated that the Planning Department has hired a new employee, Samie Malakiman, as the new Associate Planner. City Manager Zadnik stated that the City is close to making a decision on a new Public Works Director and looks forward to a fully staffed City

Hall.

City Manager Zadnik reported that on June 24th, the City determined the application for Mallard Pointe was complete. City Manager Zadnik clarified that this determination only means that the application contains all items needed to fulfill the requirements of the City's application form. State law now requires that the City inform the applicant by July 24, 2022 as to the project's consistency or inconsistency with zoning and other city ordinances.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman commented about a Public Records Act request he had placed with the City.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

3. Police Chief Quarterly report.

Police Chief Jason Wu presented the quarterly report and took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated he is glad Belvedere has its own Police force.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

4. Interviews of the following applicants for appointment to the following Commissions and Committees.

Patrick Feder - Finance Committee

Larry Binkley - Marin County Commission on Aging

Kevin Burke - Planning Commission

Council interviewed the applicants for the open seats on the various committees. Mayor Wilkinson thanked the applicants for their time and stated that Council will be making appointments at the end of the meeting.

CONSENT CALENDAR

MOTION: Move to adopt the Consent Calendar with one motion.

MOVED: By Campbell, seconded by Lynch. Approval was unanimous.

The Consent Calendar consisted of the following Items:

- 5. Approve minutes of the June 13, 2022, regular meeting.
- 6. Approve warrants for May 2022.
- 7. Adopt three Resolutions: (1) Designating signatories for the City of Belvedere's Westamerica Bank Operating & Payroll Accounts; (2) Designating signatories for the City of Belvedere's Westamerica Bank Line of Credit of \$800,000; (3) Designating Authorized Users of the City's Local Agency Investment Fund.
- 8. Adopt an amended Resolution establishing the Fiscal Year 2022/2023 Fire Protection & Emergency Medical Services Assessment for the City.9.Adopt a Resolution Approving a One-Time Salary Bonus for the Position of Planning and Building Services Director.
- 9. Adopt a Resolution Approving a One-Time Salary Bonus for the Position of Planning and Building Services Director.
- 10. Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.

- 11. Adopt an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by adding a new Title, Title 22: Objective Design & Development Standards, to the City of Belvedere Municipal Code.
- 12. Adopt a Resolution Authorizing the Continuation of Remote Public Meetings pursuant to Assembly Bill 361.
- 13. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only (Standard procedural item no backup information provided).

PUBLIC HEARING

14. Consideration of and possible decision on an appeal of the City's assessment of financial penalties for violation of the Construction Time Limit Ordinance for construction at 339 Golden Gate Avenue, Belvedere CA 94920. Appellants & Owners: Julie & David Flaherty.

Councilmember Mark recused himself due to his involvement with the project as a former member of the Planning Commission.

City Building Official Brian Van Son presented the staff report. There were no questions from Council.

Mayor Wilkinson opened the Public Hearing.

The appellant's attorney, John O'Conner, stated his disagreement with the City's assessment of the financial penalties and remarked that the notice for the Construction Time Limit (CTL) was improper and premature. Attorney O'Conner continued by commenting about CTL fines during the COVID-19 Pandemic.

Appellant David Flaherty stated that the City never finalized his house at 339 Golden Gate Avenue and that penalties were inappropriate. Mr. Flaherty discussed his opposition to the penalties and stated that he believes these penalties have become personal.

Discussion continued between Council, Mr. Flaherty, and Attorney O'Conner about the CTL appeal letter written by Attorney O'Conner.

Discussion continued between Council, Mr. Flaherty, and Attorney O'Connor about communication between Mr. Flaherty and Councilmember Mark.

Mayor Wilkinson called for public comment.

Belvedere resident Sandy Donnell stated her support for the CTL penalties.

Belvedere resident William Rothman stated that he is not clear about how the neighborhood was harmed by this project and commented on Council's interaction with the appellant during the appeal process.

Belvedere resident Justin Faggioli stated his support for the CTL penalties.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

Mayor Wilkinson called for closing arguments from the appellant, then returned the item to Council for discussion.

Councilmember Lynch requested Building Official Van Son address Attorney O'Conner's statement that the notice given for the project was inaccurate. Building Official Van Son responded with details about the noticing letter stating that it is a standardized letter given for all CTL projects that go over their timeline. Building Official Van Son continued by stating that a notice of violation was not given for the landscape plan because the entire project falls under one building permit. Building Official Van Son concluded by noting that the project applicants failed to apply for timeline extensions.

Mayor Wilkinson pointed out the significant impacts on the neighbors that resulted from the extended proejct and reiterated that the construction time limit guidelines are very clear.

MOTION: To approve the staff recommendation to levy the full fine and adopt the resolution affirming the Construction Time

Limit Subcommittee Penalty recommendation for 339 Golden Gate Avenue.

MOVED: By James Campbell, seconded by Nancy Kemnitzer. Approval was unanimous

15. Introduction and first reading of an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by Amending Title 2, Chapter 2.28 "Planning Commission., and Adopt a Resolution approving amending Section 6.3 of the City of Belvedere Administrative Policy Manual regarding Planning Commission Operations.

Director of Planning and Building Irene Borba presented the staff report and took questions from Council. Councilmember Campbell requested an edit to the Ordinance and asked that "Committee" be changed to "Commission." Council and staff agreed with the edit.

Mayor Wilkinson called for public comment, and seeing none, closed public comment.

MOTION: Approve the first reading of the Ordinance and adopt the Resolution, with suggested edits

MOVED: By James Campbell, seconded by Jim Lynch. Approval was unanimous

OTHER SCHEDULED ITEMS

16. Adopt a Climate Emergency Resolution and direct the City Manager to address climate impacts in relevant reports and seek funding to support Belvedere's climate actions.

City Manager Zadnik presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident Amanda Yolles stated her support for the adoption of the Climate Emergency Resolution.

Mill Valley resident Marilyn Price stated her support for the adoption of the Climate Emergency Resolution.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for discussion. Council shared their appreciation for Councilmember Kemnitzer's work on this item.

MOTION: Adopt a Resolution Declaring a Climate Emergency and direct the City Manager to address climate impacts in

relevant reports and seek funding to support Belvedere's climate actions.

MOVED: By Kemnitzer, seconded by Lynch. Approval was unanimous

17. Discussion of and Possible Action to Appoint Members to the Finance Committee, Planning Committee, Belvedere Tiburon Library Agency Board of Trustees, and Marin County Commission on Aging.

MOTION: To appoint Anthony Hooker to the Belvedere-Tiburon Agency Board of Trustees, Patrick Feder to the Belvedere

Finance Committee, and Kevin Burke to the Planning Commission

MOVED: By Lynch, seconded by Campbell. Approval was unanimous

MOTION:	To reappoint Claire Slaymaker and Ashley Johnson to the Planning Commission
MOVED:	By Campbell, seconded by Mark. Approval was unanimous
MOTION:	To reappoint Bob McCaskill to the Belvedere Finance Committee
MOVED:	By Campbell, seconded by Kemnitzer. Approval was unanimous
	ssed the appointment to the Marin County Commission on Aging. Councilmember Kemnitzer shared her for the outstanding work Diana Bradley had done with the Commission.
Mayor Wilkir	ason called for public comment.
Ms. Locks sta he position.	ted that she is a friend of Diana Bradley and stated that Ms. Bradley has expressed interest in being reappointed to
Seeing no one	else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council.
Council agree	d to continue the item so Ms. Bradley could clarify her interest in reappointment.
ADJOURN	
The meeting ν	was adjourned at 8:49 P.M.
THE FORECT THE following	GOING MINUTES were approved at a regular meeting of the Belvedere City Council on August 8, 2022, by vote:
AYE NOE ABSI REC	S:
	Approve: Sally Wilkinson, Mayor

Attest:
Beth Haener, City Clerk

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Helga Cotter, Administrative Services Director

Subject: Approve Warrants of June 2022

Recommended Motion/Item Description

That the City Council approve the June 2022 warrants as part of the Consent Calendar.

Attachments

Warrants.

CITY OF BELVEDERE WARRANTS REPORT JUNE 2022

BANK ACCOUNT 1000 OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27510		BENNET FAMILY REVOCABLE TRUST	•	Automatic Generated Check
27511		BRYANT KOWALCZYK	•	Automatic Generated Check
27512		CINTAS CORPORATION #626		Automatic Generated Check
27513		CITY OF SAN RAFAEL	•	Automatic Generated Check
27514		CODE PUBLISHING LLC		Automatic Generated Check
27515		CODE SOURCE	2,120.00	Automatic Generated Check
27516	6/15/2022	DATA TICKET	54.53	Automatic Generated Check
27517	6/15/2022	DAVIS SIGN COMPANY INC	359.70	Automatic Generated Check
27518	6/15/2022	DEPT. OF JUSTICE	32.00	Automatic Generated Check
27519	6/15/2022	EMC PLANNING GROUP INC.	17,579.48	Automatic Generated Check
27520	6/15/2022	FLYERS ENERGY, LLC	1,672.12	Automatic Generated Check
27521	6/15/2022	FOUR WATERS MEDIA INC.	4,173.62	Automatic Generated Check
27522	6/15/2022	GOLDFARB LIPMAN ATTORNEYS	1,133.52	Automatic Generated Check
27523	6/15/2022	G. ROGER FELTON	46.40	Automatic Generated Check
27524	6/15/2022	JERRY BUTLER	946.34	Automatic Generated Check
27525	6/15/2022	JET MULCH, INC.	3,823.05	Automatic Generated Check
27526		LIEBERT CASSIDY WHITMORE	1,438.00	Automatic Generated Check
27527	6/15/2022	MARIN INDEPENDENT JOURNAL	83.62	Automatic Generated Check
27528	6/15/2022	MIG	9,967.50	Automatic Generated Check
27529	6/15/2022	REMY MOOSE MANLEY LLP	595.00	Automatic Generated Check
27530	6/15/2022	RHAA	9,255.00	Automatic Generated Check
27531	6/15/2022	SANTA ROSA FIRE EQUIPMENT	1,590.00	Automatic Generated Check
27532		STERICYCLE INC	134.21	Automatic Generated Check
27533		SWEET THINGS	110.16	Automatic Generated Check
27534		TOWN OF TIBURON	10,979.30	Automatic Generated Check
27535		U.S. BANK CORPORATE PAYME	·	Automatic Generated Check
27536		US POSTMASTER	·	Automatic Generated Check
27537	6/15/2022		•	Automatic Generated Check
27538	6/15/2022		129.43	Automatic Generated Check
A-1132	6/2/2022		13,957.81	Electronic Payment
A-1133	6/2/2022		•	Electronic Payment
A-1134		GLOBAL PAYMENTS	·	Electronic Payment
A-1135		CALPERS		Electronic Payment
A-1136		PACIFIC GAS & ELECTRIC	·	Electronic Payment
A-1137		WESTAMERICA BANK	•	Electronic Payment
A-1138	6/16/2022			Electronic Payment
A-1139	6/16/2022		•	Electronic Payment
A-1140	6/17/2022		•	Electronic Payment
A-1141		COMCAST	·	Electronic Payment
A-1142	6/22/2022			Electronic Payment
A-1143		TAKE CARE/WAGE WORKS		Electronic Payment
A-1144		CONNECT YOUR CARE		Electronic Payment
,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0, 23, 2022	COLLINEOU TO OTT CALLE	13.32	2.233 office ayment

CITY OF BELVEDERE WARRANTS REPORT JUNE 2022

BANK ACCOUNT 1000 OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-1148	6/29/2022	TAKE CARE/WAGE WORKS	1,201.80	Electronic Payment
A-1149	6/30/2022	EFTPS	28,590.79	Electronic Payment
A-1150	6/30/2022	CA EDD	9,152.03	Electronic Payment
A-1151	6/30/2022	CALPERS	16,366.85	Electronic Payment
AP061522-01	6/15/2022	ALHAMBRA & SIERRA SPRINGS	60.41	Electronic Payment
AP061522-02	6/15/2022	AMY O SKEWES-COX	4,085.00	Electronic Payment
AP061522-03	6/15/2022	ARBORSCIENCE	600.00	Electronic Payment
AP061522-04	6/15/2022	BASELINE ENVIRONMENTAL CONSULTING	11,027.50	Electronic Payment
AP061522-05	6/15/2022	CARBONITE INC.	800.72	Electronic Payment
AP061522-06	6/15/2022	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP061522-07	6/15/2022	ENVIRONMENTAL VISION	2,574.00	Electronic Payment
AP061522-08	6/15/2022	FORSTER & KROEGER LANDSCA	3,840.00	Electronic Payment
AP061522-09	6/15/2022	GENARO MUNIZ	30.98	Electronic Payment
AP061522-10	6/15/2022	HELGA COTTER	55.00	Electronic Payment
AP061522-11	6/15/2022	JESUS ARGUELLES	639.81	Electronic Payment
AP061522-12	6/15/2022	JESUS ARGUELLES	761.25	Electronic Payment
AP061522-13	6/15/2022	KYOCERA DOCUMENT SOLUIONS NO. CAL	272.89	Electronic Payment
AP061522-14	6/15/2022	MARIN IT, INC.	559.50	Electronic Payment
AP061522-15	6/15/2022	MARIN IT, INC.	125.00	Electronic Payment
AP061522-16	6/15/2022	PARS	600.00	Electronic Payment
Total for B	ank Account 10	00>	256,861.31	<u>-</u>

CITY OF BELVEDERE WARRANTS REPORT JUNE 2022

BANK ACCOUNT 1010 PAYROLL CHECKING ACCOUNT

Check Number	Check Date Vendor # (Name)	Net Amount	Check Description
138	6/1/2022 DIRECT DEPOSIT	61,515.73	Electronic Payment
139	6/14/2022 DIRECT DEPOSIT	64,335.88	Electronic Payment
140	6/28/2022 DIRECT DEPOSIT	84,658.57	Electronic Payment
P-201	6/1/2022 MASS MUTUAL	409.26	Electronic Payment
P-202	6/14/2022 MASS MUTUAL	409.26	Electronic Payment
P-203	6/28/2022 MASS MUTUAL	409.26	Electronic Payment
PR060222-01	6/1/2022 BPOA	92.30	Electronic Payment
PR060222-02	6/1/2022 ICMA-RC	5,283.64	Electronic Payment
PR060222-03	6/1/2022 GARNISHMENT	692.31	Electronic Payment
PR061622-01	6/14/2022 BPOA	92.30	Electronic Payment
PR061622-02	6/14/2022 ICMA-RC	5,283.64	Electronic Payment
PR061622-03	6/14/2022 GARNISHMENT	692.31	Electronic Payment
PR063022-01	6/28/2022 BPOA	92.30	Electronic Payment
PR063022-02	6/28/2022 ICMA-RC	5,236.68	Electronic Payment
PR063022-03	6/28/2022 GARNISHMENT	692.31	Electronic Payment
	Total for Bank Account 1010>	229,895.75	- -
	Grand Total of all Bank Accounts>	486,757.06	•

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Robert Zadnik, City Manager

Helga Cotter, Administrative Services Director

Subject: Adopt Resolutions Approving a 1-Percent (1%) Cost of Living

Adjustment (COLA) for Miscellaneous Employees and the Belvedere

Peace Officers Association (BPOA) for FY2022-23

RECOMMENDATION

Adopt Resolutions amending the resolutions between the City of Belvedere and Miscellaneous employees and the Memorandum of Understanding with the Belvedere Peace Officers Association (BPOA) for the period July 1, 2022 – June 30, 2023.

BACKGROUND/DISCUSSION

Management staff recognizes that within the San Francisco Bay Area, as reported by the U.S. Bureau of Labor Statistics, consumer prices have advanced significantly in the last 12 months. This economic condition has, unfortunately, eroded the purchasing power of employees as prices of food, energy, and other essentials have escalated.

It is recommended that Council take proactive action to help address these rising costs, not only to promote employee retention, but also to smooth anticipated salary adjustments for future labor negotiations.

The Cost-of-Living Adjustment (COLA) is the typical financial mechanism used by cities and the private sector to help counteract inflation. The attached resolutions would provide an additional 1% COLA for FY2022-23. A 2% COLA was included in the FY2022-23 budget for both the non-represented and the represented employee groups effective July 1, 2022.

Per established practice, the City Manager has met and conferred with representatives from the Belvedere Peace Officers Association (BPOA); the proposed changes have their support.

This proposed COLA does not apply to the City Manger's contract.

AGENDA ITEM NO.: 08 & 09

FISCAL IMPACT

The resulting change in salaries due to the 1% COLA would result in an increased cost of approximately \$24,000 for the remainder of the current fiscal year. No budget amendment is necessary.

RECOMMENDATION

Staff recommends that Council adopt the attached resolutions.

ATTACHMENTS

- 1. Resolution amending the resolution and ratifying the Memorandum of Understanding between City of Belvedere and BPOA.
- 2. Resolution amending the resolution for Non-Represented Safety and Non-Safety Employees.

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE AMENDING RESOLUTION 2021-08 AND RATIFYING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE BELVEDERE PEACE OFFICERS ASSOCIATION ESTABLISHING SALARIES AND BENEFITS FOR THOSE PERSONNEL EFFECTIVE JULY 1, 2022 THROUGH JUNE 30, 2023

WHEREAS, on May 10, 2021, the City Council adopted a resolution ratifying a Memorandum of Understanding between the City and the Belvedere Peace Officers Association establishing salaries and benefits for those personnel effective July 1, 2020 through June 30, 2023; and

WHEREAS, the City desires to increase the salaries established in that Memorandum of Understanding to provide a one percent cost of living increase; and

WHEREAS, the City Manager, representing the City, has met and conferred with the Belvedere Peace Officers Association and has in good faith negotiated a Memorandum of Understanding between the City and said employees (Attachment A); and

WHEREAS, the attached Memorandum of Understanding provides an increase in salaries for the period of July 1, 2022 to July 1, 2023;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere that the Memorandum of Understanding attached hereto as Attachment A is hereby ratified and the City Manager is authorized and directed to sign said memorandum on behalf of the City.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on August 8, 2022, by the following vote:

AYES: _ NOES:	
ABSENT:	
ABSTAIN: _	
	APPROVED:
	Sally Wilkinson, Mayor
ATTEST:	
Beth Haener, City Clerk	

ATTACHMENT A TO RESOLUTION MEMORANDUM OF UNDERSTANDING

WHEREAS, the Belvedere Peace Officers' Association (BPOA) and the City of Belvedere (City) have met and conferred in good faith on wages and hours and terms and conditions of employment for the period beginning July 1, 2022 through June 30, 2022; and

WHEREAS, the representatives of the BPOA and the City Manager have represented the BPOA and the City respectively in the meet and confer process and have reached a tentative agreement, the tenants of which are embodied in this MOU; and

WHEREAS, the BPOA and the City wish to have said tentative agreement rendered in writing herein;

NOW, THEREFORE, THE PARTIES DO HEREBY SET FORTH THE TERMS AND CONDITIONS OF THEIR UNDERSTANDING AS FOLLOWS:

1. <u>Salaries</u>: The monthly salaries for the term of this Memorandum shall be as follows.

Effective retroactively to July 1, 2022:

Position	STEP A	STEP B	STEP C	STEP D	STEP E
Police Officer	7,158	7,516	7,892	8,286	8,701
Police Sergeant	8,419	8,840	9,282	9,746	10,234

2. Longevity Pay: In addition to the base salaries for each position as found above, each employee hired prior to June 30, 2018, shall be eligible for longevity pay based on the following table. Each employee shall become eligible for longevity pay at the below rates on the date following completion of each year of service to the City.

2+ years of service	1.0% above base salary
3+ years of service	1.5% above base salary
4+ years of service	2.0% above base salary
5+ years of service	2.5% above base salary
6+ years of service	3.0% above base salary
7+ years of service	3.5% above base salary
8+ years of service	4.0% above base salary
9+ years of service	4.5% above base salary

Employees hired after July 1, 2018, shall not be eligible for longevity pay.

- 3. <u>Educational Incentive</u>: An additional 2.5% over the base salary each month shall be provided to any employee who has earned or receives an Associate Degree or achieves upper division standing at an accredited college or university or has been granted the Intermediate POST Certificate. An employee who has received a bachelor's degree from an accredited college or university or has been granted the Advanced POST Certificate shall be entitled to an additional 5% over base salary each month.
- **4.** <u>Insurance Benefits</u>: The following benefits shall be provided to the employees covered by this Resolution in the following manner:
 - A. <u>Workers' Compensation Insurance</u> as required by law, premiums paid entirely by the City.
 - B. <u>Unemployment Insurance</u> as required by law, premiums paid entirely by the City.
 - C. <u>Health Insurance</u> shall be made available to each employee. The City Contribution towards the health plan is as follows:

Family Status	City Contribution				
Employee only	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the MEC, for employee only.				
Employee + one dependent	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the MEC, for employee + one dependent.				
Employee + two or more dependents	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the MEC, for employee + two or more dependents.				

An employee may use any benefit allowance stated above toward the cost of employer provided PERS Health Insurance for the employee and eligible dependents. An employee may not use the benefit allowance for other reasons.

- D. <u>Dental Insurance</u> shall be made available to each employee. The City will pay the full cost of dental insurance for each employee and their dependents.
- E. <u>Life Insurance</u> shall be made available to each employee. The City will pay the full cost of life insurance to employees on the basis of 100% of the employee's annual salary up to a maximum of \$100,000.
- F. <u>Long Term Disability Insurance</u> shall be made available to each employee, premiums paid entirely by the City.
- G. Medical Insurance Rebate shall be provided to employees who are currently enrolled under a medical insurance program through a spouse or other source, and who elect to exchange their City-provided insurance for a cash rebate. The rebate shall equal \$250 per month if one or more family members are or would be covered in the City's plan and \$175 per month if the employee is or would be covered as a single in the program. The employee must demonstrate to the City Manager's satisfaction that the employee has, at a minimum, adequate health coverage in force at the point in time when the rebate is requested and provided further that the employee provides evidence on an annual basis and to the City Manager's satisfaction that demonstrates the employee's adequate health coverage. If such evidence of coverage is not provided, then the rebate shall be discontinued until evidence is provided. As in the past, the City reserves the right to select the providers of the aforementioned insurance programs.
- **Participation in PORAC Trust**: The City agrees to allow members of the Belvedere Police Officer's Association (BPOA) to participate in the Peace Officers Research Association of California (PORAC) Medical Expense Reimbursement Trust. The City agrees to contribute \$150 monthly on behalf of each BPOA member.
- **6.** <u>Uniform & Equipment Allowance</u>: A uniform allowance to be provided to employees covered by this MOU shall be \$60/month. An equipment allowance of \$200/year shall be provided to employees covered by this MOU. The City shall defray 100% of the cost of personal body armor (i.e., bullet-resistant vests).
- 7. Retirement: The City shall continue as an employer under the provisions of the Public Employees Retirement System of the State of California (PERS). All employees hired on or after January 1, 2013, will be provided PERS retirement benefits in compliance with the 2012 Public Employees Pension Reform Act (PEPRA) as follows:
 - Employees classified as "New" under PEPRA will be covered by the PERS 2.7% at 57 plan.
 - Employees classified as "Classic" under PEPRA will be covered by the PERS 2.0% at 50 plan.

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All employees hired on or after January 1, 2013, classified as "New" under PEPRA will pay at least fifty percent (50%) of the Normal Cost of their Plan as calculated annually by PERS.

Employees classified as "Classic" under PEPRA will pay the full PERS employee contribution amount of 9%. The City shall contribute 100% of the required employer contribution.

The City shall provide a supplemental retirement benefit for employees hired prior to January 1, 2013 through the Public Agency Retirement Services (PARS). Contributions for the PARS supplemental retirement system shall be paid by the City.

8. <u>Sick Leave</u>: Sick leave shall accrue at the rate of 8 hours per month and shall continue to accrue to a maximum of 1040 hours regardless of years of service.

The City further agrees to continue to have employees credited with additional service time for pension computation purposes upon retirement on a day-for-day basis with the credit based on accrued sick leave, not to exceed 1040 hours.

In the event a member of the BPOA suffers a non-work related catastrophic injury or illness and has exhausted all of his or her accrued sick leave credits, the City shall permit other individual members of the Belvedere BPOA to contribute up to 50% of their accrued sick leave to the seriously injured or gravely ill BPOA member, provided however that any such individual's contribution shall not exceed 40 hours in any given calendar year.

Attendance Recognition Program: The City recognizes employees who demonstrate an outstanding attendance record over a prior calendar year. Under this program, employees are allowed to convert a portion of their unused sick leave to pay or compensatory time-off. In order to be eligible for this recognition, an employee must have been a regular full-time or part-time paid employee of the City for the full preceding calendar year; and must have used 48 or fewer hours of sick leave during the preceding calendar year.

Employees have the option of buying back specified unused sick leave or converting that same amount to compensatory time on a straight time basis.

a. Recognition Levels

- i. Level 1: Employees who have not used any sick leave hours over the past year have the option to buy-back up to 40 hours of unused sick leave. The option to buy-back all 40 hours is subject to the requirement that the employee have a minimum balance prior to buyback of 80 hours of combined leave (vacation, sick, and floating leave). Those employees maintaining a combined account balance of more than 120 hours may buy-back up to 60 hours per year of sick leave.
- ii. Level 2: Employees who have used more than 0 but less than 24 sick leave hours over the past calendar year have the option to buy-back up to 24 hours of unused sick leave.

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iii. Level 3: Employees who have used more than 24 but less than 48 sick leave hours over the past calendar year have the option to buy-back up to 15 hours of unused sick leave.

Eligible employees will be provided with a letter in January from the Finance Department regarding the prior year's conversion options. Employees will be required to respond in writing to the Finance Department by the due date on the eligibility letter.

10. Call Outs: Employees who are called to work overtime on their regularly scheduled day off or during other off-duty hours shall be compensated for a minimum of four (4) hours, except when the call-out occurs within the four hour period immediately preceding a scheduled duty shift, in which event the employee shall be compensated only for the hours worked. Overtime shall commence at the time the employee arrives at the place he/she is directed to report and shall continue until he/she is released or the scheduled duty shift begins. Call outs shall not apply to firing-range qualification duty except in the case of the employee regularly assigned to the 2300 to 0700 hour shift. The term 'call-out' includes confirmed off-duty court appearances. A 'confirmed' court appearance is one whereby the employee telephones the D.A.'s office by 5 pm the day before the scheduled court appearance, in order to confirm the necessity of the appearance. The officer will so note the confirmation on his/her subpoena, and the subpoena will be attached to the Request for Overtime slip at the time of submission. If the court appearance is cancelled after the 5 pm confirmation is received, the employee will be compensated four (4) hours of overtime.

11. Vacation Leave: Vacation accrual rates shall be computed as follows:

Months of Service	Monthly Accrual Rate
0-12 months	6.67 hours
13-36 months	8.00 hours
37-120 months	10.00 hours
121-132 months	12.00 hours
132+ months	13.33 hours
180+ months	15 hours

The City shall count as years of service all full-time service a sworn peace officer has worked for the City.

12. Hours of Work-Overtime: The Belvedere Police Department will continue to work an alternative shift schedule. The alternative shift schedule shall consist of a total of 84 hours of work completed by each employee during each 14 consecutive calendar day period. The 84 hours of work may be completed by working a combination of four 12 hour and

Resolution No. 2022-XX Belvedere City Council Page 7 of 9

four 8 hour work shifts, or by working eight 10 hour work shifts during each 14 day period. For the purposes of the alternative shift schedule, the City elects to avail itself of the Federal Labor Standards Act public safety exception, (fourteen day work cycle). Overtime will be paid for those hours worked beyond an employee's assigned shift or for hours worked in excess of 84 hours during each 14 day work cycle. In computing whether an officer has worked overtime in any 14 day work cycle, vacation leave, sick leave, and compensatory time-off shall be included in the tabulation. Overtime compensation and compensatory time-off shall continue to be calculated at the time-and-a-half rate. Compensatory time shall be allowed to accrue to a maximum of 144 hours. The maximum of 144 hours of compensatory leave time may carry forward from year to year, provided the total accumulation never exceeds 144 hours.

Compensatory leave may be taken by the Police Officer, in increments he/she chooses, with prior permission from either the Sergeant or the Chief of Police. Police Officers shall request to be compensated either in cash or compensatory leave at the time the Overtime Request slip is submitted. Police Officers electing to be compensated in cash payment rather than in compensatory leave time will receive any accumulated overtime pay on their regular monthly paychecks.

- **13.** <u>Deferred Compensation:</u> The City shall contribute up to \$150 per month on behalf of each employee into a City authorized deferred compensation program on a matching basis. Effective July 1, 2021, the City shall contribute \$185 per month on behalf of each employee into a City authorized deferred compensation program.
- 14. Field Training Officer Incentive: A Police Officer who undertakes the responsibility of a POST certified Field Training Officer shall be entitled to receive an additional 5 percent over base salary during the specific period that the police officer is engaged in conducting a field-training program. The Police Sergeant shall be entitled to an additional 3 percent over base salary during the specific period that the Police Sergeant is engaged in supervising a field-training program.
- 15. <u>Meals</u>: Whenever an employee is required to work 4 or more hours consecutive to his or her assigned shift, the City shall reimburse the officer for meal expenses up to a maximum of \$10.00 per occurrence upon submission of a proper receipt to the Chief.
- 16. <u>Holiday Pay</u>: All Holiday pay earned by the employees during the course of employment shall be paid as the holidays occur throughout the year. Employees shall be paid annually for 11 fixed holidays at 12 hours per holiday and will be paid whether or not the employee actually works on the holiday. In addition to the payment for the 11 fixed holidays recognized by the City, employees shall be entitled to 24 hours of paid floating personal leave days per year to be taken in accordance with established City personnel policies. In

Resolution No. 2022-XX Belvedere City Council Page 8 of 9

the event that floating personal leave days are cancelled pursuant to city business, they may carry over into the following year.

- 17. Shift Differential Pay: Police officers assigned to work the "Night Shift" (1900–0700 hours) shall be entitled to receive an additional 5% of base salary as shift differential pay. Police officers assigned to the "Cover Shift" shall be entitled to receive an additional 2.5% of base salary as shift differential regardless of hours worked; except if the cover officer is assigned to cover a "Night Shift" (1900-0700 hours). If the cover officer is assigned to work the "Night Shift" (1900-0700 hours) the rate will be paid at the night shift differential of 5%. Such shift differentials shall be paid only to police officers regularly assigned to work the above referenced shifts and shall not apply to officers working said shifts on an overtime basis, nor shall it apply to Police Sergeant or Trainee positions.
- **Watch Commander Pay:** The Police Sergeant position shall be entitled to an additional 3% over base salary during the specific periods that the Police Sergeant is engaged as Watch Commander for the Police Department.
- 19. <u>Mileage Allowance</u>: All employees hired prior to June 30, 2016 shall be entitled to a monthly allowance of \$200 to offset travel/commute costs. Any position utilizing a Cityissued vehicle shall not be entitled to the allowance. Employees hired after July 1, 2016 are not eligible for this benefit.
- **20.** Payroll Deduction for Dues: The current method of payroll deduction for dues for the BPOA shall continue pursuant to Section 12.12 of the City of Belvedere Personnel Rules and Regulations.
- 21. BPOA Use of City Resources: The current practice of the BPOA using City resources for the purposes of representing the interests of the BPOA in relation to the City shall continue to be limited to the use of City paid time, facilities, and equipment in the furthering of employer-employee relations, and not for the purpose of internal employee organization business such as soliciting membership, campaigning for office, elections, and meetings of the membership, as long as such use does not interfere with the efficiency, safety and security of City operations.
- **22.** Bargaining Unit: The provisions of Chapter 12 of the City Personnel Rules and Regulations notwithstanding, the bargaining unit represented by the BPOA shall include only sworn peace officers and no miscellaneous positions in the City.

Resolution No. 2022-XX Belvedere City Council Page 9 of 9

- **23.** General Provisions: Both parties understand that federal law, state law, City Ordinances, City of Belvedere Personnel Rules and Regulations, and written Police Department policy determine procedures and policy relating to the terms and conditions of employment, except as provided by this Memorandum of Understanding. Any and all prior provisions applicable to the positions covered under this resolution which are contained in any but the aforementioned sources and in this Memorandum are hereby made null and void.
- **24. Special Details**: It is understood that the official policy of the City regarding contract details as covered by City Council Resolution 77-12 is as follows:
 - a. Unless the Chief of Police determines that a particular private function, party or activity constitutes a potential threat to the public peace and safety, the City will not contract to provide police personnel for security at a private function, party or activity.
 - b. Reserve or Explorer personnel would not be precluded from serving contract details through the City with approval of the Chief of Police.
- **25.** <u>Duration</u>: Upon approval pursuant to Section 28 below, this Memorandum shall be effective July 1, 2022 and shall terminate June 30, 2023.
- **26. Approval by Council**: This Memorandum shall be effective when signed by the President of the BPOA and the City Manager and ratified by the Belvedere City Council.
- **27. Department Policy Manual**: The City agrees to have the BPOA review any prospective changes to the Department's policy manual before they are put into effect. Such review shall not diminish the City's right to impose changes to the manual whenever deemed appropriate by the City.
- **28.** Changes: No changes or modifications shall be offered, urged or otherwise presented by the BPOA or the City during the term of this Memorandum, without mutual consent of the parties.

BELVEDERE PEACE OFFICERS' ASSOCIATION	CITY OF BELVEDERE			
By:	By:			
Officer Jeremy Clark	Robert Zadnik			
Belvedere Peace Officers Association	City Manager			
Dated:	Dated:			

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE AMENDING RESOLUTION 2021-29 ESTABLISHING SALARIES AND BENEFITS FOR NON-REPRESENTED SAFETY AND NON-SAFETY EMPLOYEES FOR THE PERIOD JULY 1, 2022 THROUGH JUNE 30, 2023

WHEREAS, on June 14, 2021, the City Council adopted Resolution 2021-29 establishing the salaries and benefits for non-represented safety and non-safety employees for the period of July 1, 2021 through June 30, 2023; and

WHEREAS, the City desires to amend Resolution 2021-29 to increase the salaries established in that Resolution to provide a one percent cost of living increase from July 1, 2022 through June 30, 2023;

BE IT HEREBY RESOLVED by the City Council of the City of Belvedere as follows:

- 1. Unless otherwise stated, all adjustments herein described will be made effective July 1, 2022.
- 2. Unless specifically identified in this Resolution, the employment benefits provided to the City Manager shall be controlled pursuant to a separate Employment Agreement.
- **Salaries**: The following monthly salary rates are effective retroactively to July 1, 2022:

Position	STEP A	STEP B	STEP C	STEP D	STEP E
Maintenance Worker I	4,632	4,863	5,106	5,362	5,630
Maintenance Worker II	5,187	5,447	5,719	6,005	6,305
Building & Planning Technician	6,028	6,330	6,646	6,979	7,328
Office Coordinator	6,610	6,941	7,288	7,652	8,035
Maintenance Supervisor	7,019	7,370	7,739	8,126	8,532
Building Inspector II	7,045	7,398	7,768	8,156	8,564
Associate Planner	8,035	8,436	8,858	9,301	9,766
City Clerk/Sr. Mgmt. Analyst	7,647	8,029	8,431	8,852	9,295
Associate Engineer	8,035	8,436	8,858	9,301	9,766
Senior Planner	8,470	8,894	9,339	9,806	10,296
Building Official	9,597	10,077	10,581	11,110	11,665

Director of Planning & Building	11,718	12,304	12,919	13,565	14,243
Director of Public Works	11,844	12,436	13,058	13,711	14,397
Director of Admin. Services	11,905	12,501	13,126	13,782	14,470
Police Chief	12,643	13,275	13,939	14,636	15,368

- **4.** <u>Insurance Benefits</u>: The following benefits shall be provided to the employees covered by this Resolution:
 - a. Workers' Compensation Insurance as required by law; premiums paid entirely by the City.
 - b. <u>Unemployment Insurance</u> as required by law; premiums paid entirely by the City.
 - c. <u>Health Insurance</u> shall be made available to each employee. The City Contribution towards the health plan is as follows:

Family Status	City Contribution		
Employee only	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the Minimum Employer Contribution (MEC), for employee only.		
Employee + one dependent	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the MEC, for employee + one dependent.		
Employee + two or more dependents	Maximum City contribution equals the premium for Kaiser Permanente or for PERS Choice, which includes the MEC, for employee + two or more dependents		

An employee may use any benefit allowance stated above toward the cost of employer provided PERS Health Insurance for the employee and eligible dependents. An employee may not use the benefit allowance for other reasons.

d. <u>Medical Insurance Rebate</u> shall be provided to employees who are currently enrolled under a medical insurance program through a spouse or other source, and who elect to

exchange their City-provided insurance for a cash rebate. The rebate shall equal \$250 per month if one or more family members are or would be covered in the City's plan and \$175 per month if the employee is or would be covered as a single in the program. The employee must demonstrate to the City Manager's satisfaction that the employee has, at a minimum, adequate health coverage in force at the point in time when the rebate is requested, and that the employee participates in the City's dental insurance program at the single subscriber level or greater so long as the City's dental insurance program requires mandatory participation. Continuation of the rebate shall be predicated on the maintenance of such adequate health coverage as determined by the City Manager. As in the past, the City reserves the right to select the providers of the aforementioned insurance programs.

- e. <u>Dental Insurance</u> shall be made available to each employee. The City will pay the full cost of dental insurance for each full-time employee and his/her dependents.
- d. <u>Life Insurance</u> shall be made available to each employee. The City will pay the full cost of life insurance to employees on the basis of 100% of the employee's annual salary up to a maximum of \$100,000.
- e. <u>Long Term Disability Insurance</u> shall be made available to each full-time employee, premiums paid entirely by the City.
- f. <u>Health, Dental, Life, and Long-Term Disability Insurance</u> shall be made available to permanent part-time employees on a pro-rata basis, in the same manner as to full-time employees.
- **Retirement Benefits**: The City shall continue as an employer under the provisions of the Public Employees Retirement System of the State of California (PERS). All employees hired on or after January 1, 2013, will be provided PERS retirement benefits in compliance with the 2012 Public Employees Pension Reform Act (PEPRA) as follows:

Employees classified as "New" under PEPRA will be covered by the PERS 2.0% at 62 plan.

Employees classified as "Classic" under PEPRA will be covered by the PERS 2.0% at 55 plan.

All Employees hired on or after January 1, 2013, classified as "New" under PEPRA will pay at least fifty percent (50%) of the Normal Cost of their Plan as calculated annually by PERS.

Employees classified as "Classic" under PEPRA will pay the full PERS Employee Contribution amount of 7% or 9%. The City shall contribute 100% of the required employer contribution.

The City shall provide a supplemental retirement benefit for employees hired prior to January 1, 2013 through the Public Agency Retirement Services (PARS). Contributions for the PARS supplemental retirement system shall be paid by the City.

The Chief of Police shall be provided retirement benefits in accordance with the following:

Employees classified as "New" under PEPRA will be covered by the PERS 2.7% at 57 plan.

Employees classified as "Classic" under PEPRA will be covered by the PERS 2.0% at 50 plan.

All employees hired on or after January 1, 2013, classified as "New" under PEPRA will pay at least fifty percent (50%) of the Normal Cost of their Plan as calculated annually by PERS.

Employees classified as "Classic" under PEPRA will pay the full PERS employee contribution amount of 9%. The City shall contribute 100% of the required employer contribution.

The City shall provide a supplemental retirement benefit for employees hired prior to January 1, 2013 through the Public Agency Retirement Services (PARS). Contributions for the PARS supplemental retirement system shall be paid by the City.

6. <u>Sick Leave Benefits</u>: Pursuant to current Personnel Rules, sick leave for full-time employees shall accrue at the rate of 8 hours per month (12 days per year), and shall continue to accrue to a maximum of 1040 hours (130 days) regardless of years of service. Sick leave shall be provided to permanent part-time employees on a pro-rata basis, providing however, that the part-time employee works in excess of an average of 20 hours per week.

In the event an employee suffers a non-work-related catastrophic injury or illness and has exhausted all of his or her accrued sick leave credits, the City shall permit other individual employees to contribute up to 50% of their accrued sick leave to the seriously injured or gravely ill employee, provided however that any such individual's contribution shall not exceed 40 hours in any given calendar year.

7. <u>Attendance Recognition Program</u>: The City recognizes employees who demonstrate an outstanding attendance record over a prior calendar year. Under this program, employees are allowed to convert a portion of their unused sick leave to pay or compensatory time-off. In order to be eligible for this recognition, an employee must have been a regular

full-time or part-time paid employee of the City for the full preceding calendar year; and must have used 48 or fewer hours of sick leave during the preceding calendar year.

Participation of part-time employees in this benefit shall be on a pro-rata basis, providing however, that the regular part-time employee works in excess of an average of 20 hours per week.

Employees have the option of buying back specified unused sick leave or converting that same amount to compensatory time on a straight time basis.

a. Recognition Levels

- i. Level 1: Employees who have not used any sick leave hours over the past year have the option to buy-back up to 40 hours of unused sick leave. The option to buy-back all 40 hours is subject to the requirement that the employee have a minimum balance prior to buyback of 80 hours of combined leave (vacation, sick, and floating leave). Those employees maintaining a combined leave account balance of more than 120 hours may buy-back up to 60 hours per year of sick leave.
- ii. Level 2: Employees who have used more than 0 but less than 24 sick leave hours over the past calendar year have the option to buy-back up to 24 hours of unused sick leave.
- iii. Level 3: Employees who have used more than 24 but less than 48 sick leave hours over the past calendar year have the option to buy-back up to 15 hours of unused sick leave.

Eligible employees will be provided with a letter in January from the Finance Department regarding the prior year's conversion options. Employees will be required to respond in writing to the Finance Department by the due date on the eligibility letter.

- **8.** Standard Work Week: The standard work week shall begin at 12:01 a.m. on Saturday and end at 12:00 midnight on the following Friday. Scheduling of working hours shall be done by department heads and/or supervisors. The standard work week shall consist of forty (40) hours normally broken into five (5) eight (8) hour days.
- 9. <u>Alternative Work Schedule:</u> For employees using the 9-80 work schedule, the standard work week shall begin at noon on Friday and end at 11:59 a.m. on the following Friday. The workday begins at noon on any given day and continues until 11:59 a.m. on the following day. The 9-80 schedule is consistent and repeatable every two weeks.

Employees using the 9-80 work schedule are required to work nine hours for eight work days, and eight hours on a ninth work day. Employees participating in a 9-80 work schedule will have alternate Fridays off.

The workweek thus defined herein continues to provide a normal schedule of 40 hours in a work week although the employee works 44 hours in one calendar week and 36 hours in the second calendar week of the two-week period. Overtime will not be paid unless an employee exceeds 80 hours of work in the two-week period.

10. <u>Vacation Leave Benefits</u>: Vacation leave shall accrue at the following rates:

Months of Service	Monthly Accrual Rate
0-36 months (0-3 years)	6.67 hours per month
37 - 60 months (3-5years)	10 hours per month
61 - 72 months (5-6 years)	10.67 hours per month
73 – 84 months (6-7 years)	11.34 hours per month
85 – 96 months (7-8 years)	12 hours per month
97 – 108 months (8-9 years)	12.67 hours per month
109+ months (9+ years)	13.33 hours per month

Total accumulated vacation for any employee may not exceed twice the employee's annual rate of accrual. Should an employee accumulate vacation hours in excess of the maximum allowed as of the end of a given calendar year, the employee shall be paid for any excess hours, at the rate of compensation for that calendar year. Vacation leave shall be provided to permanent part-time employees on a pro-rata basis.

11. <u>Mileage Allowance</u>: The following positions shall be entitled to \$300/month to offset travel/commute costs: Administrative Services Manager, Director of Planning & Building, Building Official. The Director of Public Works shall also be entitled to a prorated mileage allowance during the periods he/she is using his/her own personal vehicle for commuting.

Employees provided with an auto allowance shall not be eligible for any other form of reimbursement for personal auto usage, without prior approval, except for travel in excess of 100 miles each direction on City business. Employees provided with the use of a City vehicle for the purposes of commuting to and from work and for use while on duty shall not be eligible for mileage reimbursement or auto allowance unless an alternative arrangement is approved by the City Manager. Said vehicle shall be returned to the City for departmental use for whatever duration the employee is absent from the City while on vacation and as soon as practicable while on extended sick leave. Employees not provided with an auto allowance or a City vehicle that use their personal vehicle while engaged in City-related business shall be reimbursed at the prevailing IRS rate for mileage reimbursement.

Housing Stipend. A housing stipend of \$700 per month shall be provided to the Director of Public Works/Emergency Preparedness Manager if this individual resides in Marin County.

13. <u>Administrative Leave Benefits</u>: The following employees are exempt employees and shall not be eligible for overtime. In lieu of overtime, the following employees shall be eligible for up to forty hours of administrative leave benefits per year, subject to the prior approval of the City Manager. Administrative leave shall not accrue from one calendar year to the next.

Title
City Manager
Police Chief
Administrative Services Manager
Director of Planning & Building
Director of Public Works
Building Official
Management Analyst - City Clerk
Senior Planner

Longevity Pay Benefits: In addition to the base salaries for each position, employees hired on or before June 30, 2016 shall be eligible for longevity pay on the following basis:

Years of Service	Amount to be applied
At the end of Year 5	2.5% above base salary
At the end of Year 10	5% above base salary

- **15.** <u>Deferred Compensation:</u> The City shall contribute \$185 per month on behalf of each employee into a City authorized deferred compensation program.
- **Holidays**: *Regular Holidays*. City employees covered by this Resolution shall receive the following eleven fixed holidays. If a holiday falls on a Saturday, the preceding Friday shall be the holiday. If a holiday falls on a Sunday, the following Monday shall be the holiday.

Holiday

New Year's Day - January 1st

Martin Luther King, Jr. Day -3^{rd} Monday in January

President's Day – 3rd Monday in February

Memorial Day – last Monday in May

Independence Day – 4th of July

Labor Day – 1st Monday in September

Veterans Day – November 11th

Thanksgiving Day and the day following

Christmas Day and the day preceding

Floating Holidays. Employees covered by this Resolution who have worked for the City at least 6 months shall be entitled to 24 hours of floating holidays per year in addition to the other paid holidays they are currently entitled to take. Any employee who fails to take his/her floating holidays during the calendar year shall forfeit the holidays effective January 1 of the following year.

- 17. <u>Uniform Allowance:</u> The Chief of Police shall receive a uniform allowance of \$75 per month. For employees in the Maintenance Worker classifications, the City shall continue to provide and maintain uniforms as specified and shall provide each worker with an annual boot allowance of \$200.
- **Mobile Phone Allowance:** The following employees, subject to the approval of the City Manager, shall be eligible for a monthly mobile phone allowance for use of their personal mobile phones while engaged in City business:

Title	Amount
Administrative Services Manager	\$50.00
Director of Planning & Building	\$50.00
Building Official	\$50.00
Mgmt. Analyst/City Clerk	\$50.00
Maintenance Supervisor	\$25.00
Maintenance Worker I & II	\$25.00

- 19. Standby Pay: Any employee covered under the provisions of this Resolution shall receive ½ a normal day's pay, i.e., ½ x (base hourly wage x 8 hours), for every 24 hours the employee is required to be on standby. Standby shall be defined as that period of time when the City requires an employee to remain either at his/her place of residence or at a location where he/she may be contacted by phone for potential call back to work. Policies and procedures specifying when, how, and how long an employee may be placed on standby shall be developed in consultation with affected employees and their supervisors and shall be included in the City's Personnel Rules and Regulations. When an employee is called back to work, he/she shall be compensated at the overtime rate with opportunity to take compensatory leave as provided in this Resolution. On duty time in the case of a call back shall begin at the time the employee leaves to report to duty and until he/she leaves the work site after release from duty. Exempt employees shall not be eligible for standby pay.
- **20.** Educational Incentive Pay: Educational reimbursement shall be provided to all employees covered by this Resolution pursuant to the City's Employment Development Policy in the City's Personnel Rules.

Resolution No. 2022-XX Belvedere City Council Page 9 of 10

The Police Chief shall receive 5% over base salary each month for holding the Advanced POST Certificate.

21. Part-time Employees: The City Manager may hire, on a part-time basis, positions identified as full-time according to the current salary resolution. Such positions shall only be hired when filling in temporarily for an existing full-time position. Permanent part-time employees are to be compensated at a rate fixed on the following schedule:

Position Title	Hourly Rate
Administrative Clerk	\$24.00 to \$36.40
Associate Planner	\$40.17 to \$50.78
Intern	Variable
Maintenance Worker	\$25.43 to \$36.00
Police Aide	\$24.00 to \$36.40
Police Officer Trainee	\$20.00 to \$26.00
Public Works Inspector	Determined by project
Reserve Police Officer	\$38.91 to \$49.19

Overtime/Compensatory Leave: Overtime shall be defined as any time worked by an employee beyond the standard 40-hour work hours in a given week. The standard workweek shall be from 12:00 midnight Saturday to 11:59:59 PM the following Friday, and assumes a standard work-day of 8 hours. In computing whether an employee has worked overtime in any given work week, all hours worked plus all leave taken (including compensatory leave, vacation leave, sick leave, etc.) shall be included in the tabulation. Any and all overtime worked must be approved in advance by the employee's supervisor.

An employee covered by this Resolution who is required to work overtime may elect to be paid at the rate of time and one-half for the overtime hours worked or be credited with compensatory leave at the rate of time and one-half for each hour of overtime worked. Compensatory leave for overtime may not be taken in increments greater than 16 hours (2 days) at one time. Once an employee elects to be credited with compensatory time, the choice is irrevocable. All compensatory time accrued in any given fiscal year must be taken by June 30 and may not be carried forward into the next fiscal year.

23. General Provisions: It is hereby understood that federal law, state law, City ordinances, City of Belvedere Personnel Rules, written department policies, and written administrative policies determine procedures and policies relating to the terms and conditions of employment, except as provided by this Resolution. Any and all prior provisions applicable to the positions covered under this Resolution that are contained in any but the aforementioned sources and in this Resolution are hereby declared null and void.

Resolution No. 2022-XX
Belvedere City Council
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24.	<u>Duration</u> : Upon adoption, this Resolution shall be effective July 1, 2022, and shall terminate June 30, 2023.
	ED AND ADOPTED at a regular meeting of the Belvedere City Council on August 8, by the following vote:
AYES NOES ABSI ABSI	S:
ATTI	APPROVED: Sally Wilkinson, Mayor Beth Haener, City Clerk

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Reviewed By: Robert Zadnik, City Manager

Amy Ackerman, City Attorney

Subject: Contract Amendment – MIG, Inc., for Contract Planning Services

Recommended Motion/Item Description

Adopt resolution authorizing the City Manager to execute an Amendment to the City's Professional Services Agreement with MIG, Inc., on behalf of the City, to provide planning services as assigned by the Planning Department.

Background

The City entered into a Professional Services Agreement with MIG, Inc., a planning consulting firm in January of this year for contract consultant planning services. Primary duties are to assist planning with projects due to an increase in workload, complexity of projects, and staffing shortages. The existing contract limited compensation to \$150,000. The City needs to increase the contract to a maximum of \$250,000. This Amendment requires City Council approval.

Fiscal Impact

Projects assigned to the consultants are typically cost recovery projects which are billed to project applicants and, therefore, not paid by the City. Staff does not anticipate a need to amend the City's budget at this time.

Recommendation

Adopt resolution approving the Amendment to the Agreement and authorizing the City Manager to execute the Amendment to the Professional Services Agreement with MIG, Inc., on behalf of the City for Contract Planning Services.

Attachments

Resolution with attached Contract Amendment as Exhibit A

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT AMENDMENT WITH MIG, INC FOR CONTRACT PLANNING SERVICES

WHEREAS, the City of Belvedere entered into a Professional Services Agreement with MIG, Inc. in January 2022, to perform tasks related to permit processing and development review for the Planning Department due to an increase in workload, complexity of projects and due staffing shortage; and

WHEREAS, the Agreement provided that the payments to the Consultant not exceed \$150,000 for services unless the City agreed to the increase in writing; and

WHEREAS, the City Council is required to approve any contract in excess of \$175,000; and

WHEREAS, the City needs to amend the Agreement to allow payments to the Consultant in an amount not to exceed \$250,000; and

WHEREAS, the City Manager desires to amend certain terms of the Agreement; and

WHEREAS, the Amendment was presented for approval at a regular meeting of the City Council on August 8, 2022.

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

- 1. Approve the amendment to the Agreement with MIG, Inc. and
- 2. Authorize the City Manager to execute the Amendment to the Agreement, attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City Of Belvedere on August 8, 2022, by the following vote:

ANZEC	
AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
	APPROVED:
	Sally Wilkinson, Mayor
ATTEST:	
Beth Haener, City Clerk	

FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF BELVEDERE AND MIG, INC.

This **FIRST AMENDMENT TO THE AGREEMENT** ("Agreement") is made as of August 12, 2022, ("Effective Date") by and between The City of Belvedere, a municipal corporation ("City"), with offices at 450 San Rafael Ave., Belvedere CA 94920 and MIG Inc., at 800 Hearst Avenue, Berkeley, California, a ("Consultant") collectively ("the parties").

The following provisions form the basis for, and are hereby made a part of, this Amended Agreement:

WHEREAS, the parties have entered into an AGREEMENT dated January 18, 2022 (the "Agreement"), which provided that Consultant not be paid more than \$150,000 in services unless the City agreed to the increase in writing;

WHEREAS, the parties now wish to amend certain terms of the Agreement as set forth herein to add funding to the not to exceed amount.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party to the other, the parties hereto do hereby agree as follows:

- 1. For purposes of this Amended Agreement, any capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Agreement.
- 2. The parties hereby agree to amend the original Agreement formerly entered into by and between City and MIG Inc., commencing on January 18, 2022, as set forth below.
- 3. COMPENSATION, Section 3 (A) shall be deleted in its entirety and replaced to read as follows:

COMPENSATION.

A. As full compensation for the services provided under this Agreement, the City

shall pay consultant at the hourly rates set forth in the approved Fee Schedule attached hereto as Exhibit "B" incorporated herein. In no event shall Consultant be paid more than \$250,000.00 (two hundred fifty thousand dollars and zero cents) unless agreed to in writing by the City. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are different from and/or in addition to those set forth herein, unless such services are authorized in advance and in writing by the City Manager.

4. ELECTRONIC TRANSMISSION OF CONTRACT AND SIGNATURE.

The Parties agree that this Amendment may be transmitted and signed by electronic mail by any of the Parties, and that such signatures shall have the same force and effect as original signatures, in accordance with California Government Code section 16.5 and Civil Code section 1633.7.

Except as expressly set forth herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under their respective hand as of the day and year first written above.

APPROVED BY:

MIG, INC.	CITY OF BELVEDERE
By: Daniel Iacofano	By: Robert Zadnik
Signature:	Signature:
Title: President and CEO	Title: City Manager

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Amy Ackerman, City Attorney

Subject: Adoption of an Ordinance of the City Council of the City of Belvedere

Amending Title 2 of the Belvedere Municipal Code by Amending

Chapter 2.28 "Planning Commission"

Recommended Motion/Item Description

That the City Council adopt the ordinance as part of the Consent Calendar.

Background

This Ordinance was introduced at the July 11, 2022 regular City Council meeting. The first reading was approved unanimously. It is being presented tonight for final adoption.

Attachment

Ordinance.

CITY OF BELVEDERE

ORINANCE No. 2022-XX

AN ORDINANCE OF THE CITY OF BELVEDERE AMENDING TITLE 2 OF THE BELVEDERE MUNICIPAL CODE BY AMENDING CHAPTER 2.28, "PLANNING COMMISSION."

WHEREAS, an ad hoc subcommittee, consisting of less than a quorum of the members of the City Council, recently reviewed the operations of the city's commissions, boards, and committees;

WHEREAS, the subcommittee recommended amending the Municipal Code and Administrative Policy Manual provisions related to commissions and committees to be compliant with changes in state and local law and to be consistent with current practices and procedures;

WHEREAS, the City Council desires to adopt an ordinance amending Chapter 2.28 related to the Planning Commission;

WHEREAS, on July 11, 2022, the City Council held a duly noticed public hearing to consider the ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The above recitals are true and correct and are incorporated as findings herein.

SECTION 2. Amendment. Belvedere Municipal Code Title 2, Chapter 2.28 is amended as follows:

Note: Additions to the Code text are in <u>underlined text</u>.

Deletions to Code text are in <u>strikethrough text</u>.

Chapter 2.28

PLANNING COMMISSION

Sections:

2.28.010	Established—Purpose.
2.28.020	Composition—Appointment—Term of office—Vacancy filling.
2.28.030	Quorum—Rules and regulations—Compensation—Reports to
	City Council.
2.28.040	Powers and Duties. Consideration of ordinances on public property
reports.	
2.28.050	Map creation and recommendation authority.
2.28.060	Consideration of building lot plots and street plans.

- 2.28.070 Proposed subdivision design and improvements-Investigation and report duty.
- 2.28.080 Recommendations on location of buildings or structures.
- 2.28.050. 2.28.090 Time and place of meeting.
- <u>2.28.010 Established—Purpose</u>. In order to make adequate provision for and guide the future growth, development, beautification and efficient planning of the City, a City Planning Commission is established.
- 2.28.020 Composition—Appointment—Term of office—Vacancy filling. The City Planning Commission shall consist of seven persons to be appointed by the Mayor, with the approval of the City Council. The building inspector and the City Manager shall be ex officio members of the Planning Commission. Each of the seven appointed members shall normally serve a term of four years or fraction thereof, and the terms of the members shall be staggered so that no more than four members' terms shall expire at one time and the terms of the remaining members shall expire two years hence. Members shall serve at the pleasure of the Council. Vacancies shall be filled by the Mayor with the approval of the City Council for the unexpired portion of the term of a retiring member.
- <u>2.28.030</u> Quorum—Rules and regulations—Compensation—Reports to City Council. Four members of the Planning Commission shall constitute a quorum. They may make and alter rules and regulations for their own organization and proceeding consistent with the ordinances of the City and the laws of the State. Members They shall receive no compensation for their services, and shall report their transactions and recommendations to the City Council at least once in every year.
 - 2.28.040. Powers and Duties.
- (a) The Planning Commission shall have such powers and carry out such duties as granted under state law and Titles 18, 19, and as otherwise provided in this Municipal Code.
- (b) The Clerk shall forward the following matters to the Planning Commission, for its consideration and advice to Council, such ordinances, resolutions, and documents, as required by state law and this Municipal Code, including, but not limited to:
 - (1) Zoning ordinances or amendments of zoning ordinances and maps;
 - (2) The General Plan, or amendments to the General Plan or any of its elements;
- (3) Projects for the construction or improvement of public buildings or instructions with the City;
 - (4) Ordinances relating to housing or building codes; and
- (5) Any such other matters as may be prescribed by ordinance or as requested by Council.

2.28.040 Consideration of ordinances on public property—Reports. The City Clerk shall, upon introduction, furnish to the City Planning Commission for its consideration a copy of all ordinances relating to the location of any public building of the City; to the location, extension, widening and enlargement of any street, parkway, park, playground or other public grounds, and to the vacating of any street or other alteration of the City plan of the streets and highways; and all ordinances relating to housing or building codes, zones or districts for the City. The Commission may make a report or suggestion in relation thereto if it deems a report necessary or advisable for the consideration of the City Council. All such reports when delivered to the City Clerk shall be for the information of the public as well as of the City Council and shall be open to inspection.

2.28.050 Map creation and recommendation authority. The City Planning Commission may make or cause to be made, and submit to the City Council, a map or maps dividing the City into districts of such number, shape and area as they may deem best suited to carry out the purpose of the zoning law of 1917 (Stats. 1917, P. 1149); and it may make recommendations to the City Council from time to time concerning any such matter and things aforesaid for action by the City Council, and in so doing have regard for the present conditions and future needs and growth of the City.

2.28.060 Consideration of building lot plots and street plans. All plans, plots or replots of lands laid out in building lots, and the streets, lanes or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the City Planning Commission, which shall report upon them to the City Council.

2.28.070 Proposed subdivision design and improvement—Investigation and report duty. The City Planning Commission is hereby charged with the duty of making investigations and reports on the design and improvements of proposed subdivisions in the City. The Commission's report shall approve, conditionally approve or disapprove the map or maps of the subdivision. It shall make its report thereon directly to the subdivider as promptly as possible.

<u>2.28.080 Recommendations on location of buildings or structures</u>. The City Planning Commission may make recommendations to any public authority or any corporation or individual, with reference to the location of any buildings, structures or works to be erected or constructed by them.

<u>2.28.050.2.28.090</u> Time and place of meeting. The regular meeting of the Planning Commission shall be held on the third Tuesday of each calendar month, or on such day as is hereafter fixed by City Council resolution, in the City Hall, 450 San Rafael Avenue, at the hour of six-thirty p.m. The meetings of the Commission shall at all times be open to the public.

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, Regular Ordinance**. 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 AT A PUBLIC HEARING at a regular meeting of the Belvedere City Council on July 11, 2022, and adopted at a regular meeting of the Belvedere City Council on August 8, 2022, by the following vote by the following vote:

AYES:		
NOES:		
ABSENT:		
RECUSED:		
	APPROVED:	
	-	Sally Wilkinson, Mayor
ATTEST:		•
Beth Haener, City Clerk		

CONSENT CALENDAR

BELVEDERE CITY COUNCIL August 8, 2022

To: Mayor and City Council

From: Brian Van Son, Building Official

Reviewed By: Robert Zadnik, City Manager

Irene Borba, Director of Planning & Building

Subject: Approve response to Marin County Grand Jury report titled "Electrifying Marin's

Buildings: A Countywide Approach"

Recommended Motion/Item Description

Approve response to Marin County Civil Grand Jury Report: Electrifying Marin's Buildings: A Countywide Approach.

Background

On June 6, 2022, the 2021–2022 Marin County Civil Grand Jury published a report on Electrifying Marin's Buildings: A Countywide Approach (Report) (**Attachment 1**). The Report first identifies the building and transportation sectors as industrys contributing to greenhouse gas emissions (GHG). The report then delves into the following:

- The critical role building electrification plays in advancing Marin County's greenhouse gas reduction targets and in improving the health and safety of its residents.
- Proposed "reach" codes for adoption by local jurisdictions that would bring an end to natural gas connections in newly constructed buildings and enhance energy efficiency in homes undergoing renovation.
- A comprehensive countywide building electrification planning process aimed at potential building electrification strategies that should be addressed as part of a countywide planning process.
- The importance of equity as a guiding principle in planning.

The Marin County Civil Grand Jury investigated the actions taken by Marin's county, city, and town governments to reduce greenhouse gas emissions, including their identification of the sources of these emissions and their strategies to meet emission reduction goals established by state law and otherwise. The Grand Jury focused on the building sector as a primary contributor of greenhouse gas emissions and assessed existing and proposed programs and strategies to bring

about the effective and equitable electrification of buildings in Marin County. The Report calls on Belvedere to respond to all findings and recommendations. However, because this topic is of significant importance to all Marin residents, the City has partnered with other municipalities and the Marin County Code Advisory Board in reviewing and developing responses. That group's efforts formed the basis of Belvedere's response. It is worth noting that the City's responses (Attachment 1) are not necessarily the sole positions and opinions of that group.

The City's formal response must conform to the format required by Penal Code Section 933.05.

Fiscal Impact

There is no fiscal impact associated with this action.

Attachments

- 1. Response to Grand Jury
- 2. Grand Jury Report: Electrifying Marin's Buildings: A Countywide Approach

RESPONSE TO GRAND JURY REPORT FORM City of Belvedere

Report Title:	Electrifying Marin's	s Buildings: A Countywide Approach		
Report Date:	June 6, 2022			
Public Release:	August 8, 2022			
Response By:	Sally Wilkinson, Mayor of City of Belvedere, & Irene Borba, Belvedere Director of Planning & Building			
FINDINGS:				
We agree with the	e findings numbered F	<u>4-F5</u>		
We disagree who	lly or partially with the	findings numbered <u>F1-F3, F6</u>		
(See Attachment	A)			
RECOMMEND	ATIONS:			
■ Recommo	endations numbered	have been implemented.		
	 Recommendations numbered have not yet been implemented but will be implemented in the future. 			
■ Recomme	endations numbered R1	1, R2 and R3 require further analysis. (Attachment A)		
Recommondare not fe		will not be implemented because they are not warranted or		
Date: <u>0</u>	8/08/2022	Signed:Sally Wilkinson, Mayor		
Date: <u>0</u>	<u>8/08/2022</u>	Signed: Irene Borba, Director of Planning & Building		
Number of pages	attached: 4			

Explanation Regarding Recommendations "Electrifying Marin's Buildings: A Countywide Approach" Page 1 of 1

Attachment A: Response of the City of Belvedere to Grand Jury Report "Electrifying Marin's Buildings: A Countywide Approach"

Findings and Responses

F1. With the building sector accounting for approximately 34 percent of greenhouse gas emissions in Marin County, it will be necessary to substantially reduce emissions from that sector if the county and its cities and towns are to meet their 2030 greenhouse gas reduction goals.

Response: Partially Disagree

The grand jury targeted the building industry that accounts for 34% of GHG emissions, with 27% of GHG emissions produced by natural gas. However, the report ignores the transportation industry which accounts for 52%. Unfortunately, this is a missed opportunity as the combined sectors make up 86% of GHG emissions. There are also several building elements or public improvements that will be necessary to reduce transportation related GHG emissions. As an example, the state will be using the upcoming intervening code cycle to adopt additional regulations for electric vehicle chargers. Furthermore, a reduction to the 27% level of GHG emission from natural gas in the building sector will only have an incremental effect on GHG overall and should not be thought of as the sole solution.

Additionally, the report utilizes information for residential gas usage, produced in a 2007 study. Since that time, the State Building Code and the California Energy Commission have implemented numerous codes and regulations aimed at reducing GHG emissions and producing a more energy efficient product. As indicated in the report, Marin County jurisdictions have met or exceeded their 2020 goals of reducing GHG gas emissions below 2005 levels by at least 15 percent. The impacts to GHG emissions need to be studied in connection to the proposed GHG emissions limiting measures to determine if this finding is accurate. PG&E is proposing carbon capture technologies. Others are proposing changes to concrete design and production as alternatives that can lead to more than 50% reductions in associated GHG emissions by 2050. This is because over this period, the operational phase of newly constructed buildings and pavements still generates most GHG emissions unless the electrical grid, heating, and transportation are decarbonized aggressively. More than one-third of the embodied impacts of building and pavement construction can be offset by implementing concrete solutions.

F2. Reducing or eliminating natural gas as a fuel source in buildings will dramatically reduce greenhouse gas emissions from Marin County's building sector.

Response: Partially Disagree

The grand jury's proposed elimination of natural gas will reduce GHG emissions. While this may be true, it will also cause the public to look for other alternatives. As an example, when the PG&E public safety power shutoffs (PSPS) were implemented to reduce the risk of wildfires, the public turned to alternatives like portable generators or permanent generators. When this happened, many

Explanation Regarding Recommendations "Electrifying Marin's Buildings: A Countywide Approach" Page 2 of 1

jurisdictions and their associated noise ordinances reduced the possibility for installing generator in many locations. This led to numerous installations of generators without permits. With the elimination of natural gas, having the flexibility to find cost effective energy solutions becomes more difficult, as options become more limited. This creates an imbalance in finding equitable solutions.

This approach needs to be evaluated further to understand some of the unintended consequences that will need mitigation to effectively implement natural gas restrictions. It is also important to note that the cost of an equivalent unit of gas and electric charge plays into these issues as consumers often look toward the most cost-effective solution. However, due to electricity being treated as a commodity, industries are looking for ways to maintain profitability, which is why companies like PG&E will still rely on natural gas to produce electric power which is 7% of the GHG emissions associated with the building sector.

F3. The use of natural gas in buildings gives rise to health and safety risks, including adverse health effects attributed to exposure to natural gas, and safety risks posed by pipeline leaks, ruptures, and explosions. These health and safety risks serve as additional reasons to eliminate natural gas as a fuel source in new and existing buildings.

Response: Partially Disagree

Indoor air quality has been an issue in the building industry for decades. As buildings have become more efficient, they have lost communication with the exterior environment. This has led to respiratory and other health issues. Fossil fuel burning such as Gas stoves, particularly when unvented, can be a primary source of indoor air pollution. For this reason, current code now requires whole home fans and mandatory venting requirements for all fossil fuel burning appliances. While natural gas can be hazardous if improperly installed, the same is true of all power sources. Alternative fuel appliances for cooking can also be dangerous. As an example, induction cooking cannot be used by people with pacemakers as the electromagnetic field (EMF) produced by induction cooking can cause interference with the operation of pacemakers. In addition, induction cooking ranges are also subject to labeling as cancer causing because of those EMFs. While induction cooking can be seen as producing less GHG emissions, it is not a solution that can be uniformly applied. This further supports the need to study alternatives to eliminating natural gas specifically for cooking. Furthermore, the report speaks of safety risks posed by gas pipeline leaks, ruptures, and explosions. The report omits the risks caused by poorly maintained, or not maintained, electrical infrastructure. It is believed that PG&E electrical infrastructure has had a hand in over 1000 California wildfire in just the last eight years—these include the wildfires that destroyed neighborhoods in the Napa/Sonoma County, and the nearly complete destruction of the City of Paradise, in Butte County California.

F4. The timely reduction of greenhouse gas emissions from Marin County's building sector will require in-depth, comprehensive, and coordinated planning. A countywide planning process, coordinated by Marin Climate and Energy Partnership or the county's

Explanation Regarding Recommendations "Electrifying Marin's Buildings: A Countywide Approach" Page 3 of 1

Sustainability Team, would be an effective and efficient means of sustaining focus and leveraging the resources needed for developing a Countywide Building Electrification Plan.

Response: Agree

F5. Underserved communities and lower income households have greater vulnerability to rising energy costs and will likely require extra financial support to mitigate those costs and reduce household greenhouse gas emissions through measures that require significant upfront investment.

Response: Agree

F6. The timely electrification of existing buildings will likely require one or more mandatory measures, supported where necessary by financial subsidies and rebates.

Response: Partially Disagree

Financial subsidies should not be seen as a mitigation, as often those programs do not uniformly incentivize the public and can be exhausted of funds. An example of this is the Time-of-Use Residential Transition through PG&E, which forces customers to choose rate plans without knowing the true cost.

Prior to moving into Recommendations, it is important to note there are several variables not discussed in the Report. Some of these include supply change issues causing and lack or delay in electrical equipment; limited technical experts to manage the increasing demands, unknown adoption costs, legal other challenges for end users. There is also a lack of clarity for what is needed to limit the impact to existing equipment and triggers for when existing construction requires replacement. Additionally, the Report does not address the state and federal government's efforts that could cause conflicts or create impossible regulatory standards for the end users. The more difficult matter is the implementation of such programs. Expanding on the topic of limited technical support, currently the building industry is facing work shortages and a lack of qualified individuals to keep up with demand. This is true for contractors, manufacturers, utilities, and even local Building departments. Building departments typically have a finite number of resources and will need new funding sources to absorb the additional costs to implement these initiatives. Currently most departments are leveraging the addition support through federally sponsored funding which is limited.

In considering alignment with federal and state energy and sustainability initiatives, the Environmental Protection Agency has not identified natural gas as specific mitigation, and instead, focuses on appliance efficiency and methane production⁷. As an example, the federal government

Explanation Regarding Recommendations "Electrifying Marin's Buildings: A Countywide Approach" Page 4 of 1

still allows for 80% efficient gas heating appliances to be installed, while the technology is available to provide a minimum efficiency of 95% or higher.

Additionally, there are several areas where the state does not set limits. An example of this is outdoor equipment such as fire pits or outdoor cooking appliances. These are initiatives local jurisdictions cannot act on without preempting existing federal or state laws. This preemption is unlawful and has caused some jurisdictions, who have adopted all electric regulations, to face legal actions from the state and federal government. This leaves jurisdictions and the grand jury to identify other mitigation measures which could be more burdensome than the incremental approach the federal or state governments can take.

RECOMMENDATIONS AND RESPONSES:

R1. On or before January 1, 2023, Marin County and each of its cities and towns that have not already done so should adopt a reach code banning natural gas connections in newly constructed buildings.

<u>Response:</u> This recommendation will not be implemented because it is not warranted or reasonable at this time.

If given the choice, the applicant will, more often than not, choose the option that is cheaper and best benefits their personal and specific needs. The City, along with several other Marin jurisdictions and the Marin County Code Advisory Board (MCCCAB) are actively meeting to analyze reach codes related to electrification. Further research is needed at the statewide level to determine how best to assist the utility providers in offering more affordable, dependable, electric power and options for cost-efficient methods of electrifying new homes.

R2. On or before January 1, 2023, Marin County and each of its cities and towns that have not already done so should adopt a reach code requiring energy efficiency measures in connection with renovations of existing residential buildings. The reach code should specify the size of the renovation that will trigger the requirement and provide flexibility by allowing the applicant to choose from a list of energy efficiency measures, including electrification of gas appliances.

Response: This recommendation requires further analysis.

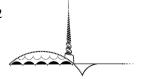
This topic has been discussed in numerous County-wide working groups. It has been difficult to reach a consensus regarding the size of the project that would trigger reach codes and a consistent list of energy efficiency measures to be taken by the applicant. Each jurisdiction has unique factors concerning which method(s) of energy efficiency would best fit their municipality. The City will conduct an analysis in early 2023 and identify potential reach code options withing this category.

R3. Marin County and each of its cities and towns, collaborating through the Marin Climate and Energy Partnership or otherwise, should develop a comprehensive Countywide Building Electrification Plan to be completed on or before January 1, 2024. The Plan should identify those strategies, programs, and concrete actions necessary to bring about an equitable, prompt, and material acceleration of building electrification throughout the county.

Explanation Regarding Recommendations "Electrifying Marin's Buildings: A Countywide Approach" Page 5 of 1

Response: This recommendation requires further analysis.

This must be a County-wide response. In order to achieve this recommendation, representatives from each County jurisdiction will need to conduct meetings and come to a mutual and comprehensive Countywide plan that best fits the needs of all Marin County municipalities. Further research and collaboration are needed to ensure a comprehensive plan is generated to address the needs of all Marin County jurisdictions. Through MCCAB and other partnerships, the City will participate and join in these efforts prior to pursuing recommendations one and two.



2021-2022 MARIN COUNTY CIVIL GRAND JURY

ELECTRIFYING MARIN'S BUILDINGS: A COUNTYWIDE APPROACH

June 6, 2022

SUMMARY

Marin County's electricity supplies are becoming cleaner due to the expanding role played by solar and other renewable sources. As this trend continues, local governments have become increasingly engaged in reducing greenhouse gas emissions by electrifying the county's transportation and building sectors. "Building electrification" refers to the elimination of natural gas-fueled appliances in households and businesses. It aims for adoption of four electric appliances: heat pump space heaters, heat pump water heaters, induction cooktops/ranges, and upgraded service panels. Because the life cycles of appliances are long—often 10 to 20 years or more—decisions made today can have long-term impacts. By one estimate, in order to fully electrify U.S. households before 2050, more than 80 million of these appliances in more than 50 million households would have to be replaced over the next decade. While policy-makers in Washington and Sacramento have an important role to play, change on this scale will be very difficult without robust engagement at the local level. The timely pursuit of building electrification will depend in no small measure on local regulations and consumer decisions that are shaped and supported by local communities.

Initial steps are currently being taken by the county and its cities to pave the way toward building electrification. But as the stakes grow higher with each passing year, the time has come for Marin to pursue an integrated and comprehensive countywide building electrification planning process that will strengthen and accelerate decision-making by public officials throughout the county.

In the discussion that follows, the Grand Jury addresses:

- The critical role building electrification plays in advancing Marin County's greenhouse gas reduction targets and in improving the health and safety of its residents
- Proposed "reach" codes for adoption by local jurisdictions that would bring an end to natural gas connections in newly constructed buildings and enhance energy efficiency in homes undergoing renovation

https://www.americanprogress.org/article/decarbonize-households-america-needs-incentives-electric-appliances/.

¹ Trevor Higgens, Bianca Majumder, Debbie Lai, Ari Matusiak, and Sam Calisch, *To Decarbonize Households*, electrifying all of Marin County's buildings within a specified time period America Needs Incentives for Electric Appliances, June 3, 2021,

- A comprehensive countywide building electrification planning process aimed at potential building electrification strategies that should be addressed as part of a countywide planning process.
- The importance of equity as a guiding principle in planning.

APPROACH

The Marin County Civil Grand Jury investigated the actions taken by Marin's county, city, and town governments to reduce greenhouse gas emissions, including their identification of the sources of these emissions and their strategies to meet emission reduction goals established by state law and otherwise. The Grand Jury focused on the building sector as a primary contributor of greenhouse gas emissions and assessed existing and proposed programs and strategies to bring about the effective and equitable electrification of buildings in Marin.

In carrying out this investigation, the Grand Jury interviewed elected officials, department heads, and staff in the Marin County government and in Marin's city and town governments; interviewed agency officials and non-profit advocacy groups engaged in climate change mitigation; and reviewed reports, studies, plans, and state and local laws dealing directly or indirectly with climate change mitigation.

In the course of its investigation, the Grand Jury repeatedly encountered individuals throughout county and local government who are passionate about their work and extremely well-informed about climate change impacts and mitigation measures. The findings and recommendations presented here are intended to offer a unique perspective afforded by the investigation and help promote an ongoing dialog among county staff, local jurisdictions, and the public on an important component of greenhouse gas reduction efforts.

BACKGROUND: WHY BUILDING ELECTRIFICATION MATTERS

The Increasing Urgency of Marin's Efforts to Mitigate Climate Change

This past year our nation has seen a variety of extreme weather-related impacts including off-season tornados, dramatic flooding, and wildfires at times and locations previously thought immune from such disasters. The hottest annual temperatures ever recorded worldwide have all occurred between 2016 and 2021.² More intense and frequent heat waves, droughts, wildfires, and severe weather events are all results of climate change which are now manifesting throughout the country and the world. Marin County has recently experienced severe drought, ongoing heightened wildfire risk, and the slow creep of sea level rise along our shorelines. Given these developments, scientists and government leaders across the globe agree there is an increasing urgency to reduce greenhouse gas emissions if the worst impacts of climate change are to be avoided.

California has helped lead the way in framing the urgent need for prompt action. Legislation passed in 2016 requires state agencies to enact regulations and implement programs that will result in a statewide reduction in greenhouse gas emissions to 40 percent below 1990 levels by

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² United Nations, UN News Global Perspective Human Stories, 2021 joins top 7 warmest years on record: WMO, January 19, 2022,

 $[\]frac{https://news.un.org/en/story/2022/01/1110022\#:\sim:text=The\%20warmest\%20seven\%20years\%20have, to\%20record\%20global\%20average\%20warming.$

2030. Unfortunately, a recent report has found that while the state's greenhouse gas emissions dropped 1.6 percent between 2018 and 2019—the second largest percentage decrease since 2010—this is far short of what is needed to reach the mandated reduction by 2030.³ California must now sustain a 4.3 percent annual decrease through 2030—a reduction that is more than 2.5 times greater than was achieved in 2019.⁴

Marin County's leaders and residents are well aware that climate change is poised to impact future life in the county. The county and its eleven municipalities have each developed climate action plans to address how local governments and residents can contribute to greenhouse gas emission reductions.⁵ These plans identify the major sources of emissions throughout the county, quantify those emissions, and recommend actions to be taken by individual jurisdictions to curb emissions and reach statewide emissions targets as well as targets enumerated in the individual plans. Although all jurisdictions reached their 2020 goals of reducing greenhouse gas emissions below 2005 levels by at least 15 percent, there is much more to be done if they are to reach the 2030 reduction targets mandated by state law.⁶

era. 500 2020 target: egual to 1990 level 400 2030 target: 300 40% below 1990 level 200 electric power 100 industrial 2050 goal: transportation 80% below 1990 level 2000 1990 2010 2020 2030 2040 2050 Source: U.S. Energy Information Administration, based on California Air Resources Board data

Figure 1 - California Greenhouse Gas Emissions by Sector (1990-2015) and Targets Through 2050 (million tons CO₂ equivalent)

Credit: California Air Resources Control Board

Figure 1 shows the dramatic reduction in GHG emissions required for the state to reach its goal of reducing emissions to at least 40% below 1990 levels by 2030.

³ California Green Innovation Index, 13th Edition, 2021, https://greeninnovationindex.org/2021-edition/.

⁴ California Green Innovation Index.

⁵ County of Marin, Community Development Agency and Sustainability Team, *Marin County Unincorporated Climate Action Plan*, December 2020, https://www.marincounty.org/—
https://www.marincounty.org/—
https://marinclimate.org/climate-action-plans/.
https://marinclimate.org/climate-action-plans/.
https://www.marintracker.org/. This is an interactive mapping tool that provides statistics on the greenhouse gas emissions in various jurisdictions.

Buildings Are a Significant Source of Greenhouse Gas Emissions

Building electrification will be a critical component for the county to reach future emissions goals. Natural gas, a major source of greenhouse gas emissions, provides an estimated 70 percent of the energy used in the average California home. Building emissions are generated in the production and use of electricity and natural gas for heating, cooling, lighting, and running appliances in residential, commercial, municipal, and industrial buildings. In Marin the largest source of greenhouse gas emissions is the transportation sector (51 percent). The county's next largest greenhouse gas source is the building sector, which is responsible for 34 percent of total emissions. Of the 34 percent greenhouse gas emissions associated with Marin's building sector, natural gas uses comprise 27 percent of the total, with the remaining 7 percent attributed to the use of electricity generated by coal or gas-fired power plants. 10

Marin County's building sector primarily consists of residential buildings, with single-family homes comprising the majority of building types in the county. Among the housing stock, 69 percent are single-family homes, followed by multi-unit dwellings at 29.5 percent, and mobile homes at 1.5 percent. ¹¹ Most of the county's natural gas usage results from the residential sector. ¹² Thus, removing natural gas usage from the building sector will have a major impact in reducing overall greenhouse gas emissions in the county.

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⁷ New Buildings Institute, *Building Electrification Technology Roadmap*, January 12, 2021, p. 3, https://newbuildings.org/resource/building-electrification-technology-roadmap/#:~:text=The%20Building%20Electrification%20Technology%20Roadmap,emissions%2C%20and%20improve%20public%20health.

⁸ The different plans have slightly different categories names to identify this sector, i.e., some refer to it as Residential Energy, Built Environment – Electricity/Natural Gas, Energy Efficiency Buildings, etc. and may or may not include the source of the energy used (County Plan says 72% decrease in Build Env- Electricity from 2005 to 2018 due to cleaner sources of energy used).

⁹ See MCEP website, Marin County Emissions by Sector, 2019, https://marinclimate.org/greenhouse-gas-inventories/.

¹⁰ MCEP website, Marin County Emissions by Sector.

¹¹ Marin County Housing Element 2015 – 2023 Adopted by the Marin County Board of Supervisors December 9, 2014; *See also* CountyOffice.org, *Building Departments in Marin County, California*, https://www.countyoffice.org/ca-marin-county-building-departments/

¹² In 2005, 72% of natural gas usage was in the residential sector, Marin Community Development Agency's 2007 Marin Countywide Plan at 3.6-4.

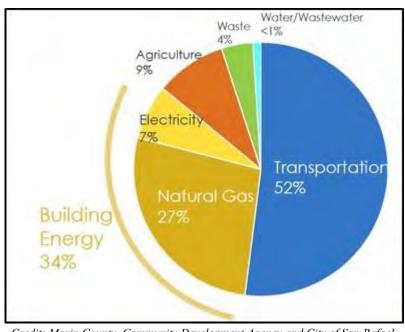


Figure 2 - Marin County's 2019 Greenhouse Gas Emission by Sector

Credit: Marin County, Community Development Agency and City of San Rafael. Marin County Green Building Code 2022 Code Cycle Update, February 18, 2022.

Unfortunately, the consumption of natural gas in homes and buildings in California is on the rise—up 15.3 percent in the commercial sector and 17.8 percent in housing since 2014, and up 19.8 percent in the industrial sector since 2009. 13 Statewide, natural gas usage by buildings is significant, with buildings using more gas overall than the state's power plants. 14

These building-related uses of natural gas not only result in greenhouse gas emissions as the fuel is burned, but they are also responsible for additional emissions from the extraction and transportation of gas to end users. Emissions from the drilling of natural gas include methane, nitrogen oxides, and sulfur oxides. ¹⁵ Methane is among the most worrisome greenhouse gasses as it traps heat more efficiently than carbon dioxide. It is estimated that 13 million tons of methane leak each year during gas extraction, processing, and transportation. 16 About 90 percent of the gas consumed in California is drilled out of state, which creates significant opportunities for greenhouse gas emissions to occur through leaking and venting in pipeline transmission in addition to those created during combustion. 17

Converting from natural gas to electricity is an effective way to significantly reduce greenhouse gas emissions. It should be noted, however, that some emissions also occur in the generation of

and New Buildings Institute, Building Electrification Technology Roadmap, p. 3.

¹³ California Green Innovation Index, https://greeninnovationindex.org/2021-edition/

¹⁴ Sierra Club, Building Electrification Action Plan for Climate Leaders, December 2019, p. ES-1, https://www.sierraclub.org/sites/www.sierraclub.org/files/Building%20Electrification%20Action%20Plan%20for% 20Climate%20Leaders.pdf

¹⁵ New Buildings Institute, Building Electrification Technology Roadmap, p.4.

¹⁶ Jeff Turrentine, *The Natural Gas Industry Has a Methane Problem*, Natural Resources Defense Council website, June 7, 2019, https://www.nrdc.org/onearth/natural-gas-industry-has-methane-problem.

¹⁷ Sierra Club, Building Electrification Action Plan for Leaders, p. ES-1. See also City of Berkeley, Existing Buildings Electrification Strategy, Administrative Draft, April 2021, pp. 13-14, https://www.cityofberkeley.info/uploadedFiles/Planning and Development/Level 3 -Energy and Sustainable Development/Draft Berkeley Existing Bldg Electrification Strategy 20210415.pdf

electricity, though at much reduced levels. Pacific Gas and Electric (PG&E) and the community choice aggregator, Marin Clean Energy (MCE), are Marin County's two utility providers. ¹⁸ PG&E's electricity is generated from a blend of power sources that is presently 85 percent greenhouse gas emission free. That percentage should increase in the coming decade due to state mandates. ¹⁹ MCE customers can currently opt for an arrangement furnishing electricity that is 100 percent generated by wind and solar. ²⁰

Reducing the Health and Safety Risks Posed by Gas Appliances

In addition to adding greenhouse gas emissions to the atmosphere, natural gas appliances create a significant amount of indoor air pollution.²¹ Most residential gas appliances lack any pollution controls and can produce very high nitrogen oxide emissions.²² In particular, gas stoves emit nitrogen oxides, carbon monoxide, and formaldehyde as well as fine particulate matter in amounts greater than electric stoves.²³ The peak levels of air pollution, particularly nitrogen dioxide, generated by natural gas cooktop usage can exceed outdoor air quality standards.²⁴ Other natural gas appliances such as heating systems and water heaters also contribute to indoor air pollution and can present significant indoor air quality impacts. Like stoves, natural gaspowered furnaces and hot water tanks also emit nitrogen dioxide, nitric oxide, sulfur oxides, particulate matter, carbon monoxide, and formaldehyde.²⁵

The U.S. Environmental Protection Agency has determined that long-term exposure to nitrogen dioxide is linked to the development of asthma in children, and short term exposure can trigger or exacerbate asthma attacks. ²⁶ Children are particularly sensitive to the pollutants generated by gas appliances. Studies have indicated that children in homes with gas appliances are 42 percent more likely to develop asthma symptoms and 32 percent more likely to be diagnosed with asthma during their lifetime. ²⁷ Lower-income households bear greater health risks since many of the factors associated with poor indoor air quality – smaller square footage, older appliances, poorer ventilation, high density of household members – create conditions that contribute to poor indoor air quality. ²⁸

The use of natural gas as a fuel in buildings also brings safety risks posed by pipeline leaks and ruptures. The potential for earthquakes, aging gas lines, and the volatile nature of natural gas are

¹⁸ Community Choice Aggregation (CCA) is an alternative to the investor owned utility in which local entities aggregate the buying power of individual customers within a defined jurisdiction in order to secure alternative energy supply contracts.

¹⁹ See California Public Utilities Code §454.53, which mandates that by 2045 all retail electricity sold in the state be generated from renewable and zero-carbon resources .<u>https://leginfo.legislatCalifornia Code, Public Utilities Code - PUC § 454.53 | FindLawure.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB100</u>

²⁰ Marin Clean Energy website, https://www.mcecleanenergy.org/100-renewable/.

²¹ Sierra Club, Building Electrification Action Plan for Leaders, at p. ES-1.

²² Sierra Club, Building Electrification Action Plan for Leaders, at p. ES-1.

²³ Brady Seals and Andee Krasner, *Health Effects from Gas Stove Pollution*, Rocky Mountain Institute, Physicians for Social Responsibility, Mothers Out Front, and Sierra Club, 2020, p.8 https://rmi.org/insight/gas-stoves-pollution-health

²⁴ Seals and Krasner, *Health Effects from Gas Stove Pollution* at p. 9.

²⁵ City of Berkeley, *Existing Buildings Electrification Strategy* Administrative Draft April 2021, p. 6, https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_.

Energy and Sustainable Development/Draft Berkeley Existing Bldg Electrification Strategy 200

Energy and Sustainable Development/Draft Berkeley Existing Bldg Electrification Strategy 20210415.pdf. ²⁶ Seals and Krasner, *Health Effects from Gas Stove Pollution* at pp. 12-13; *See also* City of Berkeley, *Existing Buildings Electrification Strategy* at p. 7.

²⁷ Seals and Krasner, *Health Effects from Gas Stove Pollution* at p. 13.

²⁸ Seals and Krasner, *Health Effects from Gas Stove Pollution* at p. 13.

all risk factors. The catastrophic 2010 San Bruno and 2019 San Francisco gas pipeline explosions exemplify the risks of natural gas lines in buildings.²⁹

DISCUSSION

Near-term Measures to Accelerate Building Electrification

Banning Natural Gas Connections in New Construction

One of the most direct means of accomplishing electrification in the building sector is to ensure that newly constructed buildings are fully electric, with no natural gas connections. A shift to all-electric new construction helps accelerate greenhouse gas emission reductions in the building sector and avoids the health hazards posed by the ongoing use of natural gas in the indoor environment. All-electric buildings are also, with rare exception, cheaper to build than "dual fuel" buildings that incorporate both natural gas and electricity. Onstruction of new dual fuel buildings not only costs more, but it also creates potential inefficiencies as the use of natural gas infrastructure in these buildings is limited in coming years, leaving it underutilized or unused.

California has taken steps toward electrifying the building sector through the most recent update of its state-wide building code. Every three years, the California Energy Commission is charged with updating the state building code which, among other things, creates energy standards for new construction. The latest building code update went into effect in January 2022. It sets the stage for electrification by requiring newly constructed homes to be "electric-ready," with dedicated 240-volt outlets and space (with plumbing for water heaters) so electric appliances can eventually replace installed gas appliances. It also requires new homes to have either electric heating or electric water heating, depending on which is the larger energy user. While these and other requirements will have a meaningful impact in paving the way for home electrification in the future, many observers had hoped for more decisive action from the state including, potentially, a statewide ban on natural gas connections in a range of newly constructed buildings.

²⁹ City of Berkeley, *Existing Buildings Electrification Strategy* at p. 14; *See also* Michael Cabanatuan, "PG&E software issue allowed massive 2019 S.F. gas fire to burn longer, feds say," *San Francisco Chronicle*, Aug. 10, 2021, https://www.sfchronicle.com/sf/article/PG-E-software-issue-allowed-massive-2019-S-F-gas-16378054.php which explains the initial blast was caused by a negligent contractor accidently excavating the line, but the lack of PG&E's proper software to isolate valve led to a long wait time for the gas line to be shut off.

³⁰ A recent study found incremental costs for new home construction ranged from \$30,000 less to \$3,000 more for an all-electric compared to a dual fuel home. *See* Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, *2019 Energy Efficiency Ordinance Cost-Effectiveness Study: Low-Rise Residential*, prepared for Pacific Gas and Electric, August 2019, pp. 15-16, https://efiling.energy.ca.gov/GetDocument.aspx?tn=234020-6&DocumentContentId=66846

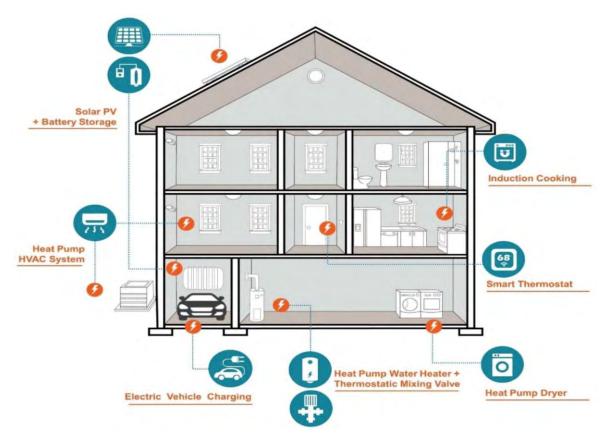


Figure 3 - Common Components of All-Electric Homes

Credit: Building Decarbonization Coalition

The state's next building code update will not occur until 2025. In the near term, it will be up to local jurisdictions to decide whether to adopt more restrictive "reach codes" or take other measures banning or limiting the use of natural gas in newly constructed buildings. A reach code is a local building energy code that "reaches" beyond the state minimum requirements for energy use in building design and construction. To date, more than 50 local jurisdictions throughout California have adopted reach codes banning or limiting new natural gas infrastructure in new construction. Within Santa Clara and San Mateo counties, 20 cities have adopted their own building electrification reach codes, a majority of which require new buildings to be all-electric unless limited exceptions are met. 32

Within Marin County, Fairfax is currently the only city to have adopted an all-electric requirement for new buildings.³³ This may soon change, however, as a result of current efforts within the county to develop and disseminate a model reach code addressing electrification in

³¹ Matt Gough, *California's Cities Lead the Way to a Gas-Free Future*, July 22, 2021, https://www.sierraclub.org/articles/2021/01/californias-cities-lead-way-gas-free-future.

³² County of Santa Clara, California, Ordinance 108511

 $[\]underline{\text{http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=\&MeetingID=13238\&MediaPosition=\&ID=108511}\\ \underline{\text{\&CssClass=}}$

³³ Town of Fairfax, Staff Report, August 4, 2021,

https://storage.googleapis.com/proudcity/fairfaxca/uploads/2021/07/Item-18-Ord-Electric.pdf. San Anselmo is currently considering adoption of a ban on natural gas connections for newly constructed buildings. *See* Adrian Rodriguez, "San Anselmo considers gas ban for new buildings," *Marin Independent Journal*, March 18, 2022.

new construction and in certain types of building renovations. It would then be up to the county and each of its municipalities to consider the proposed model code for adoption. Data collected by the county shows that only 16 percent of new building projects in unincorporated Marin voluntarily elected all-electric construction.³⁴ The proposed reach code would require all new residential, multifamily, and commercial construction to be "all-electric." If widely adopted, this reach code would have an immediate and pronounced impact in electrifying new building construction throughout Marin.

Renovations of Existing Residential Buildings

New building construction accounts for only a small fraction of Marin's building stock. The bigger opportunities in electrifying Marin's building sector lie in electrification of existing buildings. Marin's proposed reach code would not require that existing dual fuel buildings be electrified, nor would it require replacement of natural gas appliances with electric appliances in existing homes. Rather, the code would be limited to certain residential building renovations. Under the "flexible path" approach that is contemplated, homeowners and contractors applying for building renovation permits would be required to select from a menu of electrification and energy efficiency measures to incorporate into the renovation plan. Applicants could select any combination of specified measures, including the addition of electric heat pump space or water heaters, that meet or exceed a target energy score.

To date, at least one California city has enacted a reach code adopting a version of this flexible path approach. In 2021, the City of Piedmont enacted an ordinance that uses a menu of energy efficiency and heating system electrification improvements, and requires renovations on residential buildings to incorporate one item from the menu for projects over \$25,000, and two items for projects over \$100,000.³⁶ In Marin, planning staffs from the county and San Rafael are in the process of drafting and refining the proposed model reach code, including determining what kinds of renovations will trigger its requirements. There are plans to engage the public through community workshops, finalize the draft model reach code, and submit it for legislative review by the fall of 2022.

With respect to new construction, the proposed reach code presents a needed, near-term end to the perpetuation of natural gas infrastructure in Marin's building sector. With regard to renovations, the proposed code is an effective and practical, if incremental, step towards accelerating building electrification in Marin.

While the proposed model reach code presents a promising start, there are numerous important issues that remain to be addressed. What is the best way to extend electrification initiatives to homes that are not undergoing renovations and to large multi-unit residential buildings? Can enough consumers be incentivized to voluntarily replace gas-fueled appliances with electric ones? Are additional mandates needed? How can electrification programs be structured so as to consider the needs of Marin's underserved communities and low-income residents? Is there a

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³⁴ Brian Reyes, *Policy Brief: 2022 Code Cycle Green Building Ordinance Update – Strategy and Options for Requirements*, prepared for the County of Marin, undated.

³⁵ A program funded by the state's largest utilities and conducted under the auspices of the California Public Utilities Commission (CPUC) provides guidance and resources to local jurisdictions interested in adopting this kind of approach. *See* CPUC Codes and Standards. website, https://explorer.localenergycodes.com/.

³⁶ Sara Lillevand, *City of Piedmont, Council Agenda Report*, February 1, 2021, https://www.piedmont.ca.gov/common/pages/DisplayFile.aspx?itemId=17376920.

means for addressing these questions in a coordinated, comprehensive way that will reach all of Marin's communities?

A Countywide Planning Process Focused on Equity

The Need for Coordinated, Comprehensive, and Strategic Planning to Effectively Address Building Electrification

As shown by the ongoing effort to develop Marin's model reach code, coordination between and among the county and its cities and towns increases the potential for achieving widespread, meaningful results in the short term. All of Marin's local jurisdictions are facing similar challenges in electrifying their building sectors and in reaching greenhouse gas reduction targets. Building departments will play an important role in implementing changes in building codes and permitting requirements. Uniformity will ease the burden on builders and contractors, and thus help to accelerate adoption.

Even more importantly, a countywide approach to planning will help to ensure the timely, sustained, and in depth focus that is required. Time is of the essence. As new gas infrastructure continues to be added to Marin's buildings, and as new gas appliances are installed in Marin's homes, electrification in these buildings is deferred for possibly a decade or more, making greenhouse gas reduction targets correspondingly more difficult to achieve.

There is also a human cost to delay. As low-income residents remain challenged by the up-front costs of electrification, the risk increases of a further divide between those who can afford to electrify and those who cannot. This results in greater exposure to potential displacement, adverse health effects, and other negative impacts to Marin's underserved communities. A countywide planning process would help to ensure that all of Marin's jurisdictions are actively engaged in solving these problems in the near term.

A countywide planning process will also help to ensure that adequate resources are devoted to the complex, multi-layered challenges posed by building electrification. A prior Grand Jury has described the county's approach to climate change mitigation, which relies heavily on the respective climate action plans adopted in each individual jurisdiction.³⁷ With few exceptions, these plans deal with broad recommendations that address a wide variety of areas. Given their breadth, and the limited resources available for developing them, climate action plans rarely take a "deep dive" into a specific issue or topic, and sometimes lack context or specificity, particularly in the area of building electrification.

A coordinated countywide planning process can provide a framework for collaboration that will maximize existing resources by leveraging research, data collection, and policy analysis. A timely example of this kind of collaboration is provided by the Marin Countywide Electric Vehicle Acceleration Plan (Countywide EV Plan). This plan was coordinated by the Marin Climate and Energy Partnership (MCEP).³⁸ Through the coordinated efforts of staff from its

³⁷ Marin County Civil Grand Jury, 2019-2020 *Climate Change: How Will Marin Adapt?*, September 11, 2020, https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2019-20/climate-change--how-will-marin-adapt.pdf?la=en#.

³⁸ MCEP is composed of representatives from all eleven cities and towns in Marin, the county, the Transportation Authority of Marin (TAM), Marin Clean Energy, the Marin General Services Authority, and the Marin Municipal Water District. MCEP's mission is to promote collaboration between its members, share resources, and obtain funding to analyze and implement the strategies contained in each jurisdiction's climate action plan.

respective members and its own part-time sustainability coordinator, MCEP has produced a draft Countywide EV Plan that identifies guiding principles, describes relevant data and local conditions, enumerates barriers to EV adoption, and proposes specific strategies and recommended actions for overcoming those barriers. This plan can serve as a model for a similar effort aimed at producing a countywide plan for electrifying Marin's building sector.

There are unique challenges posed by the building sector, to be sure. The scope and complexity of building electrification planning will likely require more time and greater resources than a plan focused on EV adoption. These challenges, however, have not prevented other jurisdictions from producing building electrification plans suited to their specific needs. Planners in San Jose, Berkeley, and elsewhere have recently released comprehensive building electrification plans that provide needed focus and depth, laying the groundwork for implementation of short and long-term electrification strategies within established timeframes. ³⁹ Marin County should do the same.

An in-depth planning process will require funding to ensure that sufficient staff is allocated for the project, and that any necessary outside consultants are retained. Development of the Countywide EV Plan was supported by a grant from the Transportation Authority of Marin. As an initial step, staff from the county and its municipalities should identify and pursue potential sources of grant funding from local, regional, and state entities.

At a minimum, a Marin Countywide Building Electrification Plan could identify current programs and policies, remaining challenges, and concrete actions the county and its cities and towns can take to accelerate the electrification of residential and commercial buildings throughout Marin. This plan could set a date for accomplishing the complete electrification of all buildings in Marin and establish a timeline for reaching that goal. And it could establish the necessary "guardrails" to avoid unintended adverse impacts on Marin's underserved communities.

While local policies and programs are critical to the success of building electrification, they cannot succeed without broader efforts to increase the capacity and reliability of the electric grid. Power outages pose an ongoing challenge, especially for underserved communities that may lack the resources to buy generators and otherwise mitigate the cost and inconvenience of short-term power loss. With increasing electrification of homes and the growth of electric vehicles, the state's utilities will need to expand clean power generation and distribution infrastructure. These utilities, in conjunction with state regulatory agencies, must ensure that electricity is available to meet increased demand, especially during peak usage periods.

The Importance of Equity

An initial challenge for planners will be to ensure that equity issues are considered from the outset and are adequately reflected in resulting policies and programs. Underserved communities, often largely composed of renters, have in many cases been left out of California's

³⁹ City of Berkeley, Existing Building Electrification Strategy,
https://www.cityofberkeley.info/uploadedFiles/Planning and Development/Level 3 Energy and Sustainable Development/Draft Berkeley Existing Bldg Electrification Strategy 20210415.pdf
See also City of San José Department of Environmental Services, Healthy Homes, Healthy Air - A Framework for
Existing Building Electrification Centered on Community Priorities, February 22, 2022,
https://www.sanioseca.gov/home/showpublisheddocument/82395/637811379809170000.

push toward electrification. ⁴⁰ Low-income households often have a high energy burden — meaning a disproportionate amount of household income goes toward energy expenses. In Marin County, about 50 percent of renters are housing cost burdened, meaning they spend more than 30 percent of their income on rent. Contributing to this burden is the fact that low-income housing tends to be older and less energy efficient. Research has shown that African-American, Latino, and low-income households tend to pay more for electricity and natural gas service per square foot of building space. ⁴¹ These households have greater vulnerability to rising energy costs and are less able to mitigate the impact of rising costs through measures that require significant upfront investment, such as installing solar panels and batteries or replacing outdated gas appliances with cleaner, more efficient electric appliances. Beyond these financial burdens, underserved communities must also contend with the added health risks posed by poor indoor air quality.

If building electrification strategies are to succeed, they must not increase the burden on Marin's underserved communities. Rather, they must ensure that these communities have full access to building electrification's principal benefits: cleaner air, healthier homes, affordable clean energy, and energy efficiency resulting in reduced monthly energy bills. This can be accomplished in part by promoting and advocating for expansion of such programs as MCE's pilot program for Low-Income Families and Tenants which offers subsidies of \$1,200 per unit to fund acquisition of appliances and energy efficiency improvements for up to 1,400 affordable multifamily units. 42

Countywide planners should identify and prioritize the critical needs of underserved communities and identify priority solutions that can be addressed through building electrification. They can design a broad community engagement strategy to ensure the countywide plan reflects a diverse set of community voices and concerns. Through such an approach, the countywide plan can more effectively address communities who in the past may have been excluded from the full benefits of clean energy.

Electrification Strategies for Existing Buildings

A ban on natural gas infrastructure in newly constructed buildings is important. But in order to reach its greenhouse gas emission reduction targets, Marin must develop effective strategies for the electrification of existing dual fuel buildings, which comprise the overwhelming majority of Marin's building stock. Marin's proposed reach code addressing certain residential renovations presents a meaningful step forward. But it is not enough. As a next step, Marin's planners should evaluate a full range of potential electrification initiatives for existing buildings, a number of which are being considered and implemented by other local jurisdictions. In the sections below,

Marin County Civil Grand Jury

⁴⁰ We use the term "underserved communities" to refer to communities where residents are: predominantly people of color; living on low incomes; underrepresented in the policy setting or decision-making process; subject to disproportionate impact from one or more environmental hazards; and likely to experience disparate implementation of environmental regulations and socioeconomic investments.

⁴¹ Ariel Drehobl and Lauren Ross, *Lifting the High Energy Burden in America's Largest Cities:*How Energy Efficiency Can Improve Low Income and Underserved Communities, April 2016,
https://assets.ctfassets.net/ntcn17ss1ow9/1UEmqh5159cFaHMqVwHqMy/1ee1833cbf370839dbbdf6989ef8b8b4/Lifting the High Energy Burden 0.pdf.

⁴² MCE press release (Nov 3, 2017), MCE Launches Pilot Program for Low-Income Families and Tenants https://www.mcecleanenergy.org/press-releases/lift-2/#:~:text=The%20LIFT%20program%20will%20build.in%20rebates%20for%20affordable%20properties.

the Grand Jury identifies some of the issues, initiatives, and programs that should be considered as part of a countywide planning process.

Consumer Choice, Incentives, and Rebates

Ideally, the transition needed to electrify Marin's households can be accomplished in the near term, as consumers make the choice to replace old gas-fueled appliances that have reached the end of their useful lives with clean, efficient electric appliances. Local governments can play a critical role in supporting this shift through programs educating consumers about the advantages of electrification, and by providing financial incentives and subsidies as added inducements.

A countywide building electrification plan could be used to develop coordinated strategies aimed at public outreach and education. These strategies could go beyond past and current efforts by the county, and more fully engage each of Marin's cities and towns in coordinated outreach and marketing campaigns. Among other things, these outreach efforts would seek to educate consumers about the importance of household electrification in reducing greenhouse gas emissions and reducing the health and safety risks of indoor natural gas use. They would acquaint consumers with the electric appliances needed to electrify their household and the advantages offered by each of them, and provide information about the upfront costs of acquiring and installing these electric appliances, as well as the potential ongoing cost savings resulting from more efficient electric appliances. They would also direct consumers to available incentives offered by local utilities and by local and state government agencies, including enhanced subsidies and rebates available to lower income households. Importantly, they would also inform consumers about additional financing assistance available to lower income households in the form of low interest loans and other financing options.

Through its "Electrify Marin" program, the county currently offers rebates to single family property owners for the replacement of natural gas appliances with electric ones, including water heaters, furnaces, cooktops, as well as upgrading electric service panels, where needed. This program, launched in January 2019 and funded by a grant from the Bay Area Air Quality Management District, achieved modest success in its initial two year phase, paying out \$152,750 in rebates for 129 appliance upgrades. In recent months, there has been an uptick in activity, possibly associated with easing of pandemic restrictions, bringing the total to over 400 appliance upgrades. Earlier this year, the county's board of supervisors approved the decision to infuse the program with \$447,000 in additional funds received through the American Rescue Plan Act. While Electrify Marin remains a vital program, its scope is limited. It remains unclear that these incentives will suffice in prompting the participation required to advance widespread electrification throughout the county.

In addition to the county's Electrify Marin rebate program, other subsidies are available to homeowners as well as owners of multi-unit residential buildings. These include:

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⁴³ County of Marin, Electrify Marin - Natural Gas Appliance Replacement Rebate Program website, https://www.marincounty.org/depts/cd/divisions/sustainability/electrify.

⁴⁴ County of Marin website, *Local Government Programs and Policies for Existing Building Decarbonization* (January 2021) https://www.marincounty.org/-/media/files/departments/cd/planning/sustainability/electrify-marin/531-lessons-learned-report.pdf?la=en.

⁴⁵ Richard Halstead, "Marin to spend \$4M in pandemic aid on climate projects," *Marin Independent Journal*, December20 2021, https://www.marinij.com/2021/12/20/marin-to-spend-4m-in-pandemic-aid-on-climate-projects/.

- Bay Area Regional Energy Network rebates and incentives for heat pump water heaters and panel upgrades⁴⁶
- TECH Clean California incentives for heat pump systems, heat pump water heaters⁴⁷
- Marin Clean Energy rebates for heat pump water heaters, solar, and battery storage⁴⁸
- PG&E rebates for heat pump water heaters, battery storage.⁴⁹

In addition to rebates and incentives, acquisition and installation of electric appliances may also be supported by a variety of financing options that offer advantages over market-rate financing. Taken together, these incentive and financing programs furnish a critical boost to building electrification by raising consumer awareness and lowering financial barriers to adoption. They also advance equity to the extent that enhanced incentives and adequate financing options are available to low-income residents.

If sufficient resources are directed to rebate and financing programs, they could fulfill a role similar to the incentives and tax credits that have proven so effective in accelerating electric vehicle adoption in Marin and elsewhere. But unless and until those resources become available, the pace of electrification for existing buildings remains uncertain, and may fall well short of the level needed to reach emission reduction goals. Consequently, mandates may be needed as an additional means of ensuring these goals are met.

Mandating The Switch to Electric Appliances at the Time of Replacement

Marin's proposed model reach code would apply to a small subset of existing buildings — residences that are being renovated. In contrast, the county's most recent Climate Action Plan refers to a much more sweeping mandate, potentially reaching all dual fuel single family residences in Marin. The Climate Action Plan states that the county will "[c]onsider adopting an ordinance in 2024, effective January 1, 2025, that requires homeowners to replace natural gas appliances, such as hot water heaters, stoves, cooktops, and clothes dryers, with high-efficiency electric appliances at time of replacement where feasible." Larkspur has a similar statement in its Climate Action Plan. Fairfax's Climate Action Plan also states that it will "[a]dopt an ordinance that phases in requirements to replace natural gas appliances and equipment with electric appliances and equipment at time of replacement."

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⁴⁶ Bay Area Regional Energy Network (BayREN) website, which allows users to navigate to appliance specific rebates, https://www.bayren.org/rebates-financing.

⁴⁷ TECH Clean California Incentives website, https://energy-solution.com/tech-incentives/.

⁴⁸ MCE website, https://www.mcecleanenergy.org/?s=rebates, which explains various categories of rebates available.

⁴⁹ Pacific Gas and Electric (PG&E) website, https://www.pge.com/en_US/search/search-results.page?%26query=waterheater, which explains various rebates available for water heaters.

⁵⁰ County of Marin, *Marin County Climate Action Plan 2030*, p. 29 https://www.marincounty.org/-/media/files/departments/cd/planning/sustainability/climate-and-adaptation/cap-2030_12082020final.pdf

HVAC – Heating, Ventilation, and Air Conditioning (HVAC). Heat pump technology, which transfers heat rather than generating it, provide a particularly efficient alternative to gas space heating. Air-source heat pumps are a significant portion of the cost of electrification but can provide two systems in one – both heating and cooling.

Water Heating – Heat pump water heaters transfer heat from the indoor or outdoor air into a storage tank to heat water.

Cooking – Induction stoves use electricity to directly heat pots and pans through a magnetic current rather than a direct heat source.

Dryers – Some clothes dryers are currently fueled by natural gas. Heat pump and electric resistance clothes dryers are an efficient alternative.

Electric Panels – Electric panel upgrades may be necessary in many buildings to support sufficient capacity for all-electric equipment. This can add significant costs to electrification retrofits.

Credit: City of San Jose

By mandating a transition to electric appliances, a time-of-replacement ordinance could be instrumental in advancing the county's greenhouse gas reduction goals. The county's proposed 2024 timetable leaves ample time for a thorough assessment of such an ordinance as part of a broader building electrification planning process.

One potential drawback of the proposed replacement ordinance lies in the financial burden that could result from the up-front costs required to purchase and install electric appliances. Because the ordinance applies only when the household has decided to replace an existing (presumably outdated or nonfunctioning) appliance, the burden would include any difference in cost between a new gas

appliance and its (new) electric counterpart. This burden can be reduced through rebates and incentives, including enhanced rebates aimed at lower-income households. The County's Climate Action Plan acknowledges this by noting the need to "[e]valuate the financial impact on households at different income levels and consider offering rebates or subsidies, in partnership with electricity providers if available, for disproportionately impacted households." Existing rebate programs, including Electrify Marin, could provide greater focus on equity by directing additional dollars to needs-based rebates. If electrification of appliances is mandated by ordinance, rebates would be less important in incentivizing consumer choice, and more important in subsidizing the transition for those with greater financial need. Rebate programs could be expanded or restructured accordingly.

Other issues that should be addressed in developing a time-of-replacement ordinance include:

- Identification of a pool of qualified contractors who can help guide consumer choice and install electric appliances economically and effectively
- Identifying effective enforcement mechanisms, including ways to minimize permit avoidance
- Creative ways to minimize upfront costs, including bulk buying of electric appliances which could be resold to consumers at discounted prices.

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⁵¹ County of Marin, Marin County Climate Action Plan 2030, p. 29.

⁵² Incentivizing consumer choice would remain important for those households that are not subject to the proposed ordinance, for example, renters in multi-unit apartment buildings.

Electrifying Multi-Unit Residential Buildings

Approximately 38 percent of current housing in Marin is renter-occupied, mostly in multi-unit buildings.⁵³ This segment of the housing market poses the difficult challenge of "split incentives," which refers to the differing interests of landlords and tenants in addressing energy upgrades. Tenants, who typically pay utilities, benefit from lower energy costs. But landlords typically shoulder the capital costs of energy-related upgrades. Planners thus face the challenge of incentivizing building owners to make these improvements, even though they are not the primary beneficiaries of lower energy costs.

There are many strategies that would help to encourage landlords to undertake electrification related upgrades. For instance, expanding or increasing rebate programs that address multi-unit residential buildings could increase the number of appliances replaced. While Electrify Marin is available only to owners of single family properties, rebates for electrification of multi-unit buildings are available from other sources, including MCE and the Bay Area Regional Energy Network. Owners of multi-unit buildings can use these rebates to lower their upfront costs, install new electric appliances, and benefit from the enhanced market appeal of clean, all-electric units with lower health risks and the potential for lower monthly energy bills for tenants. Publicizing and/or increasing the rebates for larger properties would encourage more participation.

Another strategy to increase electrification for rental properties would be requiring time of use replacement for multi-unit buildings. The proposed reach code requiring electrification at time of replacement, as currently described in Marin County's Climate Action Plan, would apply only to single-family homes. Expanding it to reach multi-unit residential buildings would significantly broaden its impact. Such an expansion would have to take into account the financial burden on building owners, and should be considered in the context of other measures to ease this burden (such as access to adequate rebates and other incentives)

Finally, as discussed in more detail below, planners should consider implementing benchmarking and performance standards (i.e., a minimum energy efficiency standard) for large residential complexes. This would be an opportunity to incentivize electrification and/or other efficiency measures, possibly using a "flexible path" approach similar to that contemplated by Marin's proposed reach code for residential renovations.

Using Building Performance Standards to Electrify Existing Buildings

For buildings that consume large amounts of energy, such as large multi-unit residential or commercial buildings, the use of building performance standards can be a practical, measurable, and effective means of reducing greenhouse gas emissions. Using this approach, greenhouse gas emissions standards, based on the size and function of the building, are established, and then enforced through audits and fees.

The US Environmental Protection Agency uses the term "benchmarking" to describe the measurement of a building's energy usage as compared with similar-sized buildings to track

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⁵³ Caroline Peattie and Lucie Hollingsworth, "Marin Voice: Housing element can advance racial, economic equity," *Marin Independent Journal*, March 17, 2022, https://www.marinij.com/2022/03/17/marin-voice-housing-element-can-advance-racial-economic-equity/.

⁵⁴ BAYREN "Multifamily Property Owners," https://www.bayren.org/rebates-financing/multifamily-property-owners

energy consumption over time, and the agency has developed a widely used tool to track energy usage. ⁵⁵ The State, as well as several jurisdictions around the Bay Area, currently require benchmarking for large buildings. In particular, the California Energy Commission has promulgated a statewide regulation that requires owners of all buildings over 50,000 square feet to annually report energy usage, and several jurisdictions in the region have adopted benchmarking ordinances based on size or building classification, though they vary in their requirements. ⁵⁶ Elsewhere in the country, a handful of large cities, including New York, Washington, DC, and St. Louis, have developed and begun to implement building performance standards.

Table 1 - Bay Area Jurisdictions Requiring Annual Benchmarking

Jurisdiction	Square Footage Threshold	Building Use
San Francisco	50,000 10,000	Residential Commercial or Industrial
Brisbane	10,000	Any class of privately owned building
Berkeley	25,000	Any class of privately owned building
San Jose	50,000 10,000	Residential Commercial or Industrial

Credit: California Energy Commission

Although no jurisdictions in the Bay Area have yet implemented ordinances requiring building owners to meet specific energy consumption targets, the jurisdictions in Table 1 all anticipate using benchmarking data to develop enforceable building performance standards in the future. In the meantime, San Jose and Berkeley have voluntary programs that challenge owners to decrease greenhouse gas emissions each year or complete other energy efficiency related activities. Many of the climate action plans in Marin state they will consider developing building performance standards for existing buildings, though no jurisdiction has set any benchmarking requirements beyond those set by the California Energy Commission. The development of performance standards will require assessment of complex issues such as appropriate building size or usage exemptions, financing support, how compliance will be demonstrated, as well as equity and gentrification concerns among other issues. The collection of energy use data could assist with developing performance standards in the future.

⁵⁵ ENERGY STAR Portfolio Manager Portfolio Manager website, https://www.energystar.gov/buildings/benchmark.

⁵⁶ California Energy Commission, Building Energy Benchmarking Program website, https://www.energy.ca.gov/programs-and-topics/programs/building-energy-benchmarking-program/exempted-local-benchmarking.

FINDINGS

- F1. With the building sector accounting for approximately 34 percent of greenhouse gas emissions in Marin County, it will be necessary to substantially reduce emissions from that sector if the county and its cities and towns are to meet their 2030 greenhouse gas reduction goals.
- F2. Reducing or eliminating natural gas as a fuel source in buildings will dramatically reduce greenhouse gas emissions from Marin County's building sector.
- F3. The use of natural gas in buildings gives rise to health and safety risks, including adverse health effects attributed to exposure to natural gas, and safety risks posed by pipeline leaks, ruptures, and explosions. These health and safety risks serve as additional reasons to eliminate natural gas as a fuel source in new and existing buildings.
- F4. The timely reduction of greenhouse gas emissions from Marin County's building sector will require in-depth, comprehensive, and coordinated planning. A countywide planning process, coordinated by Marin Climate and Energy Partnership or the county's Sustainability Team, would be an effective and efficient means of sustaining focus and leveraging the resources needed for developing a Countywide Building Electrification Plan.
- F5. Underserved communities and lower income households have greater vulnerability to rising energy costs and will likely require extra financial support to mitigate those costs and reduce household greenhouse gas emissions through measures that require significant up-front investment.
- F6. The timely electrification of existing buildings will likely require one or more mandatory measures, supported where necessary by financial subsidies and rebates.

RECOMMENDATIONS

- R1. On or before January 1, 2023, Marin County and each of its cities and towns that have not already done so should adopt a reach code banning natural gas connections in newly constructed buildings.
- R2. On or before January 1, 2023, Marin County and each of its cities and towns that have not already done so should adopt a reach code requiring energy efficiency measures in connection with renovations of existing residential buildings. The reach code should specify the size of the renovation that will trigger the requirement and provide flexibility by allowing the applicant to choose from a list of energy efficiency measures, including electrification of gas appliances.
- R3. Marin County and each of its cities and towns, collaborating through the Marin Climate and Energy Partnership or otherwise, should develop a comprehensive Countywide Building Electrification Plan to be completed on or before January 1, 2024. The Plan should identify those strategies, programs, and concrete actions necessary to bring about an equitable, prompt, and material acceleration of building electrification throughout the county.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- City of Belvedere (F1–F6, R1-R3)
- City of Larkspur (F1–F6, R1-R3)
- City of Mill Valley (F1–F6, R1-R3)
- City of Novato (F1–F6, R1-R3)
- City of San Rafael (F1–F6, R1-R3)
- City of Sausalito (F1–F6, R1-R3)
- Marin County Board of Supervisors (F1–F6, R1-R3)
- Town of Corte Madera (F1–F6, R1-R3)
- Town of Fairfax (F1–F6, R2-R3)
- Town of Ross (F1–F6, R1- R3)
- Town of San Anselmo (F1–F6, R1-R3)
- Town of Tiburon (F1–F6, R1-R3)

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.

MARÍN CONSERVATION LEAGUE

Protecting Marin Since 1934

Mayor and City Council City Hall 450 San Rafael Avenue Belvedere, CA 94920 clerk@cityofbelvedere.org

Dear Honorable City Council Members:

Marin Conservation League supports a robust coordinated effort by Marin County and its towns, cities, and agencies to accelerate building electrification. As the Marin County Grand Jury noted in its June 6, 2022 report, *Electrifying Marin's Buildings: A Countywide Approach*, ". . . [t]he timely reduction of greenhouse gas emissions from Marin County's building sector will require in-depth, comprehensive and coordinated planning."

In framing your required response to the Grand Jury, we urge you to commit to its recommendations R1 and R2 to adopt a reach code banning natural gas in new buildings and incentivizing electrification when renovating existing buildings. The countywide model ordinance now being finalized by the County and other jurisdictions enables each body to implement these recommendations by the January 1, 2023 target suggested by the Grand Jury.

In addition, we urge your continued participation with towns and cities countywide to implement recommendation R3 to develop a comprehensive Countywide Building Electrification Plan by January 1, 2024 in order to accomplish electrification of all existing buildings as rapidly as feasible. In addition to the excellent strategies for existing buildings suggested by the Grand Jury, we offer additional approaches below (items 3.a-f).

It's critical that Marin jurisdictions immediately enact a model ordinance that requires that all new buildings be all-electric, strongly incentivizes electric space and water heating in major renovations, and puts Marin firmly on track to accelerate electrification of existing buildings and eliminate installations of gas appliances altogether by 2035.

Why is timely action so important? It will 1) reduce public health and safety risks, 2) avoid stranded assets and exposure to rising fossil fuel prices, and 3) combat climate change.

Reduce Public Health and Safety Risks

Methane, a potent greenhouse gas (GHG) is the principal component of natural gas. It also poses numerous health and safety risks. Eliminating natural gas use in buildings reduces a major fire risk following earthquakes and removes a very dangerous combustion source for structure fires and explosions. Ending natural gas appliance use eliminates their release of toxic combustion byproducts into our homes and businesses that have long term health impacts, especially for children and the elderly. These toxic byproducts include carbon monoxide, nitrogen dioxide,

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 | mcl@marinconservationleague.org

carbon dioxide, formaldehyde, and fine particulate matter. Health impacts include much higher rates of asthma in children.

Avoid Stranded Assets and Exposure to Rising Fossil Fuel Prices

Since underground gas piping installed today will last 30-50 years, this infrastructure will become obsolete well before the end of its useful life, representing a wasteful cost that will be passed on to ratepayers in our utility bills. Buildings typically last more than 50 years and if constructed with gas infrastructure those buildings will need to be retrofitted as society moves to phase out natural gas. PG&E acknowledges that we are moving toward all-electric buildings and supports that shift, including phasing out current CPUC subsidies for gas lines and appliances in new residential construction.

All-electric new buildings, by avoiding the cost of installing exterior and interior gas piping, have lower capital costs than identical new buildings with both gas and electricity. They also will likely have lower energy costs, as prices for natural gas have risen sharply during the past year and are forecast to remain high in the future.

Combat Climate Change

The recent Intergovernmental Panel on Climate Change (IPCC) report makes it clear that we must accelerate the reduction in our GHG emissions if we are to meet our climate goals of reducing emissions 40% by 2030 (from 1990 levels) and below net zero by 2045. Approximately 25 percent of California's GHG emissions, and 34 percent of Marin emissions, come from the buildings in which we live and work. While the normal operation of gas appliances produces carbon dioxide, the methane in natural gas is an even more potent GHG than carbon dioxide, and significant leakage of methane directly to the atmosphere occurs during its production, distribution, storage, and even its use inside our buildings. With this leakage, natural gas is nearly as dirty a fuel as coal. Since appliances are typically replaced every 10-20 years, we must start now to assure their replacement with electric appliances in time to meet climate goals.

What Can Marin County Do?

- 1. Stop adding more natural gas infrastructure immediately by enacting an ordinance mandating that <u>new residential and commercial construction</u> be all-electric. Marin already is seeing applications for thousands of new units to address the affordable housing crisis and to meet our Regional Housing Needs Allocation (RHNA) requirements. The countywide model ordinance now being finalized needs to be adopted by all Marin's towns and cities, so we have uniform standards that are easier for the construction industry to understand and follow.
- 2. At the same time, enact reach code ordinances countywide that require or strongly encourage a shift now from gas to electrical appliances during <u>significant building</u> renovations, as much of the construction in Marin takes the form of renovating existing

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structures. Space and hot water heaters have a useful life of 10-20 years and we must avoid locking in their emissions for that period of time. Because significant renovation projects frequently already involve upgrades to electrical panels and wiring, changing to electrical appliances as part of a renovation should not involve significant additional costs for those upgrades.

3. Complete a countywide Building Electrification Plan by July 1, 2023 to accelerate the electrification of our existing buildings, in accordance with recommendation R3 and findings F4-F6 of the Marin Civil Grand Jury report. A coalition of stakeholders collaborating on the plan should include: MCE Clean Energy, PG&E, local jurisdiction stakeholders, building societies, labor unions, and community/environmental advocacy groups. This plan should address single family and multi-family residences as well as commercial buildings, include strategies to make sure building electrification takes place in an equitable manner, and contain strong incentives to replace old gas space and water heaters with high efficiency heat pump space and water heaters, on or before completion of their life cycle.

Marin Conservation League recognizes that any plan for shifting existing buildings from gas appliances to electrical appliances must address a series of challenges, especially since such replacement often occurs on a short time-line when an existing appliance fails. However, countywide programs can and must meet these challenges in a number of ways. We suggest that the plan include at least the following elements.

- a. Educate the public on the benefits and cost savings of operating electric appliances, the meaningful rebate programs that are currently¹ available, resources to help consumers identify qualified contractors, and prudent lifecycle planning for replacement of old equipment. Work with home energy assessment providers to include such information in their programs. Work with suppliers and manufacturers to improve availability of electrical appliances and consumer education.
- b. Require that at time of sale, building inspections identify the remaining useful life of existing gas appliances and the estimated cost of any necessary electrical service upgrades, so that potential buyers know what is required to make buildings "electric ready" and how soon after purchase they may need to replace their gas appliances with more efficient electric appliances.
- c. Require replacement of gas space heaters, water heaters, and other appliances with electric within five years of a building's purchase, and prohibit installation of gas appliances in all existing buildings after 2035.

¹ Currently the best source for available rebates from state and local sources can be found at https://www.bayren.org/rebates-financing.

- d. Provide and facilitate rebates for purchase and installation costs of electrical appliances, including any necessary electric panel upgrades, so they are no more expensive than gas appliances. Apply incentives at the point of purchase whenever possible. Consider tax rebates and property assessed clean energy (PACE) or other financing options to help achieve such price parity.
- e. In addition to the existing incentives from MCE, PG&E, Bay Area Regional Energy Network (BayREN), Electrify Marin, and local governments, take steps to increase incentives by having the countywide building electrification plan coalition submit comprehensive, innovative, ambitious multi-stakeholder proposals to obtain large-scale funding from state and federal sources.
- f. Address any special challenges to electrification of multi-family dwelling units or single-family homes in lower-income areas. Prioritize funding for building electrification in lower-income areas; such a focus will increase the potential success of grant applications, and (regardless of grants) is the right thing to do.

Thank you for your commitment to this important countywide means of mitigating climate change within the diminishing timeframe we confront.

Sincerely,

Robert Miller

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Bot Miller

President, Marin Conservation League

Chair, MCL Climate Action Working Group

Ken Strong

Member, MCL Climate Action Working Group

Bill Carney

Member, MCL Climate Action Working Group

ccs:

Beth Haener, City Clerk Robert Zadnik, City Manager

Irene Borba, Director of Planning and Building

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Appoint Larry Binkley to the Marin County Commission on Aging

Recommended Motion/Item Description

That Council appoint Larry Binkley to the Marin County Commission on Aging as part of the Consent Calendar.

Background

The term for the Belvedere representative to the Marin County Commission on Aging, held by Diana Bradley, expired on June 30, 2022. Ms. Bradley served as the Belvedere representative since 2017. One application has been received from Belvedere resident Larry Binkley.

At the July 11, 2022 regular City Council Meeting, Council interviewed Larry Binkley.

During the discussion of appointment at the July 11th meeting, there were questions from Council for Diana Bradley. Ms. Bradley was not present due to established practice that Council does not ask incumbents to re-interview. Council decided to continue the item.

Since the July 11, 2022 regular City Council meeting, Ms. Bradley has withdrawn her application for reappointment.

Recruitment Efforts and Interviews

Recruitment advertisements for the committee term expiration were run in *The Ark* throughout June and the beginning of July. Information was also posted on the City's website and sent out through the City's monthly e-newsletter. Incumbents eligible to serve another term were contacted in writing regarding their desire for reappointment.

Recommendation

That the Council appoint Larry Binkley to the Marin County Commission on Aging as part of the consent calendar.

Attachment

• Marin County Commission on Aging Correspondence: Larry Binkley

From: Larry Binkley <

Sent: Tuesday, June 21, 2022 2:57 AM

To: Beth Haener - City Clerk

Subject: MCCA

Hi Beth,

I'm interested in applying for the MCCA vacancy. I'm on the AFB committee and Nancy Kemnitzer supports my application. I'm happy to send a brief letter of qualifications but am traveling in France through July 4th. I can send one when I return.

Thank you, Larry

Larry Binkley

Larry Binkley Experience Profile

With over 40 years of experience in retail design and project management, and as the Principal of a design-build firm and 2 design studios, Mr. Binkley has created more than 300 retail stores and restaurants and over 100 point-of-sales systems, exhibits and corporate display environments during his career.

He has won awards in every category of design in which he has participated, including numerous 'Best of ' retail and restaurant design awards, 'Top 10 new stores in Northern California' award, and many more. He has been credited with designing some of Northern California's most successful retail boutiques and has worked nationwide, as well as 5 years in Asia.

Mr. Binkley is a patron of the arts and served 5 years on the Board of Directors for the Palo Alto Cultural Center and Art Center, 8 years with the Palo Alto Black and White Ball Committee and 15 years with the Downtown Merchants Association. He studied design at Stanford University and developed the mascot and Downtown Palo Alto promotion for the Stanford University Centennial.

Mr. Binkley lived in Palo Alto for 21 years where he raised his 2 daughters, then moved to San Francisco for 15 years where he served 5 years on the St. Francis Wood Homeowner's Association Board. In 2015 he moved with his wife Kathy, to Belvedere where he currently resides.

He most recently served 3 years as a Steering Committee and Board member of the Retail Design Institute, Northern California Chapter and was Chapter President from 2015 to 2017. He has since retired from retail architectural design and is focusing his time and energy on the Belvedere community where he has served as a member of the Traffic Safety and Circulation Committee, Age Friendly Belvedere, and is currently Block Captain for West Shore Road.

CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Robert Zadnik, City Manager

Subject: A Resolution Authorizing the Continuation of Teleconference Public Meetings

Pursuant to Government Code section 54953(e) (Assembly Bill 361)

RECOMMENDATION

That the City Council adopt a Resolution authorizing the continued use of teleconference meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

BACKGROUND

In September 2021, the Ralph M. Brown Act (Brown Act) was amended by Assembly Bill 361 to allow teleconference meetings during a state of emergency. AB 361 amends Government Code section 54953 to allow virtual board meetings through December 31, 2023 in any of the following circumstances:

- 1. The legislative body holds a meeting during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing.
- 2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

To continue to hold virtual meetings while California's state of emergency remains active, the body must make findings every 30 days that: 1) the body has reconsidered the circumstances of the state of emergency and 2) that the state of emergency continues to directly impact the ability of the members to meet safely in person or state and state or local officials continue to impose or recommend measures to promote social distancing.

The attached resolution makes the findings to confirm the conditions still exist to allow the continuation of teleconference public meetings pursuant to AB 361 for the City Council and on behalf all lower legislative bodies in the City.

ENVIRONMENTAL DETERMINATION

A meeting format determination under AB 361 is not a "project" under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065)

CORRESPONDENCE

As of the writing of this report, no correspondence has been received regarding this agenda item.

RECOMMENDED ACTION

That the City Council adopt the Resolution authorizing the continued use of teleconference meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

ATTACHMENT

1. Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE AUTHORIZING TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 5953(e) (ASSEMBLY BILL 361)

WHEREAS, the City of Belvedere is committed to preserving public access and participation in the meetings of the City Council; and

WHEREAS, all meetings of the City of Belvedere's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic, which State of Emergency remains in effect; and

WHEREAS, State Executive Orders N-25-20 and N-29-20, suspended certain provisions of the Brown Act (Gov. Code, §§ 54950 *et seq.*) to allow public meetings to be held virtually without opening a physical space to the public, which provisions expired September 30, 2021; and

WHEREAS, effective September 16, 2021, Assembly Bill 361 allows local agencies to continue to hold remote public meetings through December 31, 2023 when there is a State-declared emergency, and when state or local officials have imposed or recommended measures to promote social distancing or as a result of the declared emergency, meeting in-person would result in an imminent risk to the health or safety of attendees; and

WHEREAS, the Government Code section 8625 State of Emergency remains in effect; and

WHEREAS, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

WHEREAS, on January 5, 2022, the California Department of Public Health issued guidance again requiring universal masking indoors and stating that the Omicron Variant is more contagious than early COVID-19 variants and the Delta Variant, and has increased the seven-day average case rate more than sixfold and doubled COVID-19 hospitalization rates; and

WHEREAS, the universal masking requirements in all indoor public settings, social distancing guidance, vaccination availabilities and the increase in knowledge about protections against COVID-

Resolution No. 2022-XX Belvedere City Council Page 2

19 variant exposure or transmission led the CDPH to amend their masking guidance to allow the universal indoor masking requirement to expire on February 15, 2022; and

WHEREAS, the requirement for unvaccinated persons to mask in indoor public settings and businesses was replaced on March 1, 2022 by a strong recommendation that all persons, regardless of vaccine status, mask in indoor public settings and businesses; and

WHEREAS, the Delta and Omicron Variants have caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

WHEREAS, public meetings involve many people in shared indoor spaces, in close proximity for hours, and City meetings rooms have limited mechanical and natural ventilation, creating a health risk for members of the public at this time; and

WHEREAS, as a result of the continuing declared emergency, public meetings in-person would result in an imminent risk to the health or safety of attendees; and

WHEREAS, the City provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to address their local officials and to participate in public meetings, and posts this information on the City's website, including instructions on how to access the public meeting remotely; and

WHEREAS, a meeting format determination under AB 361 is not a "project" under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065.)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Belvedere, based on the findings set forth above and incorporated herein, that public meetings of the City's legislative bodies shall be held using remote technology in compliance with the requirements of Government Code section 54953(e) and all other applicable laws for thirty (30) days following the date of adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on August 8, 2022, by the following vote:

AYES: NOES: ABSENT:	
RECUSED:	
	APPROVED:
	Sally Wilkinson, Mayor
ATTEST:	•
Beth Haener, City Clerk	

INDIVIDUAL CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Irene Borba, Director of Planning and Building

Reviewed By: Robert Zadnik, City Manager

Subject: Mills Act Agreement requested by owners of 428 Golden Gate 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 428 Golden Gate 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.

In January 2021, the property owners applied for historic designation of their property at 428 Golden Gate Avenue. After conducting a survey of the structure, the Historic Preservation Committee recommended Planning Commission approval of the application at its meeting on April 13, 2021. On May 18, 2021, the Planning Commission recommended City Council approval of the request for historic designation. On June 14, 2021, the Belvedere City Council designated the property at 428 Golden Gate Avenue a landmark designation property through City Council Resolution No. 2021-13 (**Attachment 2**). This action made the property eligible for a Mills Act Agreement, and in September 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. A typical inspection will identify any obvious signs of disrepair, structural failure, or deterioration. On October 28, 2021, the Building Official and Senior Planner Rebecca Markwick conducted an inspection of the property and found no sign of disrepair, structural failure or deterioration. (Attachment 4)

At its July 12, 2022 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 428 Golden Gate Avenue to preserve this historic resource. The draft minutes of the July 12, 2022 Historic Preservation Committee meeting are included as **Attachment 3**.

Analysis

Pursuant to Section 21.20.120, <u>Historical property incentives</u>, 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 \$61,239 and the net remaining tax loss available for new properties is approximately \$29,720 (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 428 Golden Gate Avenue would represent a reduction in the assessed valuation of the property by

\$1,700,000. This would result in an approximate \$3,599 annual loss in tax revenue to the City of Belvedere.

Historic Property Address	Estimated 2022/23Roll Value	Estimated 2022/23 Mills Act Value	Estimated Owner Savings per year	Estimated City Tax Loss per year
428 Golden Gate Avenue	\$3,414,000	\$1,700,000	\$17,140	\$3,599

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 428 Golden Gate Avenue.

Recommendation

That the City Council approve the Mills Act Agreement for the property at 428 Golden Gate Avenue and authorize the Mayor to execute the agreement on behalf of the City.

Attachments

- 1. Application for Mills Act Agreement
- 2. City Council Resolution No. 2021-13
- 3. Historic Preservation Committee staff report & Draft Minutes of July 12, 2022
- 4. Maintenance Inspection Report
- 5. Draft Mills Act Agreement.



APPLICATION FOR MILLS ACT AGREEMENT

CITY OF BELVEDERE • BELVEDERE CITY COUNCIL
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
Ph. 415-435-3838 • FAX 415-435-0430 • www.cityofbelvedere.org

	by:
Amount: Recei	ot No.:
Parcel No.:	Zone:
То Ве Сом	PLETED BY PROPERTY OWNER
Address of Property: 428 Gold Historical Name of Property, If Known: Record Owner of Property: Showh Mailing 428 Golden Gate Au Address: Belved-ve, CA 949 Owner's Representative:	The Valentine Rey House + Debbie Bennett, Bennett Family Revocable Trus,
Mailing	
Address:	Fax:
	Email:

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

All property owners must complete this Section.
Street address of subject property: 428 Golden Gode Avenue
Street address of subject property: 428 Golden Gofe Avenue Assessor's Parcel No(s). of subject property: 060-223-08
> Properties Owned by Individuals
I,, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.
I have read and understood the attached Mills Act Agreement Facts and the specimen Mills Act Agreement and agree to the terms described therein.
I understand that the contents of this document are a public record.
Signed this day of, 20, at Belvedere, California.
Signature
> Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity
For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.
I, <u>Debbie Behker</u> , state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, corporation, partnership, or other entity.
I have read and understood the attached Mills Act Agreement Fact Sheet and the specimen Mills Act Agreement and agree to the terms described therein.
I understand that the contents of this document are a public record.
Signed this day of September , 2021, at Belvedere, California.
Signature On the Signature Shipman
Title(s)Title(s)
Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other
Name of trust, LLC, corporation, or other entity: The Bethett Fanily Revocable Trust

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

And when recorded mail to:

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

Local Historic Designation at 428 Golden Gate Avenue, Belvedere, CA
Owner: The Bennet Family Revocable Trust
Assessor's Parcel No. 060-223-08

CITY OF BELVEDERE

RESOLUTION NO. 2021-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE DESIGNATING THE PROPERTY LOCATED AT 428 GOLDEN GATE AVENUE A CITY OF BELVEDERE HISTORIC PROPERTY

WHEREAS, a proper application for Historical Status Designation pursuant to Belvedere Municipal Code Chapter 21.20 for the property located at 428 Golden Gate Avenue has been submitted; and

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

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

WHEREAS, the City of Belvedere Historic Preservation Committee made a favorable recommendation to the Planning Commission on the Historical Designation application on April 13, 2021; and

WHEREAS, the Planning Commission held duly a noticed public hearing on the Historical Designation application on May 18, 2021, and approved a motion recommending that the City

Council designate the property at 428 Golden Gate Avenue a City of Belvedere Historic Property; and

WHEREAS, the City Council held a duly noticed public hearing on the Historical Designation application on June 14, 2021; and

WHEREAS, the City Council made the following findings of fact pursuant to Section 21.20.070(A) 1, 2, 3, 4, 5, 6, 8 and 9 of the Belvedere Municipal Code for the property at 428 Golden Gate Avenue:

1. <u>Architecture:</u> It is an outstanding example of a particular style, construction method or material.

From the National Register of Historic Places, "The Valentine Rey House is a masterwork by one of northern California's most important architects, Willis Polk (1867-19240). Conceived in the mode of a villa on the Riviera, to which the topography [and climate] are similar, the Rey House uses Mediterranean and Hispanic imagery in its materials and forms. The Rey House may be the best-preserved work from Polk's first very creative period, the early 1890's, when he advocated Mission Revival, manipulated interior spaces, used the then-developed Bay Area Shingle style's natural redwood interiors, and tended to build modest but unique residences for fellow artists."

2. Architecture: It is outstanding because of age.

The Valentine Rey house was built in 1893. It was the first home built on top of Belvedere Island in Marin County. This 128-year-old house is located just before the circle at the southeastern crest of Belvedere Island.

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

Architect Willis Polk (1867-1924) is the architect of 428 Golden Gate Avenue.

Architect Willis Polk along with Bernard Maybeck are among the most famous architects to have built homes on Belvedere island. Polk's Spanish Mission style home for Valentine Rey House in 1893 is his early work before he was famous as an important California architect. He was chairman of the Architectural Commission for the Panama-Pacific International Exposition complex 1915-1916 in San Francisco.

Willis Polk became internationally famous for the Hallidie Building (1916-1918) at 130 Sutter Street in San Francisco. Every once in a while, a building is so advanced as to be futuristic. Polk employed a full-blown suspended glass curtain wall 4 decades before the rise of the New York Chicago curtain walls of Mies van der Rohe and others.

In 1889, Polk joined the office of A. Page Brown and moved with Brown's firm to San Francisco. After Polk's family moved to San Francisco in 1892, they formed the firm of

Polk & Polk with Willis providing the creativity, Daniel doing the drafting, and their father supervising construction.

In 1901 Polk and his wife moved to Chicago to work with Daniel H. Burnham who had inspired the American Renaissance known as the City Beautiful Movement. Burnham's firm had already designed two important building in San Francisco, the Chronicle Building in 1889 and the Mills Building in 1890.

Polk returned to San Francisco in 1903 and worked with Burnham on a master plan for San Francisco following the precepts of the City Beautiful Movement. The 1906 Earthquake and Fire ended any hope of implementing the plan. Polk was placed in charge of Burnham's west coast office after the catastrophe. The association lasted until 1910 when Polk converted the office to his name.

Polk and his partners completed more than one hundred major commercial buildings and residences in the Bay Area.

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

The architecture is significant because the architect, Willis Polk, for this Belvedere villa designed in 1892, took his queues from Spanish Colonial architecture, pre-empting the Mission Revival movement to follow. Belvedere's Mediterranean terrain and climate, coupled with his client's aspirations, channeled not the New England Colonial influence of its East Coast counterpart but the conventions of California's own ambient styles.

From the NRHP: "The Valentine Rey house is a fancifully asymmetrical but restrained residence just before the circle at the southeastern crest of Belvedere Island. Because of the view possibilities, the hillside's ten-foot drop at the house location and, probably, the artistowner's desire for light, the plan is arranged in two rectangles, roughly 50x25' and 30x22', which adjoin on their longer sides but appear to have separate foundations at different levels. Both rectangular wings have two stories and partly exposed basement, but the levels in one wing are approximately half a story below those in the other. The smaller, lower, northerly wing is wrapped on east, north and partly west with a four-foot-wide wooden balcony sheltered under the eaves and supported on wooden braces. Each wing has its own gently sloping, stucco chimneyed, hipped roof which extends into four-foot-wide eaves supported on exposed 2"x8" rafters shaped in profile.

The building is a frame structure covered with off-white stucco and trimmed in dark brown painted wood. Its main entrance is Mission Revival style with churrigueresque sidelights. The exterior features round-headed arcades and matching windows."

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

Straddling the single, rustic front door are two miniaturized interpretations of the famous rose windows and light fixtures from the Texas basilica, San Antonio's Mission San Jose

y San Miguel de Aguayo.

As per the NRHP: "the interior is even more significant than the exterior."

The Belvedere icon's defining architectural feature: A central staircase in asoaring lightw ell, unifying the home's 3,502 square feet. The splitlevel layout includes four bedrooms a nd the skylit art studio where Mrs. Rey once painted under the pseudonym Nellie (or Helen) Lavery.

The central staircase is finished in natural, oiled clear-heart redwood, a Bay Area Shingle Style trademark. Again, from the NRHP, "The different levels are unified by the rectangular central staircase of grand proportions, produced in perfect miniature scale." Wood is used for floors, walls, ceilings and beams throughout the house as well as for the central staircase.

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

The Valentine Rey House was commissioned in 1892 by Valentine Joseph Antoine Rey (1857 -1937) and his wife Helen Lavery Rey (1865-1908). Both Mr. and Mrs. Rey were artists. Mrs. Rey painted under the pseudonym Nellie (or Helen) Lavery. They originally lived in San Francisco, in the same neighborhood as the architect they commissioned to design The Valentine Rey House, Willis Polk. The couple moved to Belvedere in 1893 with Valentine J. A. Rey's uncle, Joseph Britton (1825-1901). (Valentine's father Jacques Joseph Rey married Britton's sister Jane Ann Britton Rey).

History Details:

In 1889/1890 the **Belvedere Land Company** was formed and purchased the island of Belvedere from Thomas B. Valentine (1865-1945). Belvedere Island was then subdivided.

Valentine Joseph Rey (1857-1937) was President of Belvedere's Board of Trustees about the turn of the century. His uncle, Joseph Britton (1825-1908) was an early President of the Belvedere Land Company.

Valentine J.A. Rey was one of the earliest full-time residents on the top of Belvedere Island. He selected his desired site and purchased the property (428 Golden Gate Avenue) on Belvedere Island on September 9, 1892.

Joseph Britton (1825-1901), was the partner of Valentine's father, Alsace-born printmaker Jacques Joseph Rey (1820-1892). Joseph Britton and Jacques J. Rey founded the renowned San Francisco Lithography studio, Britton and Rey. Jacques J. Rey married Britton's sister Jane Ann Britton Rey. In 1892 the son of J. J. Rey, Valentine Joseph Antoine Rey, joined the firm and would eventually became sole heir of the Britton and Rey fortune.

Valentine J. A. Rey's son, **Britton Rey** (1898-1974) was born in and lived in The Valentine House while he was a Vice President of Belvedere Land Company and served as Belvedere City Manager from 1954-1964. Audrey and Britton Rey are listed as the owners of 428

Golden Gate from 1946-1959, however the Grant Deed for 428 Golden Gate from **Marjorie Rey** to Britton and Audrey is dated 11-1944.

Marjorie Rey (1893-1968) daughter of Valentine J.A., was born on Belvedere Island on Oct. 17, 1893. Marjorie Rey Rickard was a painter active in the Belvedere-Tiburon area as a conservationist, artist, and local history buff prior to her marriage to a Mendocino rancher. She died in Mendocino, CA on Oct. 17, 1968. Marjorie Rey is listed as the owner of 428 Golden Gate Avenue from 1938-1945.

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

428 Golden Gate Avenue is located in Belvedere's Historic Resource Sensitivity Map as a parcel of High Historic Sensitivity. The house is a contributing piece of architecture in this historic neighborhood and contributes to the unity and diversity of the Island. However, the house has little visibility from the street and from the Cove. As it contributes only marginally to the character of the neighborhood and does not serve as a visual landmark, the house would not qualify for criteria #7.

8. <u>Integrity:</u> It retains most of its original materials and design features.

The exterior of 428 Golden Gate Avenue has retained most of its original design features. However, the original ceramic roof tiles, removed by the '50s, were not replaced. In 1979 the roof was again replaced with dark brown fiberglass shingles. Plans are underway by the current owner to replace the roof with ceramic roof tiles.

The house has the original floor plan with the exception of a porch that was enclosed. Gas lamps were replaced with electric ones when the island was connected to the grid. A front arbor was added when Golden Gate first was paved. In the early sixties Lawrence Halprin, a celebrated American landscape architect designed a pool and terrace for the property. A modern kitchen design was introduced by Charles Warren Callister, an American architect based in Tiburon known for his leadership in the Second Bay Area Tradition. Other interior renovations were undertaken but the important historical redwood stairway core is fully intact as originally built.

9. <u>National Register of Historic Places:</u> It is a site or structure listed on the National Register of Historic Places.

The Rey House, 428 Golden Gate Avenue is listed on the National Register of Historic Places in Marin County. The Rey, Valentine House at 428 Golden Gate Avenue, Belvedere, CA was added to the National Register of Historic Places in 1982 (National Register # 82002203).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belvedere does hereby grant approval of Historical Designation status to the residence located at 428 Golden Gate Avenue pursuant to the findings stated above and incorporated herein.

PASSED AND ADOPTED at a public hearing of the City Council of the City of Belvedere on June 14, 2021, by the following vote:

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

NOES: None ABSENT: None ABSTAIN: None

	APPROVED:
	James Campbell, Mayor
ATTEST:	
Beth Haener, City Clerk	



CITY OF BELVEDERE HISTORIC PRESERVATION COMMITTEE STAFF REPORT

REPORT DATE: July 5, 2022 AGENDA ITEM: 3

MEETING DATE: July 12, 2022

TO: Historic Preservation Committee

WRITTEN BY: Irene Borba, Director of Planning and Building

SUBJECT: Application for Mills Act Agreement for 428 Golden Gate Avenue

Recommendation:

The proposed application is for a Mills Act Agreement with the property located at 428 Golden Gate Avenue. The Mills Act is an economic incentive program for the restoration and preservation of qualified historic structures. The property at 428 Golden Gate 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 enters into a Mills Act Agreement with the

property owners of 428 Golden Gate Avenue to help maintain this City of

Belvedere Historically Designated Property.

Background:

The applicants and property owners, Shawn and Debbie Bennett/Bennet Family Rev. Trust, have requested that their home at 428 Golden Gate Avenue receive the City's designation of Historic Property, pursuant to Title 21 of the Belvedere Municipal Code.

On April 13, 2021, the Belvedere Historic Preservation Committee voted to recommend designation of the home at 428 Golden Gate Avenue as a City of Belvedere Historically Designated Property.

At the May 18, 2021, Planning Commission meeting, the Commission considered the recommendation of the Historic Preservation Committee and the material prepared by the Committee as the basis for the recommendation. The Planning Commission approved a motion recommending that the City Council designate the residence at 428 Golden Gate Avenue as a City of Belvedere Historic Property.

At the June 14, 2021, City Council meeting, the City Council considered the recommendation of the Historic Preservation Committee and the Planning Commission and the materials as provided. The City Council adopted Resolution No. 2021-13 designating the property at 428 Golden Gate as a local historic landmark. 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.

Historic Preservation Committee Staff Report for 428 Golden Gate Avenue

Owners: Shawn & Debbie Bennett

July 12, 2022 Page 2 of 3

Commissioned by Valentine Joseph Antoine Rey, Esq., The Rey House (428 Golden Gate Avenue) is on the National Register of Historic Places in Marin County and was the first home built on top of Belvedere Island. It is a Willis Polk-designed Mission Revival home (Spanish/Mediterranean), designed and constructed in 1892-1893. The property is located at the southeast tip of the island at the end of Golden Gate Avenue. The home enjoys views of the Belvedere Cove and Tiburon hills on one side and, on the other, the Bay and San Francisco skyline, including both towers of the Golden Gate Bridge.

The home is 3,503 square feet on 3 levels with 4 bedrooms, 4 bathrooms on an 11,465 square foot (0.26 acre) lot. The house design was envisioned as a villa on the North Bay's own Riviera, to which the topography and climate are similar. The design follows the contour of the land with a series of split-levels unified on the interior by a grand wood staircase under a soaring light well. The home's comparatively simple, wood framed, stucco exterior, with no one dominant elevation, was a dramatic contrast to the splendor and scale of the interior central hall and its grand staircase framed with Iconic columns and rounded arches – all milled from old growth (prior to the turn of the 20th century) clear-heart redwood.

Straddling the single, rustic front door are two miniaturized interpretations of the famous rose windows (and light fixtures) from the Texas basilica, San Antonio's Mission San Jose y San Miguel de Aguayo.

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.

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 October 28, 2021, the Building Official and Senior Planner Rebecca Markwick, 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, <u>Historical property incentives</u>, 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.

Historic Preservation Committee Staff Report for 428 Golden Gate Avenue

Owners: Shawn & Debbie Bennett

July 12, 2022 Page 3 of 3

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.

PLEASE NOTE: Typically, in this section of the report staff provides the Committee with the adjusted annual cap and the net remaining tax loss available for new properties as well as information from 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. Unfortunately, staff was unable to obtain the required information in time for the staff report. Staff intends to provide the appropriate information prior to the Committee meeting.

Recommendation:

Staff supports the proposed application for a Mills Act Agreement with property located at 428 Golden Gate 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 428 Golden Gate Avenue, to help maintain this City of Belvedere Historically Designated Property.

Attachments:

- 1. Application for Mills Act Agreement
- 2. City Council Resolution 2021-13
- 3. City Inspection Report

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

MINUTES

COMMITTEE PRESENT: George Gnoss, Mel Owen, Robert Griffin, Marshall Butler, John

Sheehy.

COMMITTEE ABSENT: None

OTHERS PRESENT: Director of Planning and Building Irene Borba, Permit Technician

Nancy Miller, Council Member James Campbell, Andrew Allen

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

CALL TO ORDER OF REGULAR MEETING

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

OPEN FORUM

No one wished to speak.

REPORTS

There were no reports.

SCHEDULED ITEMS

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

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

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

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

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

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

MOTION: To recommend designation of 206 Bayview Avenue as a Belvedere Historic

Property by the Belvedere Planning Commission.

MOVED BY: Mel Owen, seconded by Marshall Butler

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

Historic Preservation Committee July 12, 2022 Page 2 Minutes

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

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

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

Open public hearing.

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

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

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

MOVED BY: Mel Owen, seconded by John Sheehey

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

4. Discussion – Historic Resource Inventory Lists

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

Open public hearing.

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

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

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

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

Historic Preservation Committee July 12, 2022 Page 2 Minutes

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

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

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

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

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

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

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

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

6. Adjourn Meeting

THE FOREGOING MINUTES were approved at a regular meeting of the Historic Preservation Committee on October 4, 2022by the following vote:

AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
APPRO	VED:
	George Gnoss, Chairman
ATTEST:	-
Irene Borba, Director Planning and Building	



CITY OF BELVEDERE

450 San Rafael Avenue $_{\lambda}$ Belvedere, CA 94920 Tel: 415 / 435-3838 $_{\lambda}$ Fax: 415 / 435-0430 www\cityofbelvedere.org

Date: October 28, 2021

To: Rebecca Markwick, City of Belvedere Associate Planner

CC: Shawn and Debbie Bennett

From: Brian Van Son, City of Belvedere Building Official

Re: 428 Golden Gate Ave. – Mills Act Maintenance Inspection

On October 19, 2021, I performed a building inspection at 428 Golden Gate Ave., pursuant to the provisions contained in the Mills Act Agreement requested by the property owners, Mr. and Mrs. Bennett, with the City of Belvedere. I was accompanied by Mr. and Mrs. Bennett, property owners, and Rebecca Markwick, Senior Planner for the City of Belvedere. Mrs. Markwick took numerous photos to record the condition of the structures.

Research through Marin County Assessor's Office and City of Belvedere records indicate that the original construction was circa 1893. There have been multiple building permits issued to this property since it was constructed. Notably:

- 1963 era permit to remodel the kitchen.
- 1994 era permit to repair the sewer lateral.
- 2002 era permit for the underground installation of the electrical service.
- 2010 era permit to reroof the residence.
- 2010 era permit for deck repairs.
- 2016 era permit to install a roof-mounted solar PV system.
- 2020 era permit to replace water service main line.
- 2020 era permit to install an automatic pool cover.
- 2021 era permit for the replacement/repair of the existing foundation system.
- 2021 era permit to remodel the bathrooms and repair the electrical and plumbing systems.

Please note, the 2021 building permits are currently ongoing and are being inspected to current Code standards.

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

MILLS ACT AGREEMENT

This Agreement is made this 8th day of August 222 between the City of Belvedere, a municipal corporation of the State of California ("City") and Shawn & Debbie Bennett (Bennett Family Revocable Trust).

RECITALS

- a) Owner possesses and owns real property located at 428 Golden Gate 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.
- 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 form 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 party 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 reinstituted 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, Shawn Bennett	By: Sally Wilkinson, Mayor
By: Owner, Debbie Bennett	
	APPROVED AS TO FORM
	Amy Ackerman, City Attorney

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:

LOT 13, in Block 2, as shown upon that certain Map entitled, "Map No. 3 of Belvedere Peninsula, Marin Co., cal.", filed for record June 26, 1891 in Rack 1 of Maps, at Pull 8, Marin County Records.

APN: 060-212-23

EXHIBIT B

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR HISTROIC 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.



EXHIBIT C PROPERTY INSPECTION REPORT

CITY OF BELVEDERE

450 San Rafael Avenue $_{\lambda}$ Belvedere, CA 94920 Tel: 415 / 435-3838 $_{\lambda}$ 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.

INDIVIDUAL CONSENT CALENDAR

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Samie Malakiman, Associate Planner

Reviewed By: Irene Borba, Director of Planning and Building

Amy Ackerman, City Attorney Robert Zadnik, City Manager

Subject: Revocable license for proposed private improvements on the City tide lot "The

Strip" for the property located at 310 Beach Road

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 review and approve a revocable license agreement for 310 Beach Road for new improvements on the City tide lot known as "The Strip" below 310 Beach Road for: new Staircase, Landings, and Landscaping.

Background and Findings

Proposed encroachment on City property – **310 Beach Road** – **APN** 060-233-07. The attached license agreement requires the property owner to assume liability and maintenance responsibilities for:

New Staircase, Landings, and Landscaping

Background of current application

On June 21, 2022, the Planning Commission reviewed this address for approval of Design Review and Revocable License applications. Commissioners made a number of comments regarding the provided plans and requested that a more detailed plan set be presented at a future meeting, along with elevations for the staircase on the City-owned tide lot. The Commission agreed that the path lights leading down the staircase should be removed. Two commissioners asked if the homeowner at 310 Beach Road could create a shared staircase with the owner of 312 Beach Road to access their shared boat dock. One commissioner stated their concern that the private staircase, as proposed, would not provide a public benefit. Overall, the commission expressed that the homeowner should be able to access the dock they are leasing. The draft minutes of the June 21, 2022 Planning Commission meeting can be found here.

On July 12, 2022, Staff met with Jean Bordon and Jena Watson, Chair and Vice Chair of the Parks, Open Spaces and Lanes Committee (POSLC) to review the project. The Chair and Vice-Chair conditioned approval on ensuring that the project did not obstruct pedestrian access across the shoreline portion of "the strip". Shortly after this meeting, Staff provided the Chair and Vice Chair a revised plan set depicting an open passage and pedestrian walkway across the proposed staircase ramp at grade; the revised plans satisfied the POSLC's requirement. On July 16, 2022, Committee Chair Bordon informed the Planning Commission of Staff and POSLC's collaboration (Attachment f).

On July 19, 2022, the Planning Commission reviewed the project and approved the Design Review for exterior renovations including a roof deck, deck extension, fence replacement, stairs and retaining walls for the home at 310 Beach Road. The Commission also reviewed the Revocable License application for a new staircase, landing, and landscaping on the City tide lot known as "the strip" below 310 Beach Road. The applicant provided revised plans that included staircase elevations, a detailed pathway with materials for the staircase, removal of the path lights, and a new pedestrian access route at the wood ramp to run parallel to the shoreline. One commissioner voiced concern that allowing a new staircase, rather than creating a joint staircase with the neighbor at 312 Beach Road, would privatize more public land than necessary. Three commissioners were in favor of the staircase, with two stating that the stairs were a safe way to stabilize the hillside. Two commissioners stated that signage should be considered to demonstrate that the stairs and ramp are publicly accessible. The Commission voted 3 to 1 in favor of the project, and that the project conforms with Municipal Code Chapter 13.04 and with the requirements in the Administrative Policy Manual for Revocable Licenses. The Staff Report for the July 19, 2022 Planning Commission meeting can be found here as well as the draft minutes (Attachment g).

A review of city records indicates that there is no existing Revocable License for the property at 310 Beach Road.

Proposed Improvements in the City tide lot below 310 Beach Road

- Staircase
- Landings
- Landscaping

Background of project site and joint dock lease with 312 Beach Road

In the 1960s, 312 Beach Road was subdivided, creating 310 Beach Road. The owners of both properties entered into an agreement to share the existing dock and staircase, and equally pay the annual Revocable License fee and required maintenance costs. In 1978 the owner of 312 Beach Road sought to replace pilings from the original dock. To make the necessary improvements to the rotting dock, the owners submitted a joint Revocable License application. In 1980, the Bay Conservation and Development Commission (BCDC) determined that Belvedere's Revocable Licenses were not adequate for the BCDC's purposes; BCDC required dock leases for any homeowner wishing to make dock improvements. This led to a series of City Council public hearings to establish leases for dock structures on City tidelands.

On October 21, 1989, City Council approved Resolution 89-44 which offered homeowners on Beach Road the choice to be issued a lease or a Revocable License for their dock. A dock lease was executed at 310 and 312 Beach Road the following year. The dock lease allows for repairs and restoration of existing improvements. Because the applicant proposes a <u>new</u> staircase, a Revocable License is required for the project.

Compliance with Administrative Policy Manual Section 272.05, Revocable Licenses

Neither the Municipal Code nor the City's Administrative Policy Manual (APM) provide criteria for when to grant a revocable license in this context. However, Policy 11.7 of the City's APM states that the City Council has discretion to grant a Revocable License for private use of excess street right-of-way when there is some benefit to the public, provided any proposed encroachment into the right-of-way complies with the Design Review requirements of Title 20 of the Belvedere Municipal Code. Section 1 of that policy contains factors for consideration. Historically, the City has applied the same criteria, as applicable, in non-right-of-way contexts. Here, staff recommends that the Council approve a revocable license for the proposed improvements pursuant to the administrative policy because there is a public benefit, and the factors are satisfied, as indicated in italics below.

- a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;
 - The proposed improvements would be made on the City-tide lot known as "The Strip". There is no private property within the improvement area that could provide pedestrian or vehicular access to an adjacent public street.
- b. Where use of the public right-of-way will permit landscaping and/or related improvements to be installed that the City Council determines will enhance the aesthetic qualities of the streetscape. Any such landscaping and/or related improvements should not significantly impede public views or views from neighboring properties, or infringe on the privacy of neighboring properties;
 - No improvements are proposed to enhance the streetscape along Beach Road. The new stairs would provide access to the home's private dock and allow the homeowner to install and maintain landscaping improvements that will enhance the aesthetic views of "The Strip". The project will plant forty-five (40) perennials and shrubs on "The Strip" including seven (7) Star Jasmine, eighteen (18) Echium, and fifteen (15) English Ivy. These improvements would not impede views from surrounding homes which are situated uphill from the proposed improvements. The improvements will enhance public views for the public on the strip or overlooking the strip from Belvedere Cove.
- c. Where use of the public right-of-way will permit the creation of an off-street parking area, and will thereby relieve parking or traffic congestion on the adjacent City street;
 - The project does not propose improvements in the public right-of-way of Beach Road.

- d. Where the public right-of-way will be used to construct retaining walls, drainage structures or other facilities that the City considers necessary to protect or maintain the public infrastructure;
 - There are no new retaining walls proposed in the right of way.
- e. Where appropriate to validate already existing private improvements in the public rightof-way for the purpose of shifting the City's potential liability for injuries and damages to the private property owners using the right of-way for private purposes;
 - Not applicable as there are no private improvements within the public right of way currently. A previously shared staircase between 312 Beach Road and 310 Beach Road has been removed. The owner of 312 Beach Road received a Revocable License in 2018 (Revocable License NO. 2018.17) allowing a dilapidated wooden staircase to be removed.
- f. Where necessary to protect or enhance public safety;
 - The proposed staircase will provide the owner access to "The Strip" to make necessary slide improvements to mitigate future landslides. The new staircase would also provide hillside stabilization where the concrete landings and helical piers will be placed.
- g. Where use of the public right-of-way will provide an area for street-level refuse and recycling containers on property that would otherwise not have an area for such improvements.
 - Not applicable as no street-level refuse area is proposed with this project.

Public Benefit

The project benefits the public by making improvements that will enhance public views through installation of attractive landscaping. Additionally, the public land below 310 Beach Road has been prone to significant landslides in the past; the new staircase will provide hillside stabilization where the concrete landings and helical piers will be placed. A Revocable License will also shift potential liability for injury and damages to the private property owner. Additionally, a wooden ramp at the bottom of the staircase is designed to run parallel to the shoreline and provide through access for the public.

Future improvements

The license covers any future improvements within the revocable license area that receive staff or Planning Commission design review approval and which meet one or more of the criteria for approval of revocable license listed in the City's Administrative Policy Manual, Policy 11.7, as adopted by City Council resolution. Applications for substantial, potentially permanent and/or obstructive structures within the City right-of-way, which fall outside the criteria, will still be required to go to the City Council for consideration and approval/denial. Detailed records at City Hall are maintained in the Planning Department file for this address and will be retained in perpetuity to memorialize the exact structures approved by the city within the license area. This will save considerable staff time that would otherwise be needed in bringing a revised license and staff report to the City Council for issuing, recording, and archiving.

Recommended Action

That the City Council approve a revocable license agreement for proposed improvements for 310 Beach Road as part of the Consent Calendar.

Attachments

- a. Draft license agreement with attached exhibit.
- b. Revocable License Application.
- c. Staircase Elevations and Site Plan
- d. Plans approved by the Planning Commission
- e. Site Photographs
- f. 310 Beach Memo from POSLC, dated 7-16-2022
- g. Draft Minutes of 7-19-22 Planning Commission Meeting

RECORDING REQUESTED BY: City Clerk, City of Belvedere RECORD WITHOUT FEE PER G.C. 27383

AND WHEN RECORDED MAIL TO:

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

CITY OF BELVEDERE REVOCABLE

LICENSE NO. 2022-03

ASSESSOR'S PARCEL NO.: 060-233-07

ADDRESS: 310 Beach Road, Belvedere, California 94920

OWNER: Lovebird Family Trust

DATE ISSUED: August 8, 2022

The City of Belvedere, California, a municipal corporation (hereinafter referred to as "City"), hereby authorizes and licenses the owner of the land described above and in Exhibit "A" (hereinafter referred to as "Licensee"), at Licensee's own cost and expense, to encroach temporarily upon the adjoining land owned by the City of Belvedere (hereinafter referred to as "Premises") for the following purpose:

New Staircase, Landings, and Landscaping.

The Planning Commission approved these improvements on July 19, 2022, and a more specific description of the improvements can be found in the approved plans. This license shall cover any future improvements within the revocable license area which receive design review approval from the Planning Commission or Planning staff and which meet one or more of the criteria adopted by City Council resolution for the granting of revocable licenses.

A legal description of the Premises is attached hereto as Exhibit A and incorporated herein by reference.

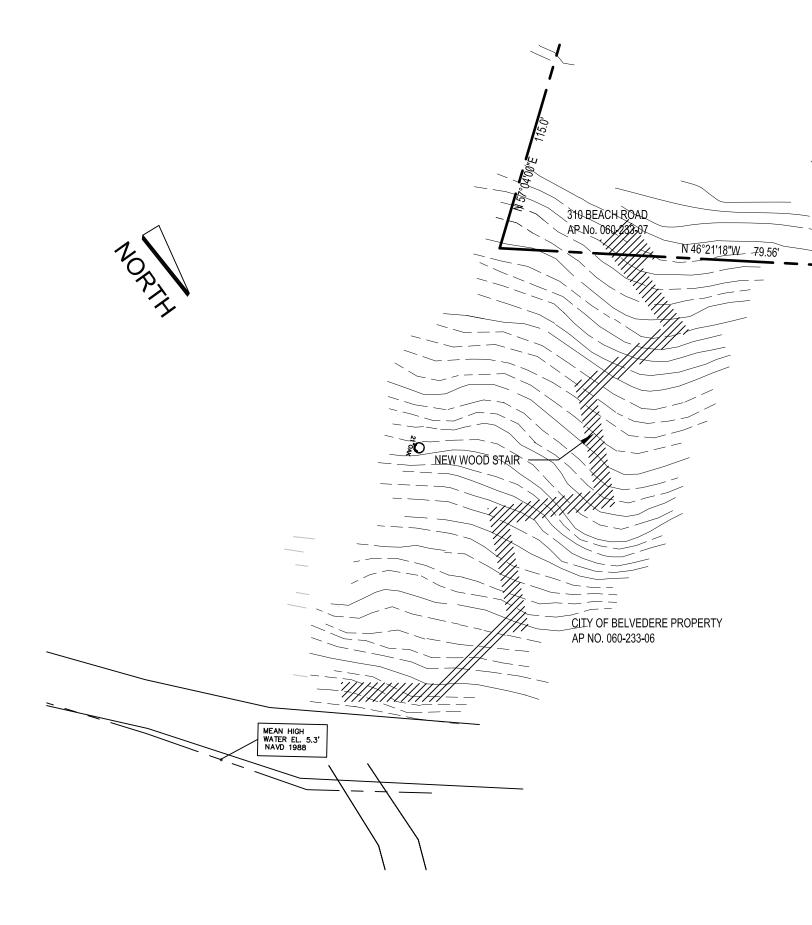
This revocable license is granted subject to the following terms and conditions:

- 1. Licensee shall save and hold the City harmless from any loss, damage, or injury of any kind or character whatsoever that may arise from anything done, or omitted to be done, by Licensee, its agents, employees or contractors in connection with or in any way related to the matters authorized by this License. Licensee agrees to hold City harmless and indemnify City (including, but not limited to, attorney fees, expert witness costs and court costs), without limitation, from and against any and all claims, injuries, damage, liability and/or cause of action which may ever arise as a result of injury and/or damage to property claimed to be the result of construction and/or failure to maintain said property or improvements by Licensee in, on, under, or above City property which is the subject of the revocable license granted Licensee by City.
- 2. All work performed pursuant to this License shall comply with the City of Belvedere Municipal Code, including, without limitation, Title 13.
- 3. To the extent this License authorizes the erection or installation of any building, fence, wall, or other structure or facility in or upon land owned by City, Licensee agrees to erect and install the same in accordance with plans and specifications approved by the Planning Commission or Planning staff and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.

- 4. To the extent this License authorizes the erection or installation of any infrastructure improvements that are subject to the Americans With Disabilities Act ("the Act"), Licensee agrees to construct and maintain those improvements in full compliance with the requirements of the Act.
- 5. If Licensee shall fail to comply with the terms and conditions of this License, the City Manager at his sole discretion may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensee at the address hereinabove stated.
- 6. This License does not convey an exclusive right to use the Premises. Licensee shall not restrict access by the public and/or by adjacent property owners to the licensed area.
- 7. Licensee shall execute this License by: signing the License; making an acknowledgement of the License before a notary public or an officer specified by the State to take the acknowledgement of instruments of writing; and delivering the signed License and certificate of acknowledgement to the City. If Licensee shall fail to execute this License within thirty days of the date issued, the City may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensee at the address hereinabove stated.
- 8. Notwithstanding any other provision herein, this License shall be revocable at the pleasure of the City Council of the City of Belvedere. The election to revoke this License may be exercised at any time by mailing or delivering to Licensee at the address hereinabove stated a notice of revocation and termination. Within the time specified in said notice, Licensee shall, at its own cost and expense, remove from the Premises the encroachment and all structures and facilities placed thereon or therein by Licensee.
- 9. Upon the failure of Licensee to comply with any of the agreements contained herein, City may declare said improvements to be a public nuisance and may take such action as may be authorized by law to abate said nuisance. The City shall be entitled to recover from Licensee costs of suit and reasonable attorney's fees, to be determined by the court. The remedy of City as contained in this paragraph shall not be exclusive.
- 10. The Licensee acknowledges that the property interest created hereunder by issuance of this license may be subject to possessory interest taxation and said Licensee in whom such possessory interest is vested recognizes and agrees that it/they shall be solely responsible for payment of all such taxes levied upon said possessory interest.
- 11. The Licensee shall deliver this license to any successor in interest to the above-described land.
- 12. The agreements contained herein are covenants and servitudes running with the land and shall be binding upon Licensee and its successors, assignors, executors, administrators, and personal representatives unless or until revoked by the City.
- 13. The Licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
- 14. Any previous revocable licenses issued to this property are now null and void.

Issued by direction of the City Council of the City of Belvedere pursuant to action taken at its meeting of August 8, 2022.

Robert Zadnik, City Manager	
The foregoing License is accepted and its terms and conditions are agreed to:	
Lovebird Family Trust, Licensee	
(Attach acknowledgement from certified notary pu	blic for all Licensees)



REVOCABLE LICENSE EXHIBIT "A"

 $\frac{1}{16}$ "=1'-0"

A.P. NO. 060-233-06

LICENSE AREA SHOWN SHADED



APPLICATION FOR REVOCABLE LICENSE

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

FOR STAFF USE ONLY		
Date: Rec'd. by: Am Parcel No.:	Zone:	
City property to be encroached upon: To BE COMPLET	ED BY APPLICANT	
Address of Property: 310 Beach Road		
Type of City Property to Be Encroached Upon (e.g., Tide Lot	street right-of-way, view easement, tide lot):	
Record Owner of Property: Lovebird Family Trust		
Mailing 310 Beach Road		
Address: Belvedere CA 94920	Fax:	
	Email:mark@presidiodp.com	
Owner's Representative: Steve Wisenbaker AIA		
Mailing300 Tamal Plaza Suite 200	Daytime Phone: 415 924 1020	
Address: Corte madera CA 94925	Fax:	
	Email: steve@stevewisenbakerarchitects.com	
Description of Encroachment Requested and Its F	Purpose (include list of private improvements, both	
existing and proposed, that will encroach onto publication. New wood stair down to existing dock at bay should be a second or the second of th		

 Applicants, please attach a scale diagram showing your property line and the encroachments. FOLLOW INSTRUCTIONS ON PAGE 3

IMPORTANT! This application will first be reviewed by the City Staff and/or Planning Commission. If the application successfully passes this review, a revocable license agreement will be drawn up by City Staff and a formal recommendation will be made to the City Council to approve it. The property owner(s) will need to sign the agreement document and have the signature(s) acknowledged by a notary public or the Deputy City Clerk <u>before</u> the agreement can be ratified by the City Council. A specimen copy of the revocable license agreement is attached for your information. **THE OWNER'S FAILURE TO EXECUTE THE AGREEMENT WILL PREVENT THE ISSUANCE OF ANY BUILDING PERMIT ASSOCIATED WITH THE LICENSE.**

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

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

Signature: _			
Name:			
Date [.]			

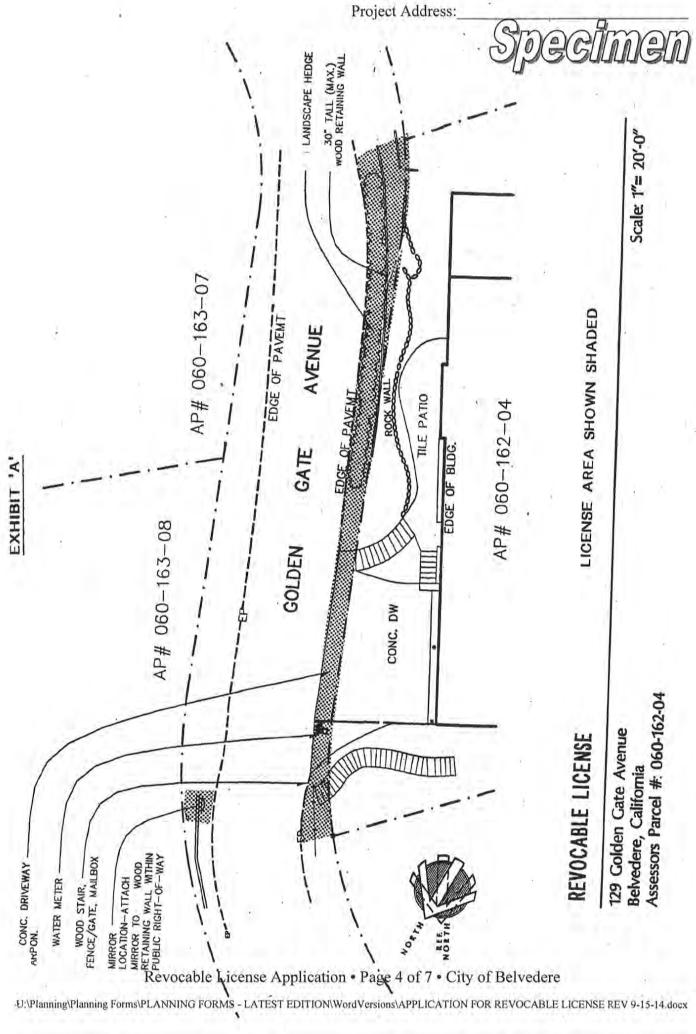
Project Address: 310 Beach Road

GUIDELINES FOR PLAN TO ACCOMPANY THIS APPLICATION

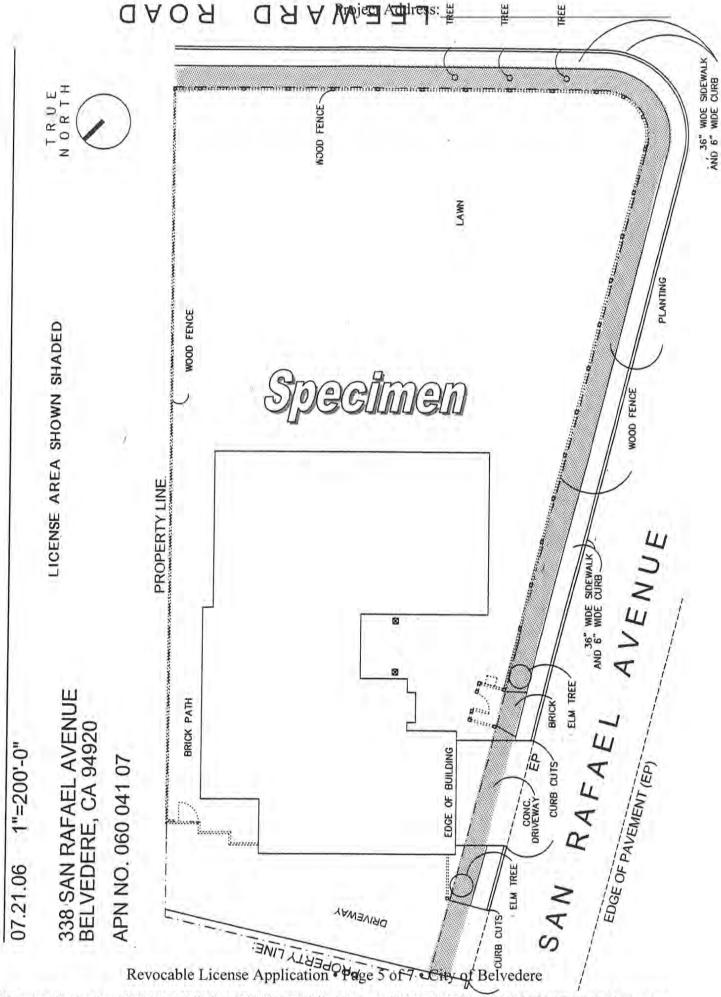
This plan will be attached to the proposed license which will be presented to the City Council for their consideration. Should it receive Council approval, it will be sent, upon final execution, to the County Recorder's office to be recorded.

The plan must conform to the following standards:

- 1. If more than one City street and/or City-owned parcel is encroached upon, separate licenses with separate plans will be required.
- 2. Only 8½" x 11" size will be accepted.
- 3. It must be to scale (actual scale is not relevant as long as it is suitable to show required information within the required size).
- 4. The entire property need not be shown if it better suits the presentation. The entire frontage where the encroachment occurs must be shown.
- 5. Show and identify property lines.
- 6. Label the City property on which the private improvements will encroach with its name (for a street or pedestrian lane) or its parcel number (for City property that does not have a street address)
- 7. Show all existing and/or proposed private improvements that will encroach onto City property. Shade the area of encroachment. Identify items within the shaded area by using arrows that point to their locations. Do not place descriptions, words, or numbers within shaded areas.
- 8. Show existing structures such as garage, house, shed, fence, etc., that are near the area of the encroachment and which will remain.
- 9. Avoid superfluous information such as: elevations or contour lines, existing improvements to be removed, names of plants, dimensioning of unrelated items.
- 10. Show north. In the legend, include the scale, property address and assessor's parcel number, scale, and the words "License area shown shaded."
- 11. Title the plan Revocable License Exhibit "A."
- 12. It must be neat and all words and numbers must be dark and legible (faxed copies will generally not work).
- 13. An acceptable plan must be provided at least ten working days <u>prior</u> to the date of the City Council meeting.
- The two pages which follow are examples of acceptable drawings. The last page is a specimen copy of the revocable license agreement you will be asked to sign if your application is granted.



REVOCABLE LICENSE



Proj	ect Address:	

RECORDING REQUESTED BY: City Clerk, City of Belvedere RECORD WITHOUT FEE PER G.C. 27383



AND WHEN RECORDED MAIL TO:

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

CITY OF BELVEDERE

REVOCABLE LICENSE NO. 0000

ASSESSOR'S PARCEL NO.: 000-00-00

ADDRESS: 00 San Rafael Avenue, Belvedere, California 94920

OWNERS' NAMES: John Doe and Mary Doe

DATE ISSUED: January 1, 2014

The City of Belvedere, California, a municipal corporation (hereinafter referred to as "City"), hereby authorizes and licenses the owners of the land described above and in Exhibit "A" (hereinafter referred to as "Licensees"), at their own cost and expense, to encroach upon the adjoining land owned by the City of Belvedere (hereinafter referred to as "Premises") for the following purpose: Retaining walls, driveway apron, steps, gate with pillars, and landscaping in the San Rafael Avenue right-of-way.

This revocable license is granted subject to the following terms and conditions:

- 1. Licensees shall save and hold harmless the City of Belvedere from any loss, damage, or injury of any kind or character whatsoever that may arise from anything done, or omitted to be done, by Licensees, their agents, employees or contractors in connection with or in any way related to the matters authorized by this License. Licensees agree to hold City harmless and indemnify City (including, but not limited to, attorney fees, expert witness costs and court costs), without limitation, from and against any and all claims, injuries, damage, liability and/or cause of action which may ever arise as a result of injury and/or damage to property claimed to be the result of construction and/or failure to maintain said property or improvements by Licensees in, on, under, or above City property which is the subject of the revocable license granted Licensees by City.
- 2. To the extent this License authorizes the erection or installation of any building, fence, wall, or other structure or facility in or upon land owned by City, Licensees agree to erect and install the same in accordance with plans and specifications approved by the Planning Commission of the City of Belvedere and further agree to maintain the same at all times in good condition and repair, all at Licensees' sole cost and expense.
- 3. If Licensees shall fail to comply with the terms and conditions of this License, the City, at its option may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensees at the address hereinabove stated.
- 4. To the extent this License authorizes the erection or installation of any infrastructure improvements which are subject to the Americans With Disabilities Act ("the Act"), Licensees agrees to construct and maintain those improvements in full compliance with the requirements of the Act.

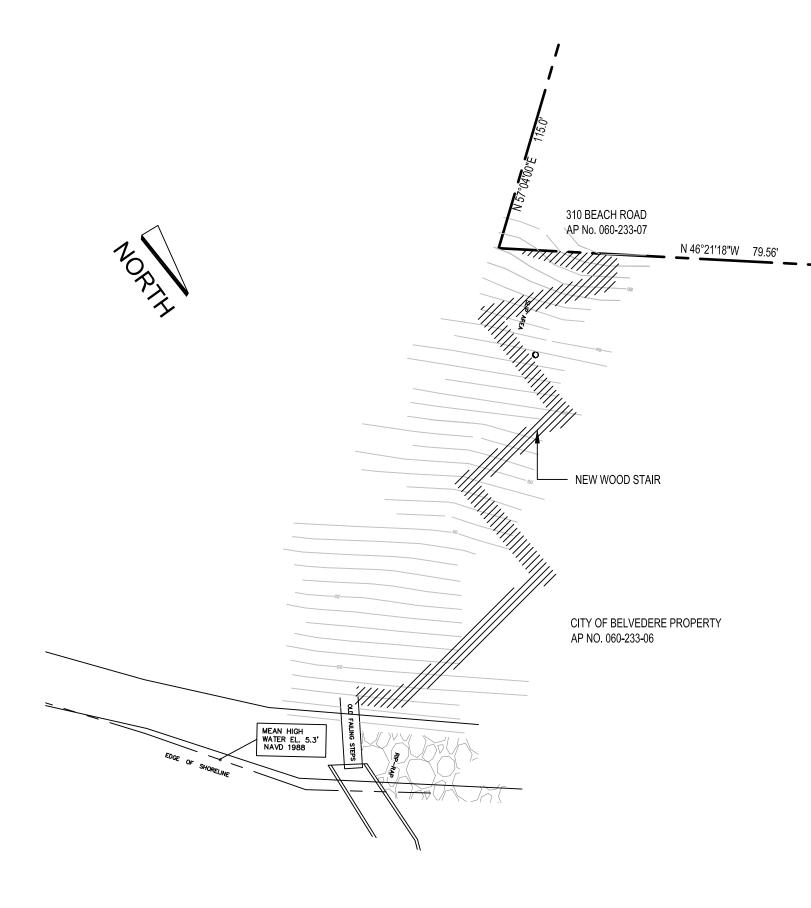
	Project Address:
Revoca Page 7	ble License No. 0000
5. 6.	Licensees shall not restrict access by the public and/or by adjacent property owners to the licensed area. Licensees shall execute this License by: signing the License; making an acknowledgement of the License before a notary public or an officer specified by the State to take the acknowledgement of instruments of writing; and delivering the signed License and certificate of acknowledgement to the City. If Licensees shall fail to execute this License within thirty days of the date issued, the City may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensees at the address hereinabove stated.
7.	Anything herein to the contrary notwithstanding, this License shall be revocable at the pleasure of the City Council of the City of Belvedere. The election to revoke this License may be exercised at any time by mailing or delivering to Licensees at the address hereinabove stated a notice of revocation and termination. Within the time specified in said notice, Licensees shall, at their own cost and expense remove from the Premises the encroachment and all structures and facilities placed thereon or therein by Licensees.
8.	That upon the failure of Licensees to comply with any of the agreements contained herein, City may declare said improvements to be a public nuisance, and may take such action as may be authorized by law to abate said nuisance. The City shall be entitled to recover from Licensees costs of suit and reasonable attorney's fees, to be determined by the court. The remedy of City as contained in this paragraph shall no be exclusive.
9.	The Licensees acknowledges that the property interest created hereunder by issuance of this license may be subject to possessory interest taxation and said Licensees in whom such possessory interest is vested recognizes and agrees that they shall be solely responsible for payment of all such taxes levied upon said possessory interest.
10.	The Licensees shall deliver this License to any successor in interest to the above-described land.
11.	The agreements contained herein are covenants and servitudes running with the land and shall be binding upon Licensees and their successors, assignors, executors, administrators, and personal representatives.
12.	The Licensees shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
13.	Any previous revocable licenses issued to this property are now null and void.
Issued 1, 2014	by direction of the City Council of the City of Belvedere pursuant to action taken at its meeting of January
Mary N	Jeilan, City Manager

DO NOT SIGN HERE -- THIS IS A SPECIMEN ONLY – YOU WILL BE PROVIDED WITH A FINAL DOCUMENT FOR SIGNATURE PRIOR TO THE CITY COUNCIL MEETING.

The foregoing License is accepted and its terms

and conditions are agreed to:

John Doe, Licensee Mary Doe, Licensee

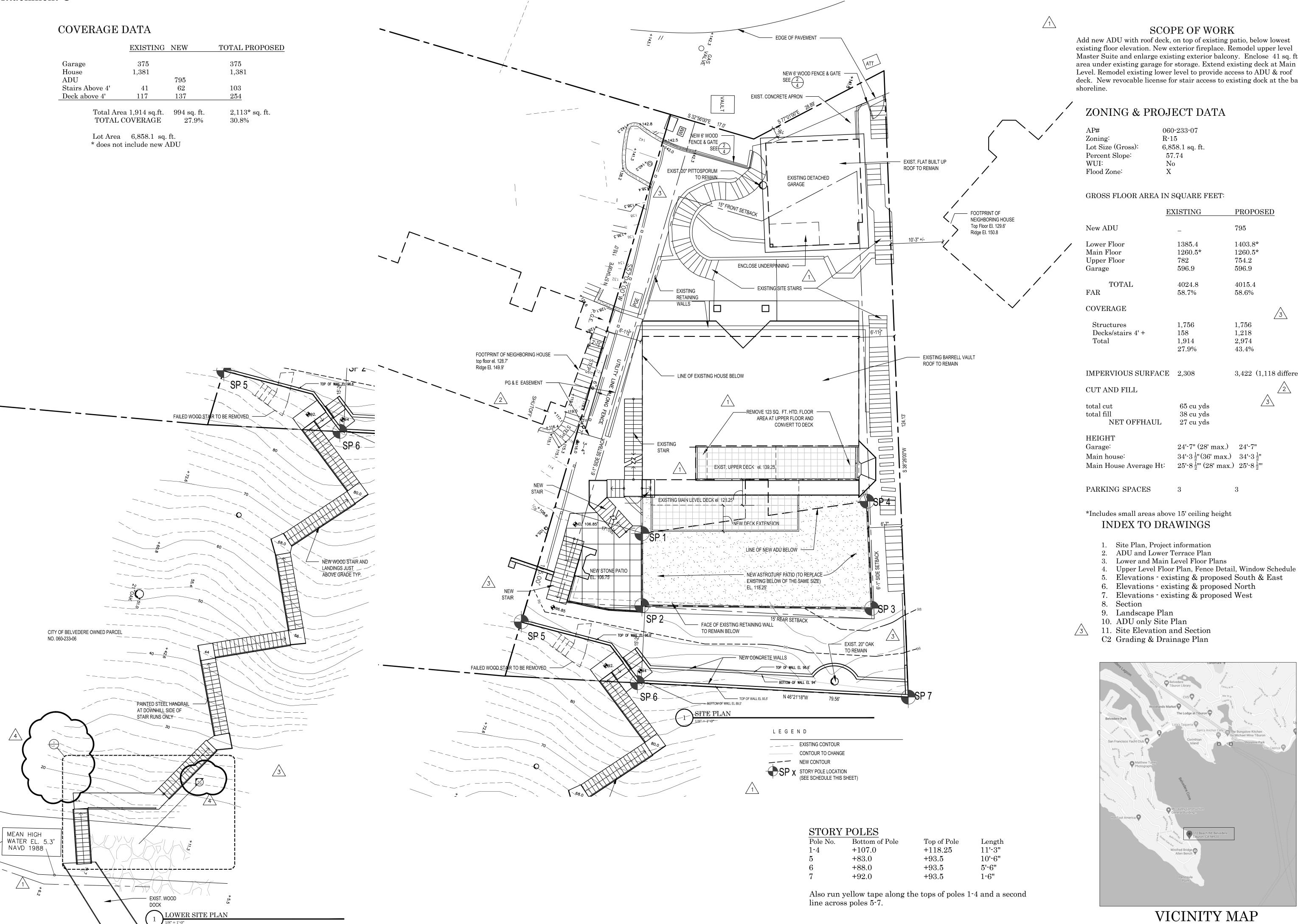


REVOCABLE LICENSE EXHIBIT "A"

 $\frac{1}{16}$ "=1'-0"

A.P. NO. 060-233-06

LICENSE AREA SHOWN SHADED



Add new ADU with roof deck, on top of existing patio, below lowest existing floor elevation. New exterior fireplace. Remodel upper level Master Suite and enlarge existing exterior balcony. Enclose 41 sq. ft. of area under existing garage for storage. Extend existing deck at Main Level. Remodel existing lower level to provide access to ADU & roof deck. New revocable license for stair access to existing dock at the bay

	EXISTING	PROPOSED
New ADU	-	795
Lower Floor	1385.4	1403.8*
Main Floor	1260.5*	1260.5*
Upper Floor	782	754.2
Garage	596.9	596.9
TOTAL	4024.8	4015.4
FAR	58.7%	58.6%
COVERAGE		<u></u>
Structures	1,756	1,756
Decks/stairs 4' +	158	1,218
Total	$1,914 \\ 27.9\%$	$2,974 \\ 43.4\%$

IMPERVIOUS SURFACE	2,308	3,422 (1,118 difference)
CLIM AND ELLI		$\stackrel{\wedge}{\sim}$

 $\sqrt{3}$

etal cut	65 cu yds
tal fill	38 cu yds
NET OFFHAUL	27 cu yds

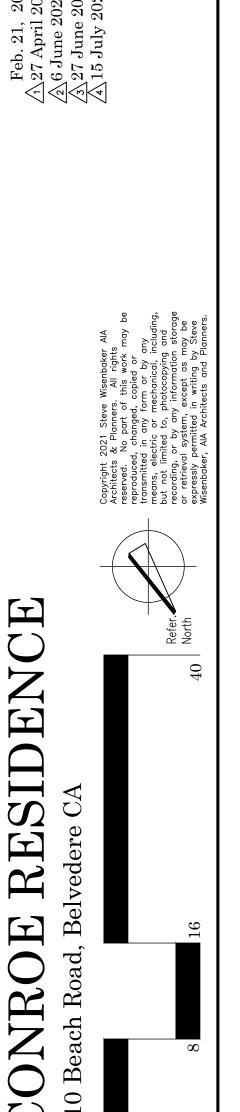
HEIGHT		
Garage:	24'-7" (28' max.)	24'-7"
Main house:	$34'-3\frac{1}{2}"(36' \text{ max.})$	$34'-3\frac{1}{2}"$
Main Hauga Awaraga Ht.	251-0 1111 (201 max)	251-0111

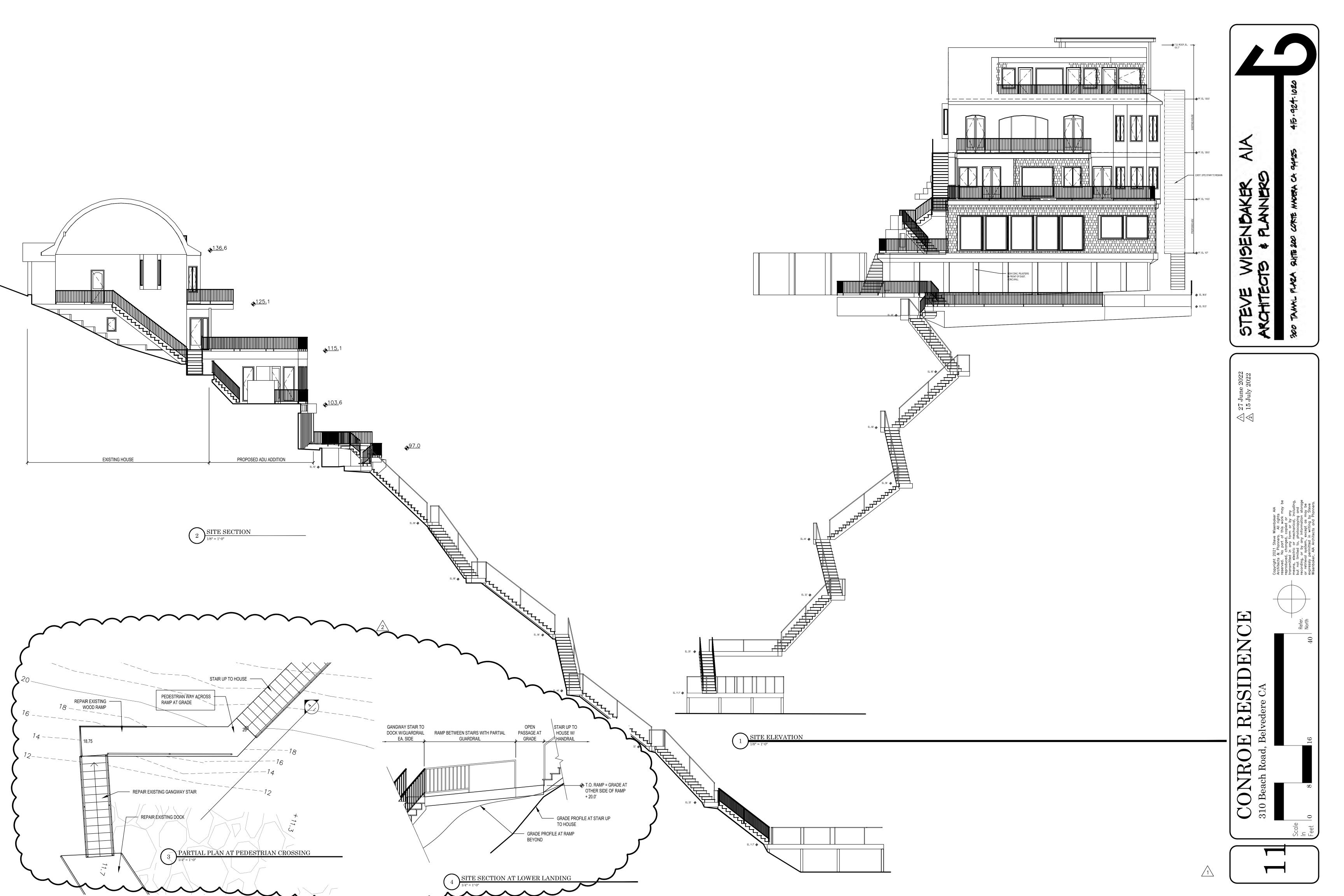
- Elevations existing & proposed South & East
- 7. Elevations existing & proposed West

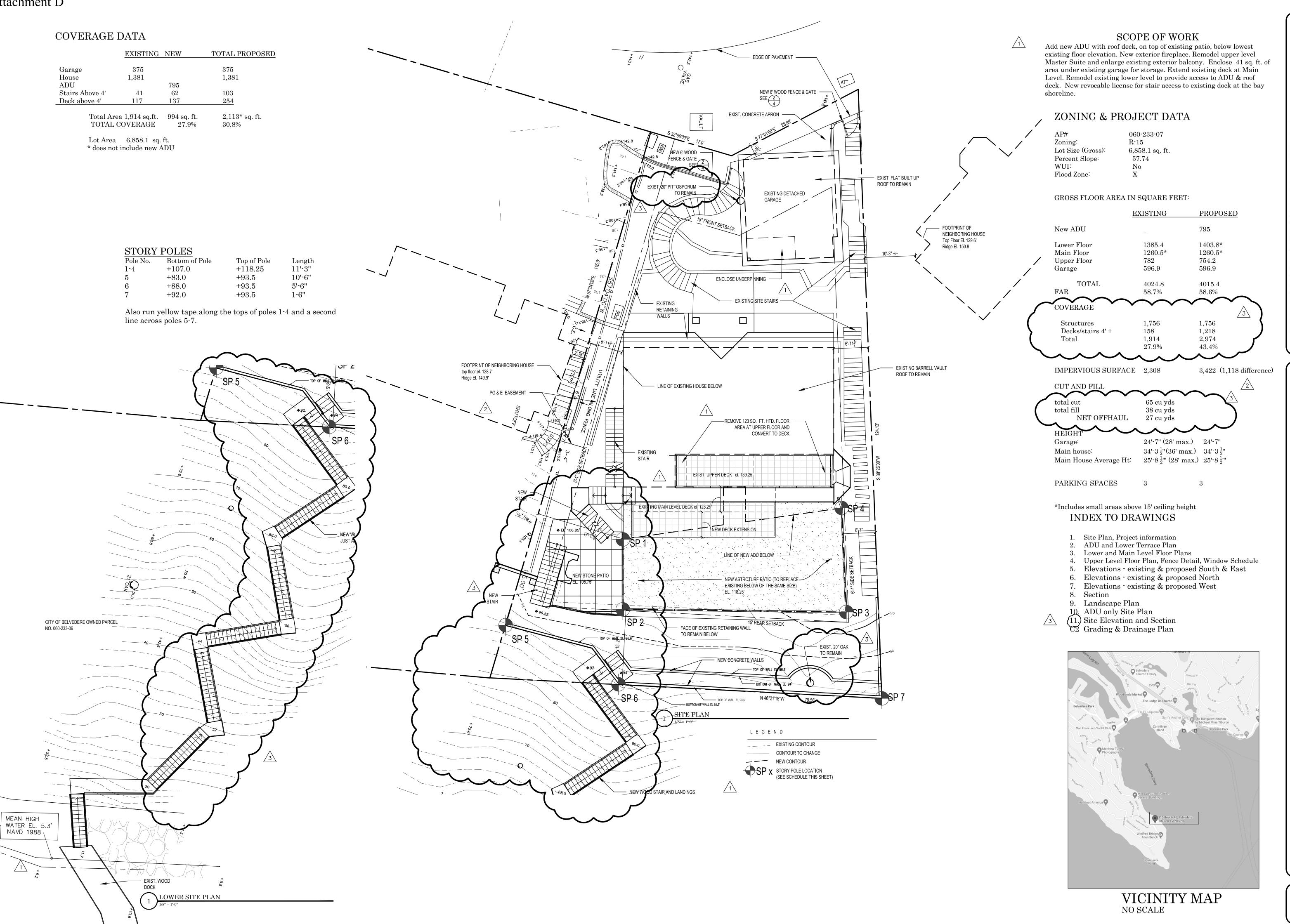


VICINITY MAP NO SCALE





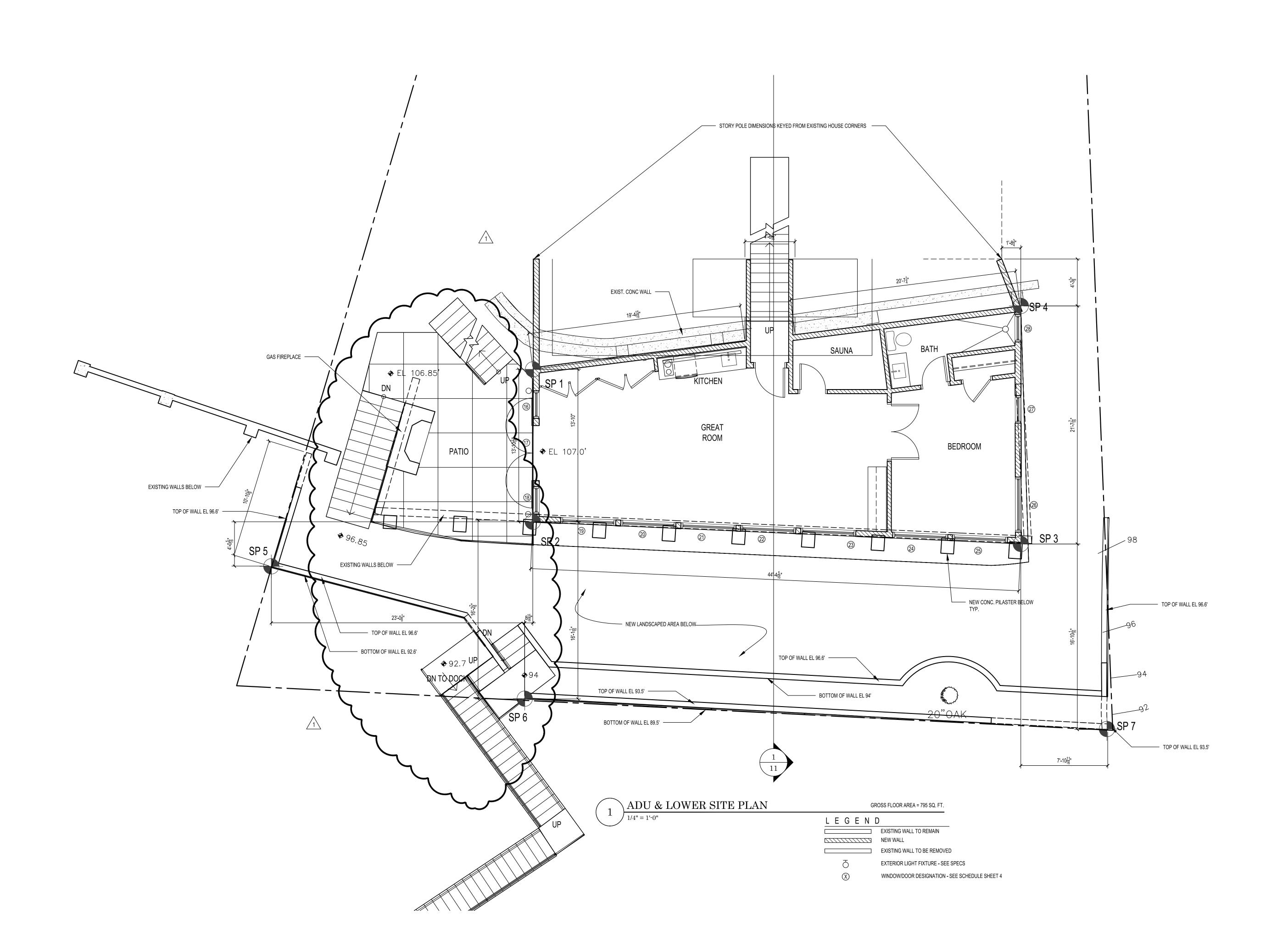




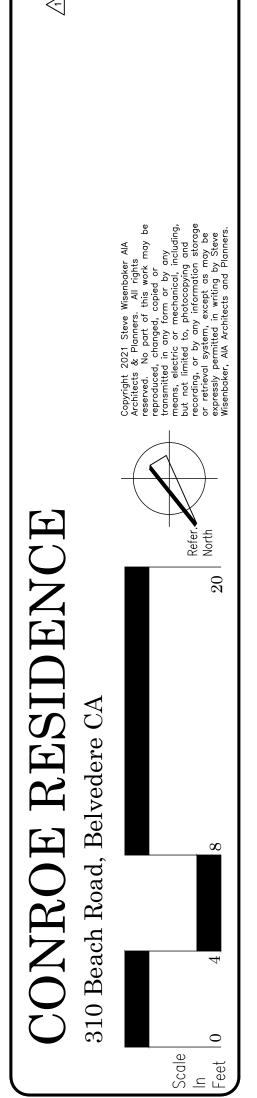
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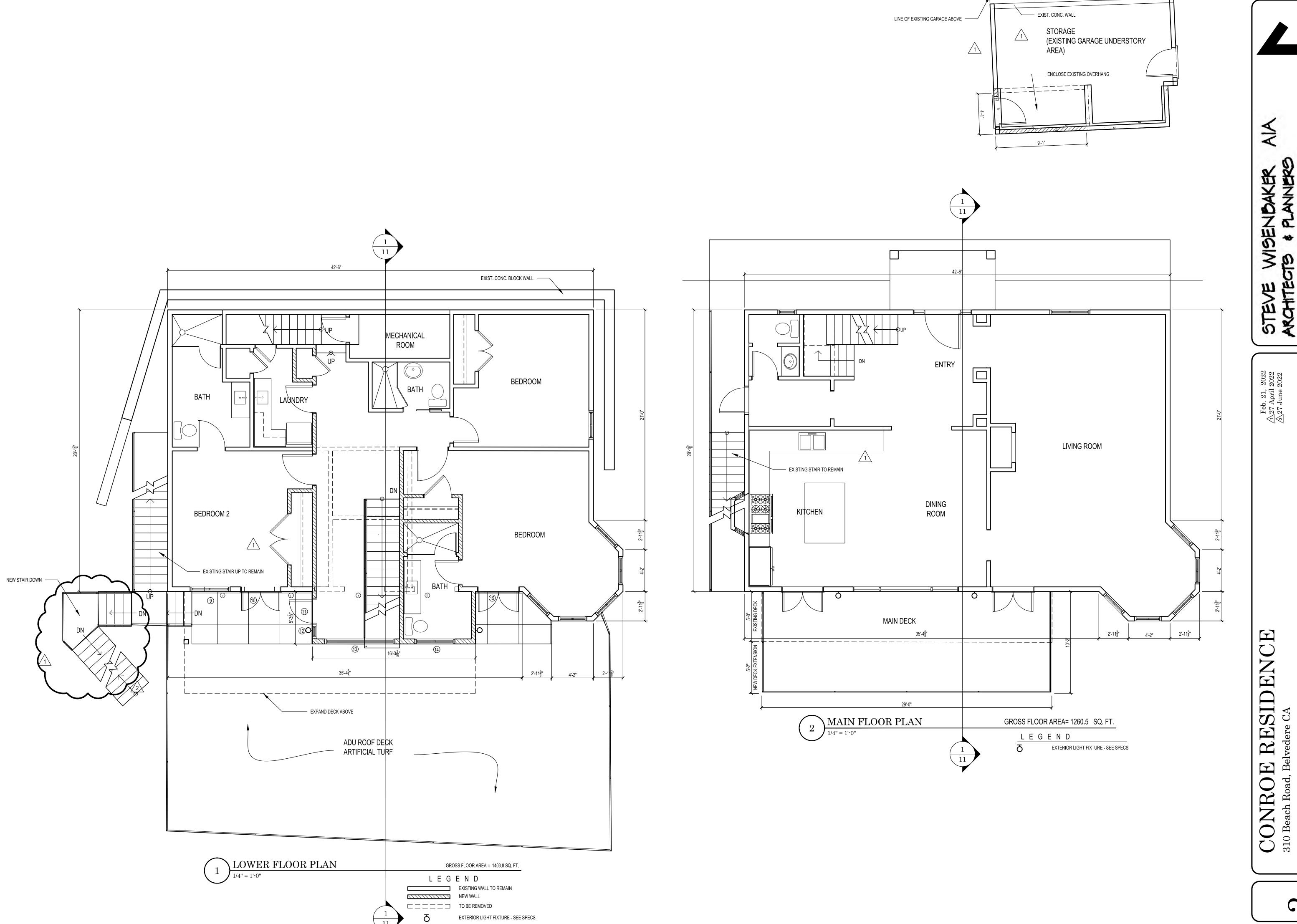
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WINDOW/DOOR DESIGNATION - SEE SCHEDULE SHEET 4

UPPER LEVEL new

new		to be	e removed
1.	3'-0" x 4'-6" casement	a.	2'-6" x 6'-8" sgl. lite door
2.	3'-0" x 6'-8" sgl. lite door	b.	2'-4" x 6'-8" fixed
3.	6'-0" x 6'-8" fixed	c.	2'-4" x 6'-8" fixed
4.	3'-0" x 6'-8" sgl. lite door	d.	2'-4" x 6'-8" fixed
5.	3'-0" x 4'-6" casement	e.	2'-6" x 6'-8" sgl. lite door
6.	3'-0" x 6'-8" sgl. lite door	f.	2'-6" x 5'-0" casement
7.	5'-0" x 4'-6" fixed	g.	2'-6" x 5'-0" casement
8.	5'-0" x 4'-6" dbl. casement	h.	5'-0" x 5'-0" dbl. casement

MAIN LEVEL

No Changes

LOWER LEVEL

EO WEW EEVEE			
9.	4'-0" x 4'-6" dbl. casement	i.	4'-0" x 7'-0" sgl. lite doors
10.	4'-0" x 7'-0" sgl. lite doors	j.	4'-0" x 7'-0" sgl. lite doors
11.	2'-8" x 7'-0" sgl. lite door	k.	4'-0" x 7'-0" sgl. lite doors
12.	1'-4" x 7'-0" fixed	1.	4'-0" x 7'-0" sgl. lite doors
13	7'-0" x 6'-6" fixed		

13. 7'-0" x 6'-6" fixed

14. 4'-0" x 4'-6" dbl. casement 15. 4'-0" x 7'-0" sgl. lite doors

ADU LEVEL 16. 2'-6" x 7'-6" fixed

10.	2 0 x / 0 mxeu
17.	5'-0" x 8'-0" sgl. lite doors

18. 2'-6" x 7'-6" fixed 19. 5'-0" x 7'-6" fixed

19. 5'-0" x 7'-6" fixed

19. 5'-0" x 7'-6" fixed

19. 5'-0" x 7'-6" fixed

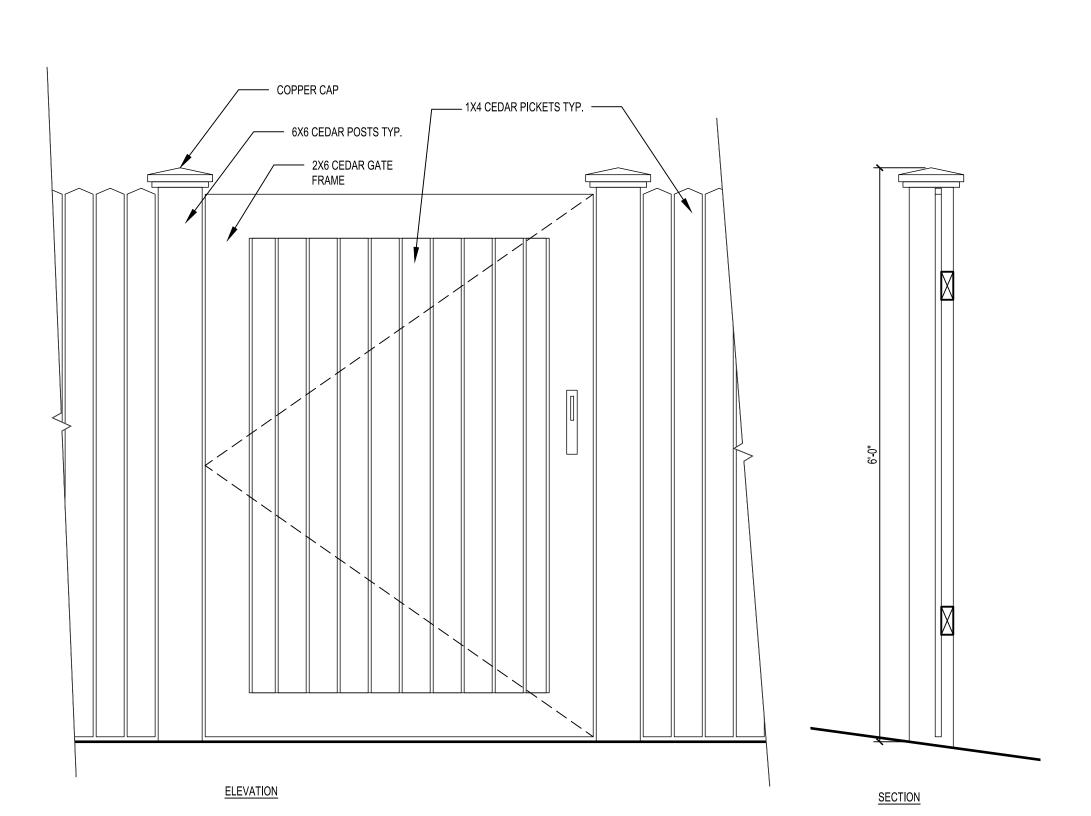
19. 5'-0" x 5'-0" fixed

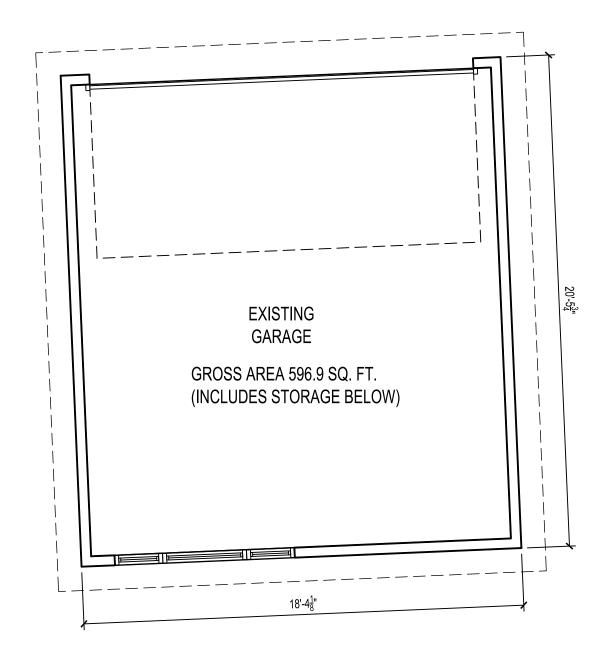
20. 5'-0" x 5'-0" fixed

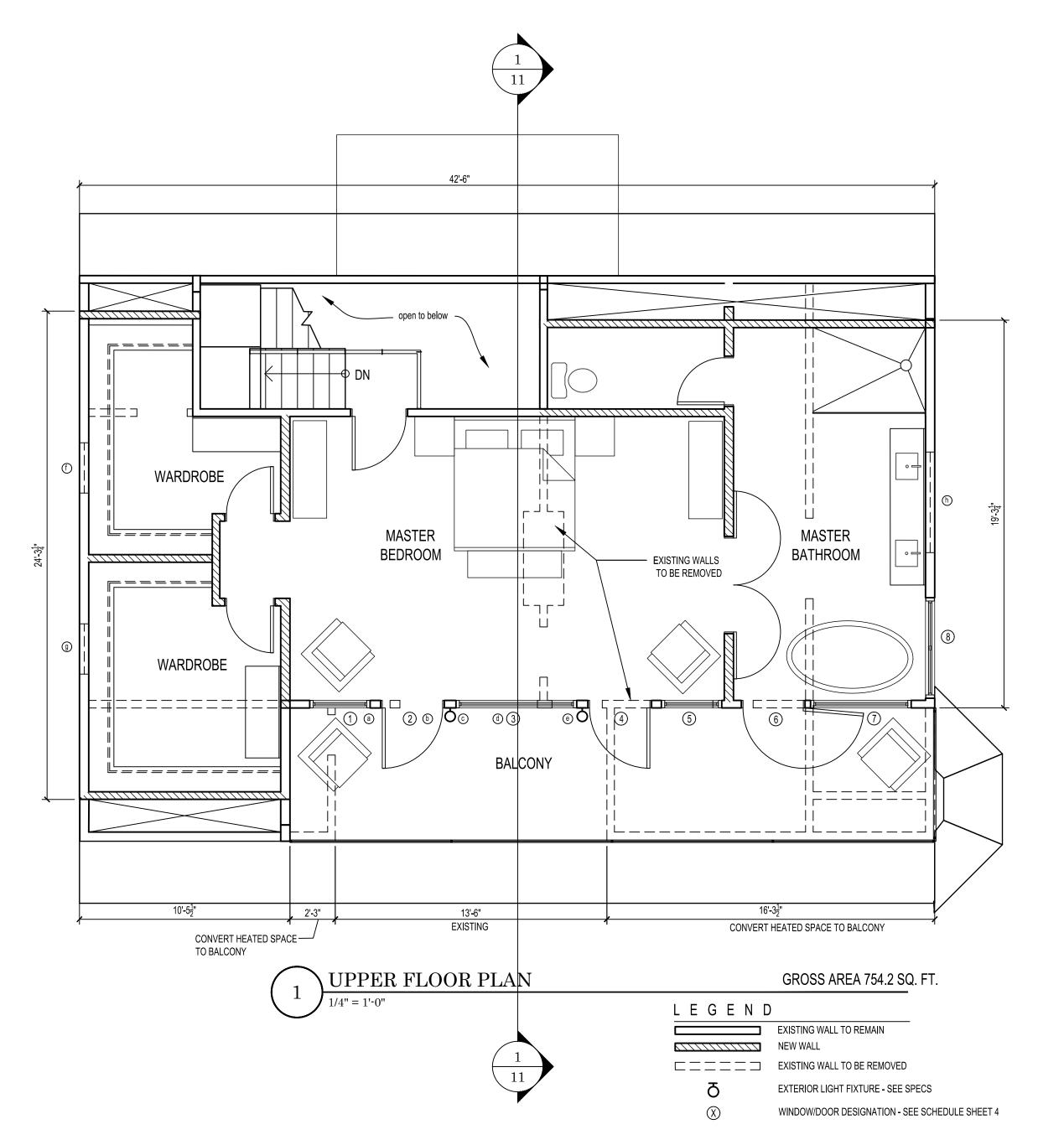
21. 5'-0" x 5'-0" fixed

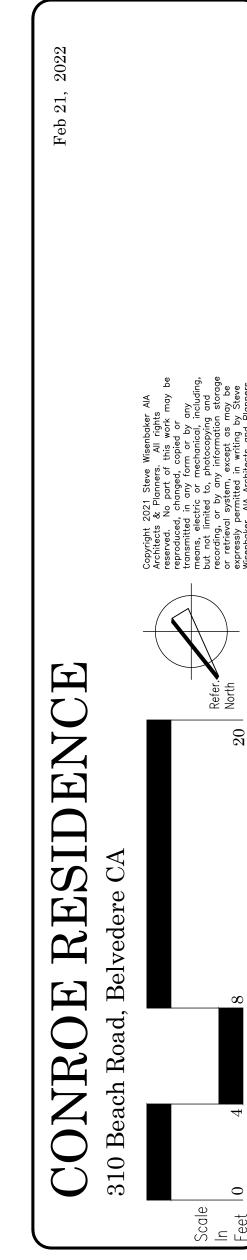
22. 2'-6" x 5'-6" casement

23. 2'-6" x 2'-0" casement



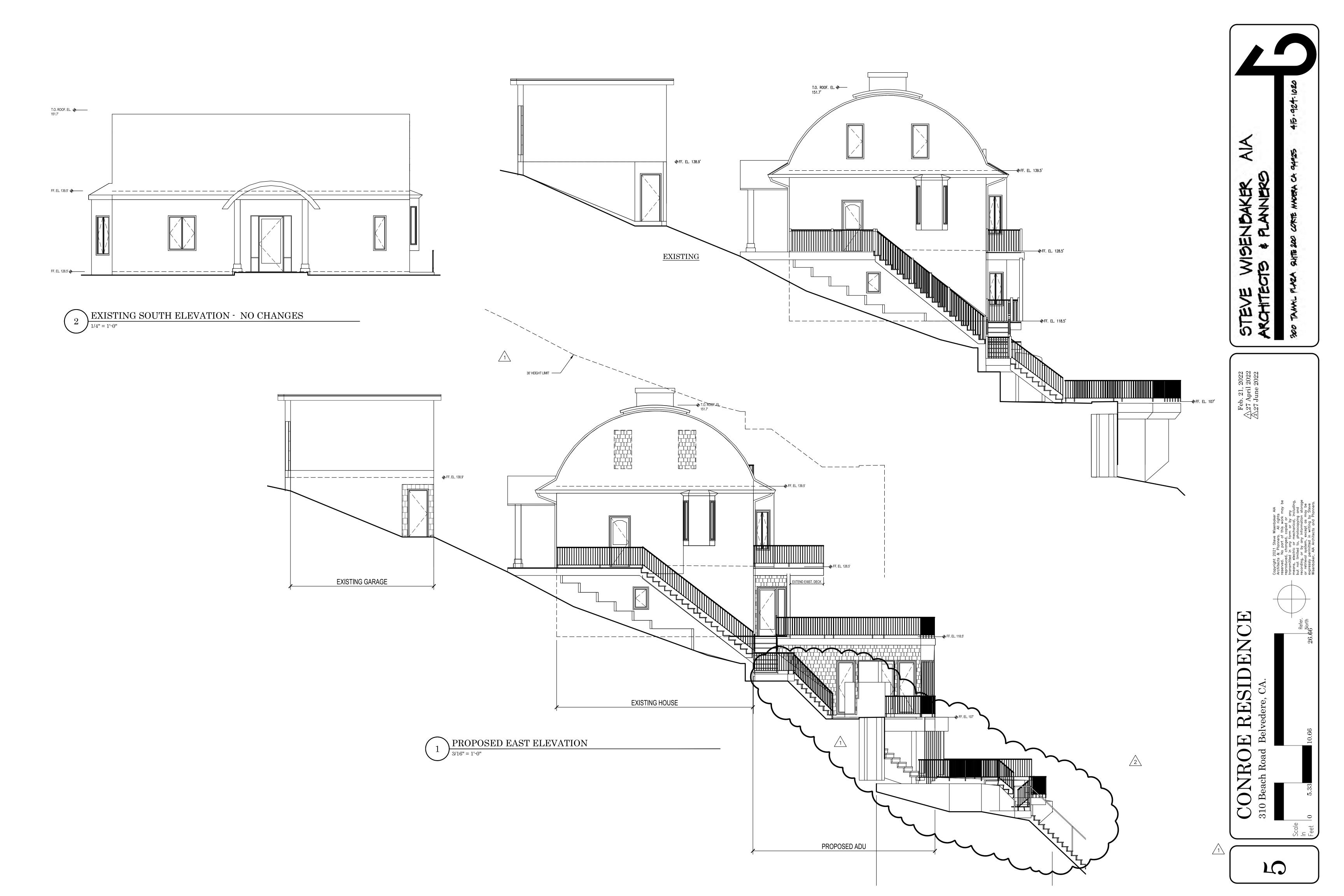


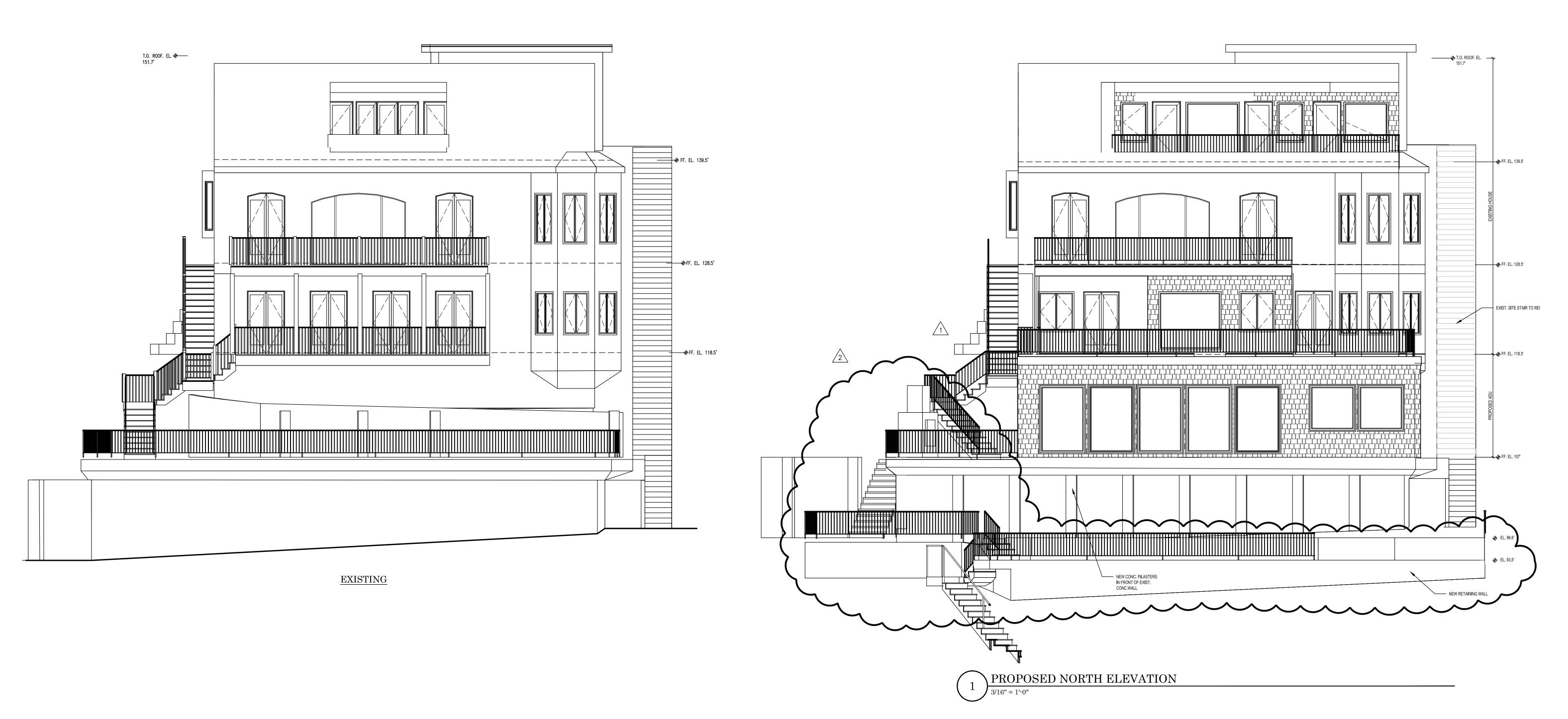




FENCE DETAIL (SIMILAR TO EXISTING FENCE AT STREET)

1/8" = 1'-0"





MATERIALS OF CONSTRUCTION

ROOF: Existing to remain

WALLS: Cedar shingles, stain to match existing

DOWNSPOUTS: 16 oz. Copper 3" rectangular downspouts to match existing

WINDOWS & EXT. DOORS: aluminum clad wood, white color to match existing

FASCIA & TRIM: Cedar, stain to match existing

MISC FLASHING AND SHEET METAL: Where copper is not used, paint to match surrounding material

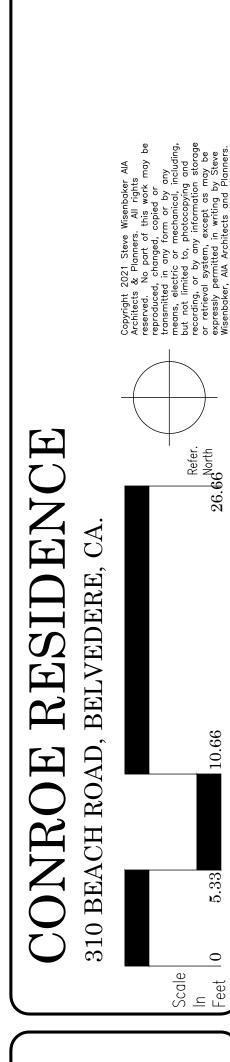
PATIOS: stone tile typical; astroturf at Lower Level Patio.

RAILINGS: narrow steel posts, balusters & rails, natural galvanized finish.

FENCES: Cedar 1x6, Select Tight Knot

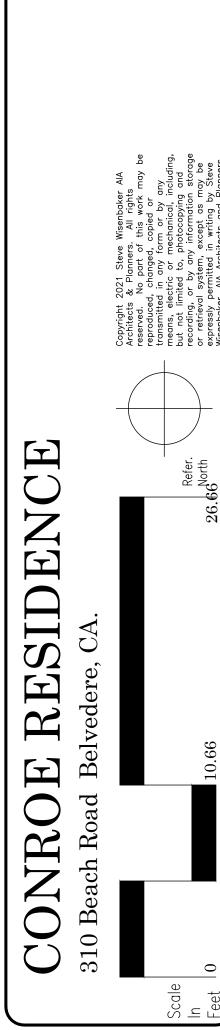
RETAINING WALLS: natural concrete finish

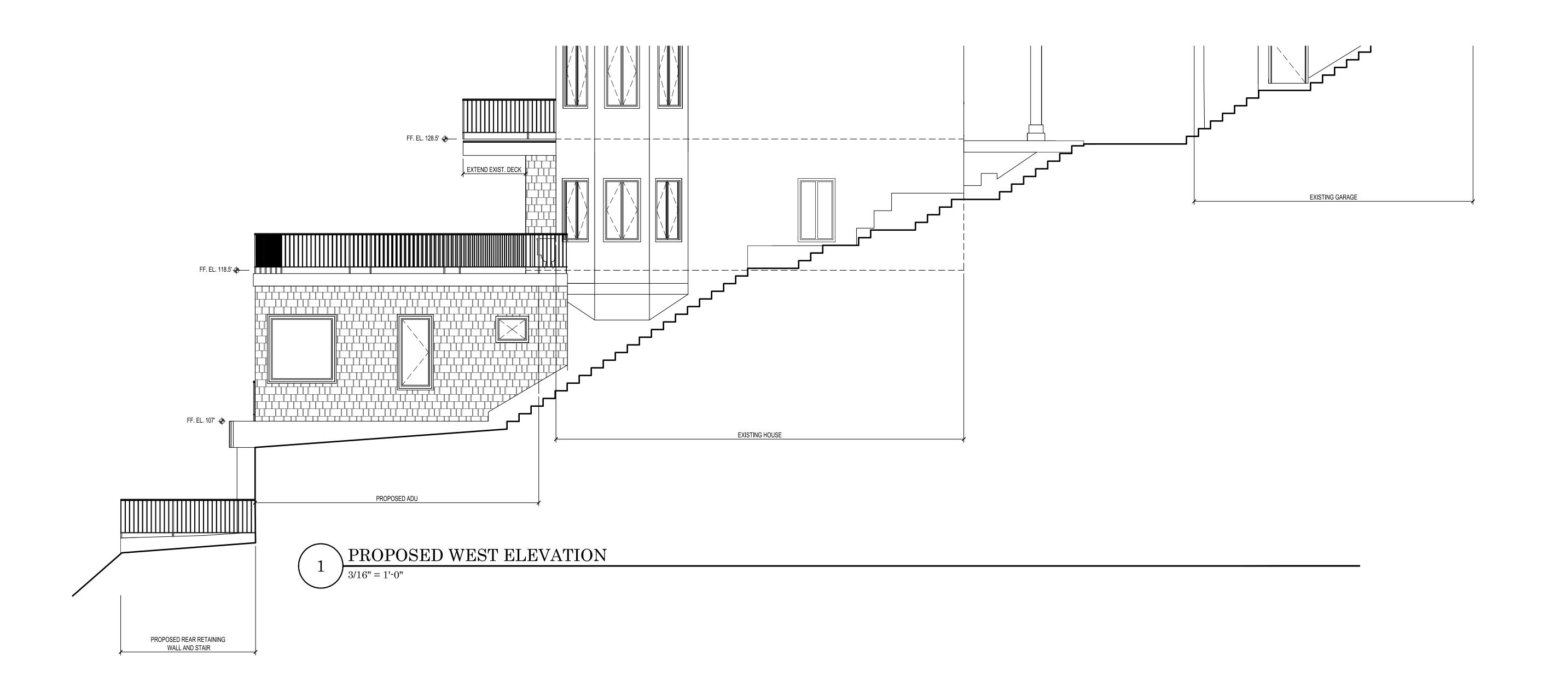
SITE STAIRS: Cedar treads; pressure treated stringers











ARCHITECTS & PLANNERS

ARCHITECTS & PLANNERS

202 TAME PLAN SERVE AND ARCHITECTS & PLANNERS

203 TAME PLAN SERVE AND ARCHITECTS & PLANNERS

203 TAME PLAN SERVE AND ARCHITECTS & PLANNERS

204 TAME PLAN SERVE AND ARCHITECTS & PLANNERS

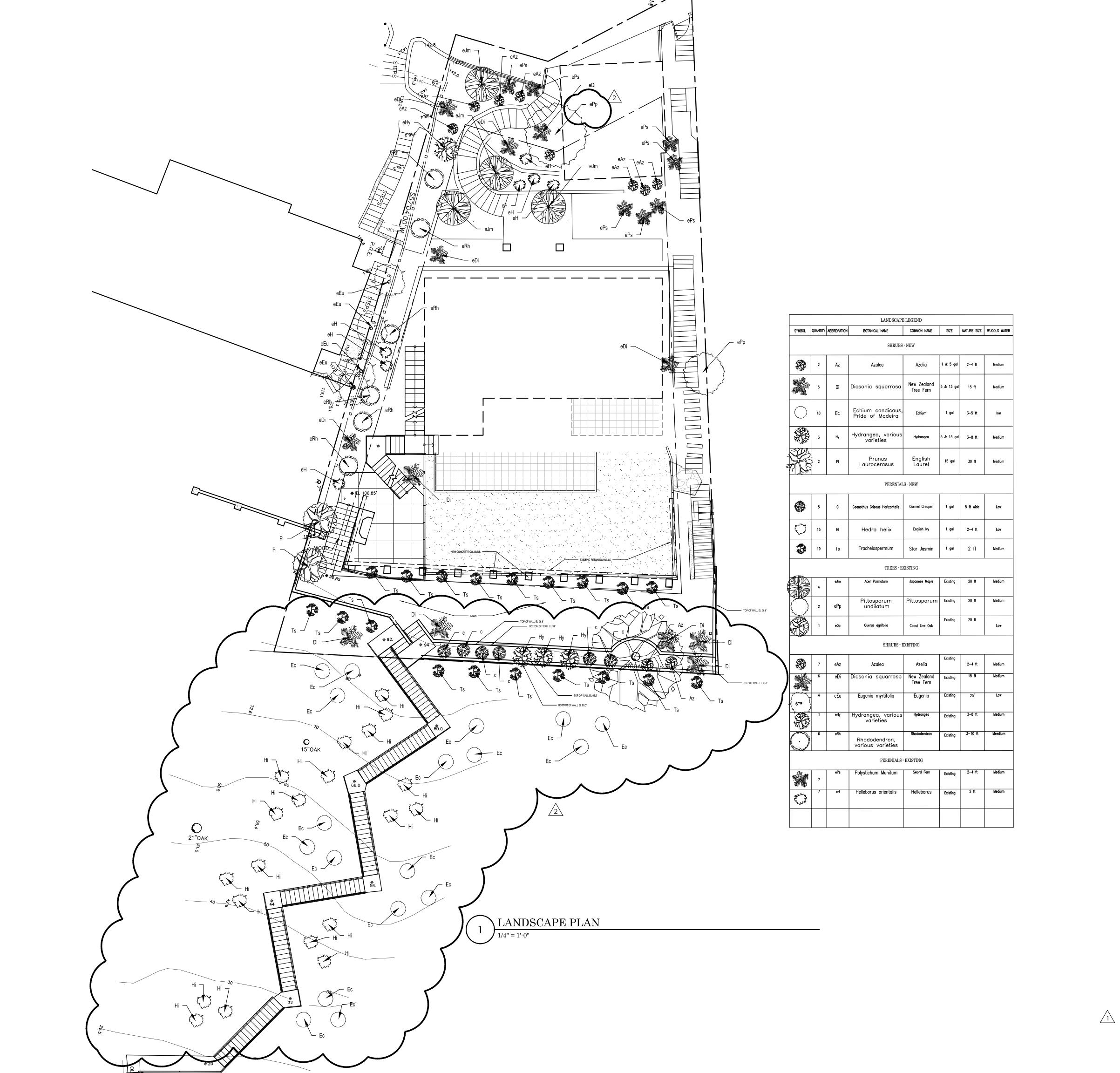
205 TAME PLAN SERVE AND ARCHITECTS & PLANNERS

205 TAME PLAN SERVE AND ARCHITECTS & PLAN SERVE AND ARCH

CONROE RESIDENCE

310 Beach Road Belvedere, CA.

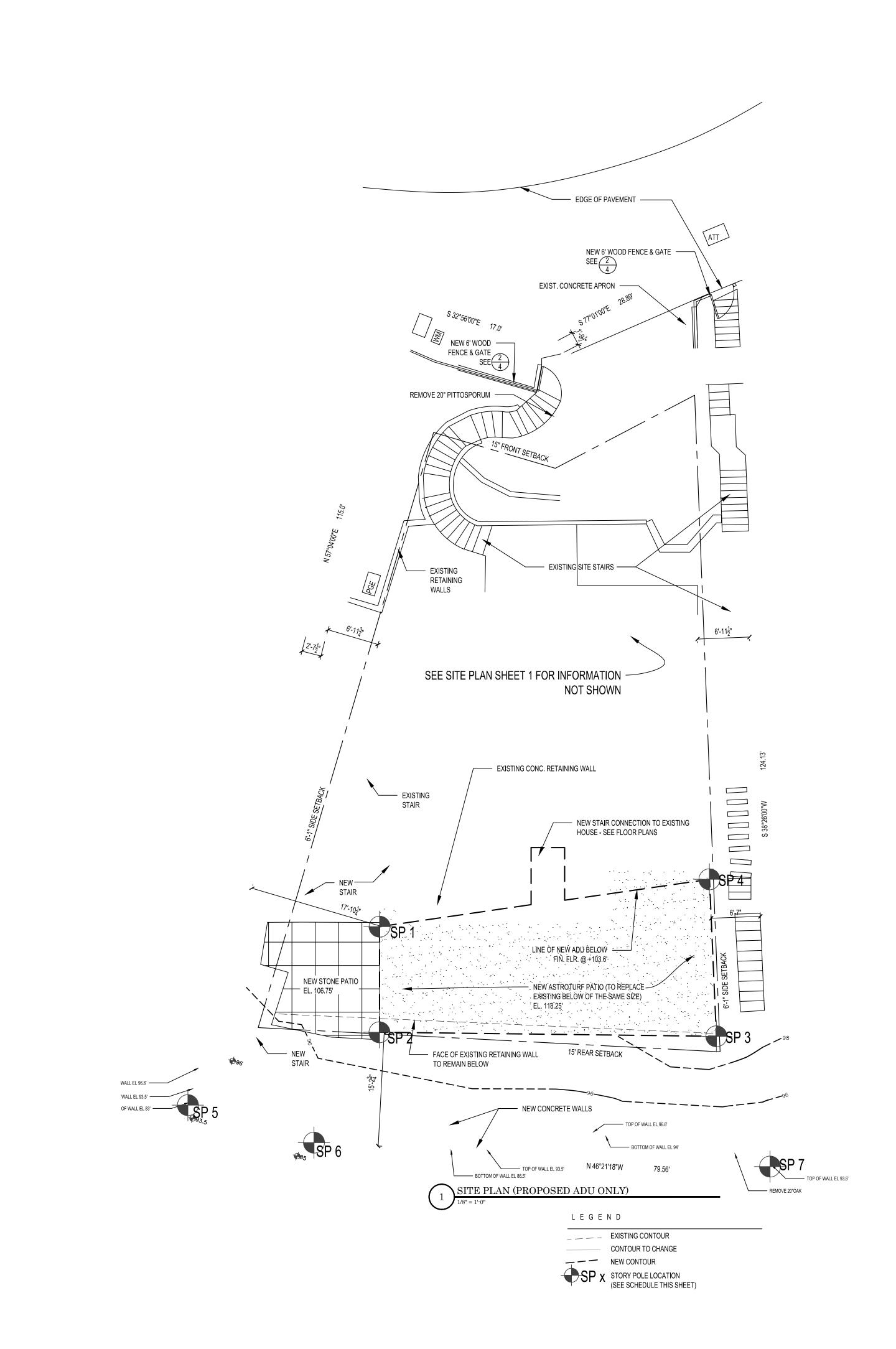
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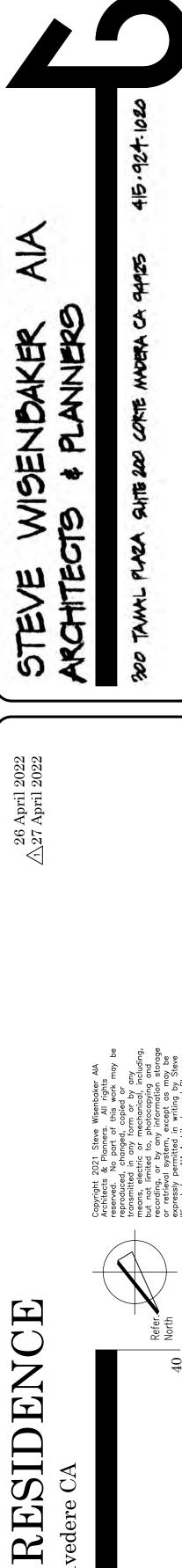




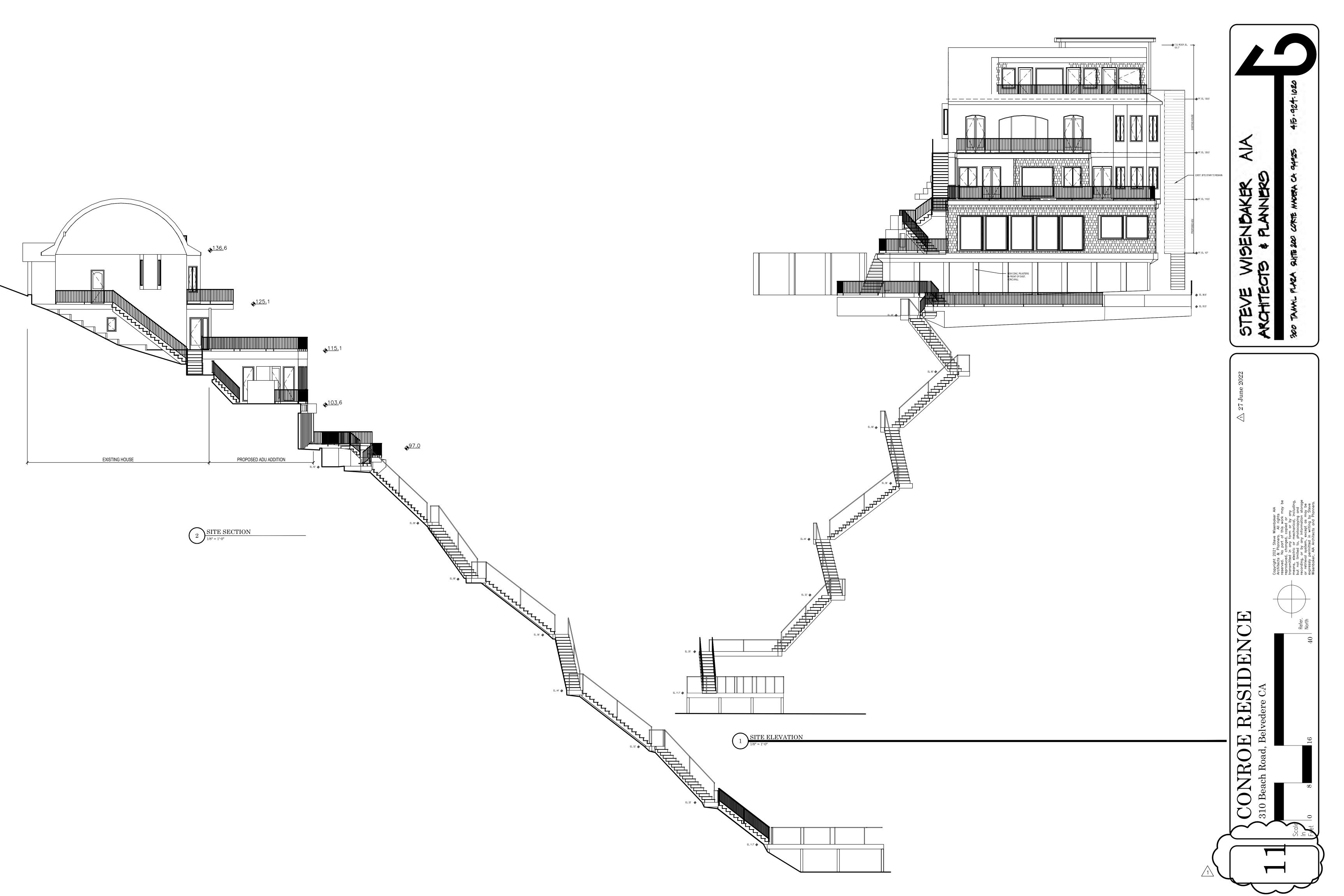
CONROE

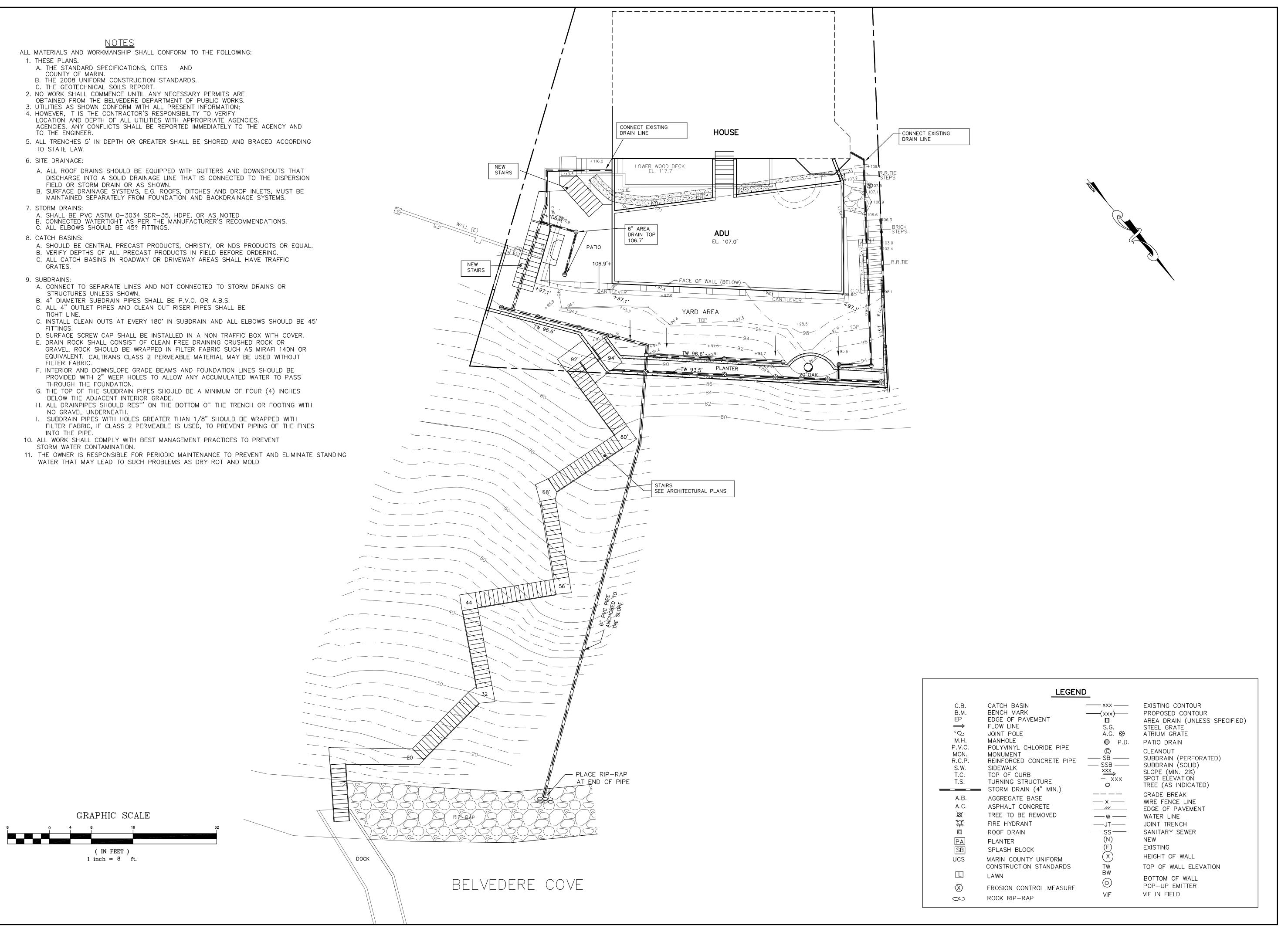
RESIDENCE





CONROE 310 Beach Road, Bel



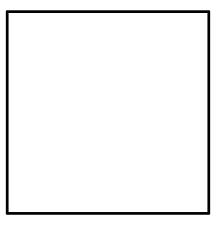


LAWRENCE DOYLE

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CIVIL ENGINEER
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310 BEACH ROAD
BELVEDERE CALIFORNI
A.P. 060-233-07

PRELIMINARY GRADING & DRAINAGE PLAN

DRAWN BY: CPD

DATE: ISSUE:

4/26/22
7/05/22

C-2

DRAWING NUMBER: 2972 SHEET 1 OF 1









To: City of Belvedere Planning Commission

From: Jean Bordon, City of Belvedere Parks, Open Spaces, and Lanes Committee

Date: July 16, 2022

Subject: 310 Beach Road, New Pages 1 and 11 of Plans, Without a new Revision Date

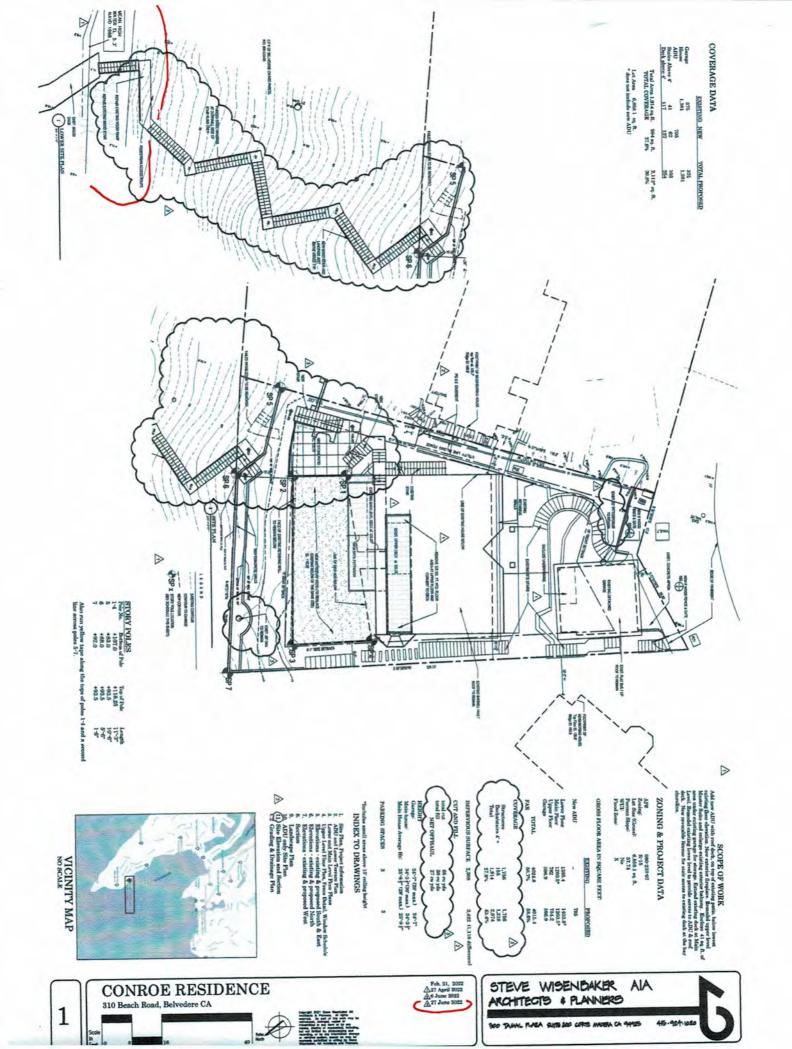
On July 15, 2022, Planning staff provided new versions of pages 1 and 11 of the plans. These continue to have the prior revision date of June 27, 2022. These do however contain changes, which I have circled in red on the attached copies.

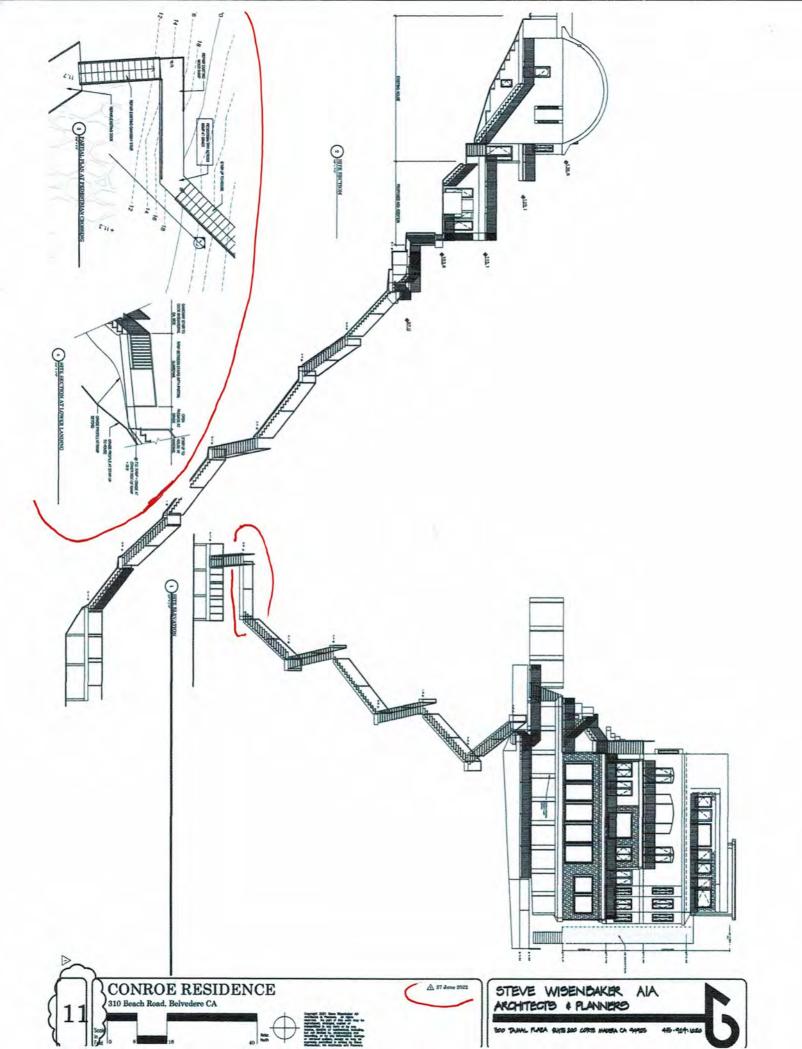
Page 1 now shows a "Pedestrian Access Route". Page 11 now shows details of this route including "Open Passage at Grade", "Pedestrian Way Across Ramp at Grade" and "Site Section at Lower Landing".

The stairway with these revisions would appear to allow members of the public walking on this City owned property, zoned as Open Space, to cross the stairway.

It is noted that these new versions followed a Zoom meeting on Tuesday, July 12, 2022, hosted by the Project Planning Associate, Samie Malakiman, and attended by Irene Borba, Planning Director, and Jena Watson and myself of the Parks, Open Spaces and Lanes Committee (POSLC). This would suggest that adherence to the new provisions in Sections 6.2 and 6.3 of the Administrative Policy Manual, which include a format for collaboration between Planning and POSLC prior to a Hearing on a project, will serve the public interest.

Jean Bordon City of Belvedere Parks, Open Spaces and Lanes Committee





BELVEDERE PLANNING COMMISSION

MINUTES

REGULAR MEETING

July19, 2022 6:30 P.M.

A. CALL TO ORDER OF THE REGULAR MEETING

Chair Pat Carapiet called the regular meeting to order at 6:30 p.m. in the Belvedere Council Chambers. Commissioners present: Pat Carapiet, Ashley Johnson, Marsha Lasky, and Nena Hart. Commissioners Absent: Larry Stoehr, Claire Slaymaker, Kevin Burke. Staff present: Director of Planning and Building Irene Borba, Substitute Assistant City Attorney Jenica Maldonado, and Associate Planner Samie Malakiman.

B. OPEN FORUM

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

No one wished to speak.

C. REPORTS

There were no reports.

D. CONSENT CALENDAR

MOTION: To approve the Consent Calendar.

MOVED BY: Marsha Lasky, seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Ashley Johnson (on Item 2)

ABSTAIN: Ashley Johnson (Item 1 due to absence from meeting)

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker,

- 1. Draft Minutes of the June 21 2022, regular meeting of the Planning Commission.
- 2. Motion to Approve Meeting by Remote Teleconference and adopt the following findings:
 - a. On March 4, 2020, Governor Newsom proclaimed a State of Emergency declared by Governor Newsom under the California Emergency Services Act due to COVID-19, which is still in existence;
 - b. State or local officials continue to impose or recommend measures to promote social distancing; and
 - c. The State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Commission members, staff, and the public to meet safely indoors in person; and
 - d. The Belvedere City Council has directed all legislative bodies within the City to meet by Teleconference until further notice.

E. PUBLIC HEARINGS

3. Design Review, ADU, Variance, and Revocable License applications for the property located at 310 Beach Road. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. Staff recommends that the Commission approve the proposed the proposed project. No Recusals.

Associate Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks.¹

Open public hearing.

The item was postponed to a later time in the meeting while the applicant was being contacted to arrange meeting access to the Zoom format.

Close public hearing.

4. Design Review application for the property located at 19 Windward Road. The project proposes a new 701 square foot second floor addition with 11 associated windows, two exterior doors, and two exterior wall lights. The proposed second floor would lead to a new roof deck balcony above the existing garage. The project proposes new stone veneer siding along the front face of the garage as well. Project Applicant: Lindsay Massey; Property owners: Maggie and Christopher Jackson. Staff recommends that the Commission approve the proposed the proposed project. No Recusals.

Associate Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks.²

Commissioners asked questions regarding complaints from neighbors about the history of constant recent construction and a need for a one year break between projects; the questions of the height of the building and triggers of both items on FEMA requirements; clarification of the existing Revocable License, and the nature of a 2018 8.5 SF addition in 2018.

Director Borba replied that research can be provided or perhaps the applicant can clarifiy these details. If the permits were properly issued and finaled then there would be no impact on the current application under FEMA. Heights of buildings are not relative to FEMA requirements either; rather, the elevation of the finish floor is the criteria for FEMA projects. This project is not deemed to be a substantial improvement and is not subject to FEMA.

Open public hearing.

Lindsay Massey, project architect, stated described the revised project. Recent conversations with the owners of 21 Windward Road regarding windows has been ongoing since the time of the

¹ The slide show presentation is archived with the record of the meeting.

² The slide show presentation is archived with the record of the meeting.

issuance of the staff report, but those have not been included in the current plans before the Commission tonight. Those can be reviewed after this consideration as revisions.

Maggie Jackson stated that the 8.5 SF addition was for a small half bath added under a covered porch in 2018 and the work also included a kitchen remodel also occurred. Later a pool repair and rebuild occurred that took approximately 8 weeks in 2020. There have not been continuous construction or permits for the past 4 years as has been suggested.

Commissioners asked for clarification of proposed new exterior lighting (in the balcony facing Windward Road), the upstairs loft purpose (TV and activity room for the kids) the stair location (structural reasons for it to remain as is) and proposed window modifications (removal of 2 loft windows facing the neighbor, reducing the size of the stairwell window, and reduce size of a window facing the Lagoon. The office window would remain as proposed.) Also asked was the rationale for the other side 'box' design with 2 very small windows (to appease that neighbor).

Ms. Jackson stated that the changes to the windows would be submitted for followup approval when the details are worked out.

Chair Carapiet stated that an approval can be conditioned to review and approve the window changes.

Elizabeth Brekhus, representing the owners of 17 Windward Road, has submitted a letter to the Commissioners.

Director Borba confirmed that the letter has been shared with the Commissioners.³

Ms. Brekhus went through the points in the letter, including Design Review considerations for harmonious and balanced development on the site and in the neighborhood, disagreement with the construction valuation provided for the project, discrepancies in the story pole heights, and requesting clarification on a 1974 Variance for the property.

The son of the owner of 17 Windward Road Raphine Lepine spoke to their objections as they are the most impacted neighbors to the proposed project. These include negative impacts on their privacy, views, and sunlight. The project does not meet the legal requirements for approval. The addition should be reoriented to be side to side and away from being weighted to their side of the lot.

Karina Halton, friend of the owner of 17 Windward Road, spoke to concerns of impacts of the proposed project on that neighbor. The environmental concerns over use of 'plastic grass' are an issue. The project is oversized, negatively impacts neighbors, and is not FEMA compliant.

Steve Broad, 21 Windward Road, looks forward to seeing the changes to the windows before the project is approved.

Rosalee Cornue, friend of the owner of 17 Windward Road, spoke to reconsideration of whether the project is FEMA compliant. She requested the denial of the application due to negative privacy impacts on 17 Windward Road.

Jeff Catinto, builder of the 17 Windward Road project, stated that the cost estimate for this proposal is understated. Rotation of the addition 90 degrees would be a better alternative and would reduce the impacts on 17 Windward Road.

³ Correspondence is archived with the record of the meeting.

Gabriel Lepine, son of the property owner of 17 Windward Road, requested denial of the project due to lack of FEMA compliance, privacy impacts on their home, and failure to meet Design Review requirements.

Michelle Lepine, owner, 17 Windward Road, requested that her concerns be addressed.

Erica Olsen Lepine, daughter in law of the owner of 17 Windward Road, stated that the proposal is too large, intrusive, and reduces a significant amount of light and privacy. The project is not compliant as prior projects should figure into FEMA valuation requirements and the spirit of the law

Scott Hamilton, Windward Road resident, supports the proposed Jackson project. This is a family who actually lives in Belvedere so there needs to be consideration for them and their needs over others who do not live here but who only visit.

Ms. Jackson responded that they are not trying to overbuild, but just find space for their family. They hope to accommodate their neighbors' concerns as well as they can and look forward to discussing window revisions with the Broad family if the item is continued. They are sorry that the neighbors were upset by the pool project and did that work as quickly as possible.

Ms. Massey added that they believe the budget is accurate and beneath FEMA requirements. The story poles are correct. They will verify their accuracy.

Close public hearing.

Commissioners discussed the proposal, including consideration of reorienting the addition to be perpendicular to the first floor to reduce neighbor impacts and be more in line with other second floor development in the neighborhood. If the loft were eliminated possibly that would increase air and space. A street-facing balcony was not supported. Window changes are supported. A continuance for story pole verifications is desired.

Vice-Chair Johnson stated that she can support the changes that have been made since the prior hearing. The applicants have a reasonable need for their improvements and would have to be in compliance with any other Lagoon zone projects for approval. She can make the findings if the clarifications on windows and story poles are determined. FEMA estimated valuations are currently accepted so that would not be a consideration at this time.

Chair Carapiet commented that artificial turf is allowed per State law; it is no longer subject to Design Review. In regards to the current project she agrees with Vice Chair Johnson and the current FEMA worksheets were adopted to gain consistency and compliance with FEMA regulations. She agrees that there is some uncertainty on some important information so a continuance would be favored.

Open public hearing.

Ms. Jackson replied that moving the upstairs addition would require too much structural work and would trigger a FEMA project which is not the course they wish to pursue.

Close public hearing

Chair Carapiet commented that artificial turf is allowed per State law; it is no longer subject to Design Review. In regards to the current project she agrees with Vice Chair Johnson that FEMA requirements are in compliance; the current FEMA worksheets were adopted to gain consistency

with FEMA regulations. The City previously adopted the zoning rights to two story buildings in the Lagoon zone at the time of the implementation of FEMA regulations.

She agrees that there is some uncertainty on some important information regarding story poles and proposed windows so a continuance would be favored.

MOTION: To continue the proposed project for Design Review at 19 Windward Road to a

future meeting of the Planning Commission.

MOVED BY: Marsha Lasky seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Ashley Johnson,

Nena Hart

NOES: None RECUSED: None

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker.

3. Design Review, ADU, Variance, and Revocable License applications for the property located at 310 Beach Road. The project proposes a 795 sf ADU and retaining wall at the rear of the home. The proposal includes interior renovations and landscaping at the rear. The project would enclose 41 sf of area underneath the garage for storage. The project would convert 123 sf of floor space into a new rear deck on the upper level and extend two rear decks at the main and lower levels. New wooden stairs would be placed on public property to access the residences existing dock. A new 6' wood fence and gate would replace existing at the front of the home as well. Project Applicant: Steve Wisenbaker; Property Owner: Lovebird Family Trust. Staff recommends that the Commission approve the proposed the proposed project. No Recusals.

Director Borba stated that the property owner is now available to join the meeting. The staff report was already presented at the beginning of the meeting.

Open public meeting.

Mark Conroe, property owner, 310 Beach Road, stated that he agrees with the staff report. He is available for questions.

Vie-Chair Johnson asked if there are any new lights. She only sees 6 proposed new lights. Also she asked how much increase is there in new glazing on the north side.

Steve Wisenbaker, project architect confirmed that there are only the 6 lights as required by the building code. There is no new lighting on the patio. The increase in glazing (not including the ADU) is not a significant increase in area.

Commissioner Lasky asked requested clarification of the ends of the balconies, are those solid or open. Answer was they are open metal rails, same as existing. She suggested that the windows in the ADU might be made smaller. Is Jasmine being used to cover walls and piers?

Mr. Wisenbaker stated that they would remain as shown. They face the Bay and have not impacts on neighbors. The Jasmine is correctly going to cover walls and retaining walls. (Applicant agreed with this comment)

Chair Carapiet asked if the roof deck on the ADU could be reduced to have no impact on 300 Golden Gate. Avenue (Applicant wants to retain the proposed size) Would the applicant consider windowing the Oak tree to improve the view. (He would)

Commissioner Hart asked if the ADU windows can be considered during the ministerial review. She would encourage some reduction in the amount of glazing to reduce light emissions.

Director Borba stated staff will look at this concern.

There were no public comments.

Close public hearing.

Vice-Chair Johnson stated the plans are consistent with Design Review findings. The biggest issue is the proposed improvements on the City's land known as 'The Strip'. Currently the owners hold a legal dock lease but have no provision for access to it. It makes sense to provide the access and she believes this does not constitute a new structure nor to be in conflict with the land's intended use and in fact these steps will benefit both the owners and the public access for the intended use of the land. Signage might be posted. The City should take a perspective to make this area more accessible and walkable to the public.

Commissioner Hart can support the overall project. She asked whether the pier is available for public access. She stated that the stairs are defined as 'structures' in the Code. She agrees that this will improve hill stability and safety. The City needs to support the provision of access to property owners to their pier.

Commissioner Lasky stated that the Parks and Open Space and Lanes Committee has suggested that the owner provide for public access allowing for the public to be able traverse the stairs when traveling along in the Strip. This has been added to the stair plan. The stairs will also assist structurally for the hill stability. She can make all the findings for the project.

Chair Carapiet can make the findings for Design Review for the home. She has difficulty with compliance with the 1896 Deed restrictions and 1996 update regarding the The Strip that state there can be no new structures built. She agrees that access to the shared dock should be pursued via the originally existing shared stairs on 312 Beach Road. There should be some coordination with that neighboring property owner to restore that access. The 1968 City document supported the shared dock with one stairway access. She understands the right to go down but not a separate access for each owner. This should be a consideration for the City Council to come up with better guidelines for this situation. Commissioner Johnson's suggesting of a public walkway along the strip would be a good plan. She cannot recommend the Revocable License.

Open public hearing.

Mr. Conroe understands the reasonable understanding of the provision of access to the dock. The City has promoted a solution to an historical problem of the sharing of the stairs. They seek to have access and to improve the stability of the hill.

Mr. Wisenbaker stated that City policy encourages separate and independent integrity of properties without conflicts of interest with neighbors. He would encourage the City Council to opine on the desirability of property independence. The Strip is frontage to the dock and should not be encumbered.

Chair Carapiet stated that the City property is a single continuous parcel so the situation is somewhat different.

Mr. Conroe stated that there is a public benefit to having the stairs to access the City property that abuts them for landscaping and stabilization, and independent access is a part of that.

Close public hearing.

MOTION: To approve the draft Resolution for Design Review at <u>310 Beach Road</u>.

MOVED BY: Marsha Lasky, seconded by Ashley Johnson

VOTE: AYES: Marsha Lasky, Ashley Johnson, Nena Hart

NOES: Pat Carapiet

RECUSED: None

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker

MOTION: To consider making a recommendation to City Council for approval of a Revocable

License for 310 Beach Road.

MOVED BY: Marsha Lasky, seconded by Ashley Johnson

VOTE: AYES: Marsha Lasky, Ashley Johnson, Nena Hart

NOES: Pat Carapiet

RECUSED: None

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker

4. Design Review and Use Permit for the property located at <u>71 Bellevue Avenue</u>. The project proposes to replace an existing 388 square foot U-shape dock with a 384 square foot rectangular shaped dock. The project would replace the existing 82 square foot gangway and five piles associated with the dock. The project is in the Recreation (R) Zoning District. Applicant and property owner: Noah Drever. *Staff recommends that the Commission approve the proposed the proposed project.* No Recusals.

Planner Sami Malakiman presented the staff report. A slide show accompanied his remarks⁴.

Open public hearing.

Commissioners requested clarifications of project details, including a need for a new or revised dock lease. The drawing attached to the original lease is different than what is proposed. The applicant can clarify.

Director Borba does not know why the Exhibit A on the original dock lease is different from what is existing. An updated dock lease exhibit might be required to bring it up to date.

Open public hearing.

Noah Drever, property owner, stated that in 1977 the family modified the orientation of the ushaped dock. The current boat lift is still in good condition and will be retained. The rectangular design is what was recommended for better stability. BCDC and other agencies will provide permits for the dock. It will be attached to 3 pilings in the same exact locations. The result will be a smaller dock that does not flex like a u-shaped dock in the area currents.

Chair Carapiet asked if the missing pier footing still exists.

Mr. Drever says he does not think it is still there.

Open public hearing.

No one wished to speak.

⁴ The slide show presentation is archived with the record of the meeting.

Close public hearing.

Commissioner Hart stated she had noticed a change of location from the old pilings to the new ones. Whether this is considered 'new' or 'replacement' may not be of significance other than to verify this. She supports the new materials and design. She can make the findings for the Design and Use Permit.

Vice-Chair Johnson agrees with Commissioner Hart. She can support the requests.

Commissioner Lasky agrees with her fellow Commissioners and she can make the findings for the Use Permit and Design Review applications.

Chair Carapiet agrees with her fellow Commissioners and supports the findings for both applications. She would add a condition of approval as to whether a revised lease document may be required.

MOTION: To approve the application for Use Permit for a replacement gangway and floating

dock at 71 Bellevue Avenue as conditioned.

MOVED BY: Ashley Johnson, seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Ashley Johnson.

NOES: None ABSTAIN: None RECUSED: None

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker

MOTION: To approve the application for Design Review to replace a gangway and floating

dock at 71 Bellevue Avenue as conditioned.

MOVED BY: Ashley Johnson, seconded by Nena Hart

VOTE: AYES: Pat Carapiet, Marsha Lasky, Nena Hart, Ashley Johnson.

NOES: None ABSTAIN: None RECUSED: None

ABSENT: Larry Stoehr, Kevin Burke, Claire Slaymaker,

Meeting was adjourned at 9:45 PM.

PASSED AND APPROVED at a regular meeting of the Belvedere Planning Commission on August 16, 2022, by the following vote:

Tugust 10	, 2022, by the following ve	te.
VOTE:	AYES: NOES: ABSTAIN: RECUSED: ABSENT:	
		APPROVED:
		Pat Carapiet, Planning Commission Chair
ATTEST	:	
	Beth Haener, City Clerk	

PUBLIC HEARING

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Robert Zadnik, City Manager

Helga Cotter, Administrative Services Director

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 June 2021.

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.

• <u>City Attorney Fee:</u> The fee schedule was amended in June 2021 to include the City Attorney's hourly rate in the hourly billing rate schedule. The billing rate listed in the current fee schedule for the City Attorney is \$240 per hour, which was the rate of the previous City Attorney. A new contract for City Attorney services was approved at the December 21, 2021, Special Council meeting. The new City Attorney, Renne Public Law Group's, rate is \$335 per hour. Staff is proposing to modify the fee schedule's hourly billing rates to list the City Attorney's fee as \$335 per hour based on the current hourly rate.

- <u>Senate Bill 9 (SB9) Fee:</u> On September 16, 2021, California Governor Gavin Newsom signed SB9 into law to establish California Government Code Sections 65852.21 and 66411.7 which requires ministerial approval of a one-time, two-lot subdivision and up to two (2) units per lot. The City Council passed an urgency ordinance on January 10, 2022, to comply with Senate Bill 9 (SB9). Projects submitted under SB9 must still comply with all other existing zoning and objective design standards adopted in Belvedere. There are specific criteria required for this type of a request; therefore, an application and fee for this process needs to be established for the City of Belvedere. A time & 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.
- <u>Staff Hourly Billing Rates:</u> As part of the current Master Schedule, staff time is billed as time & materials for most planning service fees. The proposed hourly billing rates reflect the most current staff rates as of July 1, 2022. A preliminary estimate of the cost recovery rate for the Planning and Building Department as of June 30, 2022, is 73 percent. The proposed fees and hourly billing rates target 90% cost recovery.

Fiscal Impact

No significant fiscal impact to the City is anticipated as a result of these minor change to the fee schedule.

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, labor and service costs (the primary drivers of fee-related costs) typically 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. They are also 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.

Attachments

• Resolution with Master Schedule of Fees included as Exhibit A

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

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 an amendment 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 August 8, 2022, 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 August 8, 2022, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	APPROVED:
	Sally Wilkinson, Mayor
ATTEST:	·
Beth Haener, City Clerk	

Resolution No. 2022-xx Master Schedule of Fees, Charges & Application Fees Proposed for FY2022-23

Only Planning Department fees are shown, as no other fees are affected by this change.	Current as of August 2021	Proposed
	_	N/C = No Change
Item/Purpose	Fee	Fee
Planning Department Architectural Consultant Deposit	\$2.500	N/C
Appraisal Deposit	\$1,000	N/C
Design Review - Staff Level	\$500	N/C
Design Review - Exception	T&M* with an initial deposit of \$2,000.	N/C
Design Review - Planning Commission Approval (remodel 251 - 500 sf)	T&M* with an initial deposit of \$2,000.	N/C
Design Review - Planning Commission Approval (remodel 501 - 1,500 sf)	T&M* with an initial deposit of \$2,000.	N/C
Design Review - Planning Commission Approval (=/> 1,501 sf)	T&M with an initial deposit of \$4,000.	N/C
Design Review - Planning Commission Approval (new residence) Design Review - Continuance (redesign or revision)	T&M with an initial deposit of \$4,000. T&M with an initial deposit of \$2,000.	N/C N/C
Design Review - Continuance (redesign or revision) Design Review - Application for a Previously Approved Project	1/2 total fees	N/C
Design Review - Extension (1st Time)	\$200	N/C
Design Review - Extension (2nd and each subsequent time)	\$500	N/C
SB9 Review - Lot Split		T&M with an initial deposit of \$2,000.
SB9 Review - Two-Unit Development		T&M with an initial deposit of \$2,000.
Retroactive Approval	2X total fees + \$500 min. fine	N/C
	·	N/C
Planning Commission Noticing Fee (applicant-requested continuance)	\$105	N/C
Variance Application Appeal of Planning Commission Action	T&M with an initial deposit of \$2,000. \$1,000 applicant; \$750 non-applicant	N/C N/C
Appeal of Staff Action	\$1,000 applicant; \$750 non-applicant \$1,000 applicant; \$750 non-applicant	N/C N/C
Conditional Use Permit	T&M with an initial deposit of \$2,000.	N/C
Demolition Permit (Planning Only)	T&M with an initial deposit of \$2,000.	N/C
Environmental Review Deposit - Initial Study/Negative Declaration. For the filing of a		
Notice of Determination for either a Negative Declaration or Mitigated Negative		
Declaration.	T&M with an initial deposit of \$2,500 + pass	
- \$2,500 City fee	through fees as set by State Fish & Wildlife	
- Pass-through fee as set by State Fish & Wildlife Dept	Dept. and County of Marin	
- Pass-through fee as set by County of Marin		
		N/C
Environmental Review Deposit - Environmental Impact Report. For the filing of an	T014 W	
Environmental Impact Report.	T&M with an initial deposit of \$5,000 + pass	
- \$5,000 City fee	through fees as set by State Fish & Wildlife	
 Pass-through fee as set by State Fish & Wildlife Dept Pass-through fee as set by County of Marin. 	Dept. and County of Marin	N/C
Pass-tirrough ree as set by County of Marin. Development Agreement	T&M with an initial deposit of \$10,000.	N/C
Floor Area Exception	T&M with an initial deposit of \$2,000.	N/C
Housing - Preliminary Housing Development Application (SB 330)	T&M with an initial deposit of \$5,000.	N/C
Housing - Affordable Housing Streamlined Application (SB 35)	T&M with an initial deposit of \$5,000.	N/C
Lot Line Adjustment	T&M with an initial deposit of \$2,000.	N/C
Lot Merger	T&M with an initial deposit of \$2,000.	N/C
Reasonable Accommodations Requests for Disabled	\$500	N/C
Revocable License	\$500	N/C
Second Unit and Junior Second Unit	N/C	N/C
Study Session (Planning Commission or City Council)	T&M with an initial deposit of \$2,000.	N/C
Subdivision - Tentative Map Subdivision - Final Map	T&M with an initial deposit of \$4,000. T&M with an initial deposit of \$4,000.	N/C N/C
Subdivision - Final Map Subdivision - Improvement Plan	T&M with an initial deposit of \$4,000.	N/C N/C
Subdivision - Improvement Fian Subdivision - Minor - Tentative Map (Lot Split)	T&M with an initial deposit of \$4,000.	N/C
Subdivision - Minor - Final Map (Lot Split)	T&M with an initial deposit of \$2,000.	N/C
Historic Preservation Application	\$53	N/C
Mills Act Contract Application (\$105 non-refundable deposit + \$1,202 application)	T&M with an initial deposit of \$2,000.	N/C
Work in Inundated Lands	\$300	N/C
Zoning Ordinance Amendment	T&M with an initial deposit of \$4,000.	N/C
Planned Unit Development Rezone/Planned Unit Development Permit	Time & materials with an initial deposit of	
·	\$5,000.	N/C
Second Kitchen Agreement	\$500 \$36	N/C
Planning Permit Tracking/Technology Fee Hourly Billing Rates for Deposit-Based Services:	\$26	N/C
a) Director of Planning & Building	a) \$110	a) \$120
b) Associate Planner	b)	b) \$60
c) Senior Planner	c) \$80	c) \$90
d) Building & Planning Technician	d) \$60	d) \$65
e) City Attorney	e) \$240	e) \$335
NOTES:		
* $T\&M$ = Time and Material for staff time (hourly rate plus 10% 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		
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		
When more than one Planning application is required (except environmental), the		

OTHER SCHEDULED ITEMS

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Robert Zadnik, City Manager

Irene Borba, Director of Planning and Building

Brian Van Son, Building Official

Subject: Findings and recommendations of Construction Impact Committee

RECOMMENDATION

Review and discuss the findings of the Construction Impact Committee and provide staff with direction with respect to specific recommendations of the Committee.

BACKGROUND/DISCUSSION

At the February 14, 2022 regular City Council meeting, Council adopted a resolution establishing a temporary committee to analyze potential construction impacts and provide recommendations to Council. This was in response to a discussion at the January 24, 2022 Council and Management Retreat where Councilmembers discussed concerns/complaints that have been voiced by residents regarding impacts from construction activity. The concerns raised generally related to dust, noise, traffic, and parking impacts from residential construction projects, utility upgrades, and Capital Improvement Projects.

The Committee met over a period of six months and started by analyzing project and road closure data trends in Building, Planning, and Public Works. With this information, they divided into several subgroups that focused on developing solutions to address distinct categories of impacts. These included:

- Review of fees associated with grading, road-impact, and road closures
- Review of the City's Design Review process
- Review of Parking and Construction Time Limit (CTL)
- Ideas for managing communications, information, and complaints
- Options for modifying permitted work hours
- Review of Historic Properties

The full Draft Report contains a summary of the Committee's work, findings, and recommendations for consideration by City Council (Attachment 1).

NEXT STEPS

The Chair of the Committee, John Tantum, will be attending the Council Meeting via Zoom to provide a summary of the Committee's work and final recommendations.

The Committee and Staff are seeking feedback from City Council on which recommended policies and programs should be implemented, researched further, or abandoned. Staff will then work with the Committee to return to Council at a later date with additional information and necessary draft amendments to the City's Municipal Code and Administrative Policy Manual.

This was a significant undertaking; members of the Construction Impacts Committee should be commended for their efforts in searching for solutions to these complex issues.

FISCAL IMPACT

Staff does not foresee fiscal impacts to the city other than staff time to assist the subcommittee.

ATTACHMENT

- 1. Construction Impact Committee July 7th Draft Report.
- 2. Correspondence

CITY OF BELVEDERE CONSTRUCTION IMPACT COMMITTEE

Draft report, August 3, 2022

I. Summary

A. Key data

- 1. Data supports observations that construction has increased in recent years.
 - a) Construction increased in 2020 and 2021 over levels seen in preceding 10 years.
 - b) Road closures and encroachments also were among the highest in the preceding 10 years.
- 2. Large projects (project valuations excess of \$500K) are responsible for most road closures and encroachments.
- 3. Length and scope are primary drivers of construction impact on a neighboring community.

B. Summary of recommendations

- Increasing certain fees may enhance efficient use of public resources, recover for roadway damage, and bring Belvedere in line with fees charged in other Marin municipalities.
- Enhanced enforcement of existing Design Review standards to preserve site
 conditions should reduce project scope and duration, and limit truck trips that add
 to traffic and parking congestion, and unduly impact our roadways.
- 3. Greater enforcement of existing rules regarding construction parking permits and limits on vehicles per project can reduce impacts.
- 4. We should consider revisions to the Construction Time Limit ordinance that may encourage more consistent compliance with CTL deadlines.
- 5. We can improve communications about building projects to enhance neighborhood awareness and expectations, and encourage reporting of complaints to help us better understand construction impacts.
- A proposed12-month trial period of modestly increased permitted hours for quiet work should shorten project duration without adding meaningful impacts.
- 7. We should examine our list of historical properties to ensure that construction projects do not unduly impact our objective of preserving historic properties.

II. Committee Background, Approach and Data Review

- A. Construction Impact Committee ("CIC") Background
 - 1. Formation
 - a) Formed by City Council Resolution 2022-11 approved on February 14, 2022.
 - b) Charter is set forth in Exhibit A to that resolution.
 - 2. Members
 - a) Public Members

- (1) Andy Allen
- (2) Jane Cooper
- (3) Sandy Donnell
- (4) Jeff Hadley
- (5) Peter Mark (City Council Liaison beginning June 2022)
- (6) Steve Stroub
- (7) John Tantum (Chair)
- b) City Council Liaisons
 - (1) Steve Block
 - (a) Upon Steve Block's resignation from Council, James Campbell was appointed Liaison.
 - (b) Upon Peter Mark's appointment to Council, he replaced James Campbell as Liaison in June 2022.
 - (2) Jim Lynch
- c) Ex-Officio (at invitation of Committee Chair):
 - (1) City Manager
 - (2) Building Official
 - (3) Planning Official
 - (4) Chief of Police
- 3. Scope per Resolution 2022-11, Exhibit A:
 - a) Gather and analyze data pertaining to construction projects (e.g., number and types of building permits, number of road closures) and citizen complaints related thereto;
 - b) Evaluate whether residents are currently experiencing greater impacts from projects than in the past because of the complexity of projects, more stringent building code requirements, or topography challenges, etc;
 - c) Evaluate whether the concentration of construction projects is contributing to negative impacts on residents;
 - d) Consider options for reducing construction impacts on Belvedere residents consistent with the City's desire to continuously improve its environment; and
 - e) Report the findings of its analysis to Council and, if applicable, make recommendations to Council on strategies that could mitigate the impacts of construction projects on residents.
- 4. Traffic & Safety Committee
 - a) The CIC was mindful of the extensive work by the Traffic Safety Committee, and endeavored not to replicate or revisit the analysis and recommendations in that committee's 2021 report to Council.
- 5. Timing
 - a) This is a temporary committee (approximately 6 months) scheduled to "disband after its report to Council," unless Council directs otherwise.
- B. Approach
 - 1. The CIC began by considering all ideas about reducing construction impacts.
 - a) We then divided into groups focused on developing ideas to address distinct impacts.

b) We then discussed those ideas in public hearings, and refined ideas for further research and analysis in sub-groups.

2. Public meetings

- a) Monthly, beginning in March, 2022
- b) Draft report presented to Council in August.
- c) August 2022 is the last planned meeting, with the final report to Council in August.

C. Data Review

- 1. A primary question we confronted was whether construction actually was increasing in Belvedere, or whether residents were experiencing more impacts because COVID caused residents to spend more time at home. Or both?
 - a) We cannot discount the effect of COVID on residents' experience of construction impacts.
 - b) But the data confirms that 2020 and 2021 were among the busiest construction periods in a decade.

2. Building permits

- a) Data supports the conclusion that construction activity was higher in 2021 than in years past.
 - (1) 2021 had the highest number of opened building permits -- 289 -- since 2013. 2021 had 9% more open permits than 2020, and 21% more than 2019.
- b) An increase in "large projects" (over \$500k in value) may be causing greater community impact.
 - (1) In 2020 14 projects opened with valuations of more than \$500K (including 1 valued at more than \$2 million and 1 at more than \$7 million).
 - (2)
 - (3) In 2021 10 projects opened with valuations of more than \$500K (including 5 valued at more than; \$1 million and 1 valued at more than \$2 million).
 - (4) For comparison, in 2019, 7 projects opened with valuations of more than \$500, (including 1 valued at more than \$1 million).
- 3. Road encroachments and closures are higher, with large projects responsible for most of them.
 - a) Large projects account for most road encroachments and closures
 - b) In 2019 2022, 11 projects accounted for:
 - (1) 470 of 605 road encroachments; and
 - (2) 48 of 61 road closures.
 - c) Large projects at "choke points" in roadways are particularly challenging.

III. Discussion and Recommendations

A. Topic 1: Fees for road encroachments, closures, "impacts," and "grading"

- The Committee compared Belvedere's fees to other community fees, and while "apples to apples" comparisons were not always possible, we did make the following observations.
- 2. Road encroachment and closure fees.
 - a) Compared with other Marin municipalities, Belvedere's fees do not appear to encourage efficient use of encroachment and closure permits.
 - b) Many Marin towns charge encroachment fees that are three to nine times higher than Belvedere.
 - (1) Belvedere's encroachment fee is \$53/day and \$105/week
 - (2) Some surrounding towns charge from \$180 to \$463 per day, and some charge a percentage of the project value, which would be much higher than \$463/day, in most instances.
 - c) Belvedere's road closure fee is \$245/half-day and \$489/day.
 - (1) Mill Valley is \$292/day
 - (2) Ross charges \$1,796/day minimum
 - (3) Most Marin towns do not allow road closures
- 3. "Impact" fees
 - a) Belvedere charges a "road impact fee" of 0.075% of project valuation.
 - b) Except for Sausalito which has no specific "road impact fee," every other municipality in Marin charges at least 0.1% road impact fee.
- 4. "Grading" fees
 - a) Unlike most municipalities in Marin, Belvedere does not charge for truck trips related to "grading" of a property.
 - (1) Ross charges \$3/cubic yard hauled in/out of town
 - (2) Mill Valley charges \$1,052 for 51-100 cubic yards, then increases the cost above 100 cubic yards (\$20/cubic yard for 51 cubic yards).
 - b) Cement trucks contain approximately 8-10 cubic yards; dump trucks approximately 10-16 cubic yards.
- 5. Recommendations:
 - a) To encourage more efficient use of public resources, revise fees for road encroachment and closures, impact fees, and grading. These recommendations will also, protect roads and bring fees in line with fees in surrounding municipalities.
 - Increase the day-long encroachment permit fee to \$260/day (about five times higher than present, and in the middle of fees many surrounding municipalities charge).
 - (2) Create a new category of encroachment permit for single deliveries with a fee \$53 per delivery. This is equal to the current encroachment permit fee.
 - (3) Increase road closure fee to \$490/half day and \$990/day (about double existing fees).
 - (4) Increase "impact" fee to 0.01% of project valuation (in line with all other towns charging impact fees).

- (5) Impose "grading" fee of \$10/cubic yard. This is roughly a midpoint between the Ross and Mill Valley fees, and is about \$100 per truck trip.
- (6) Implement an inflation-based annual escalator for all fixed fees.

B. Topic 2: Design Review requirement that projects "preserve existing site conditions."

1. The Planning Code requires that projects minimize the removal of rock and soil, "cut and fill areas," and grade changes. BMC, section 20.04.110:

To preserve the landscape in its natural state, the removal of trees, vegetation, rock, and soil should be kept to a minimum. Projects should be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape. All disturbed areas should be finished to a natural appearing configuration and planted or seeded to prevent erosion. (Ord. 90-5 § 2, 1990; Ord. 80-1 § 48, 1980.)

- 2. This Planning Code requirement has many benefits, including reducing the number of truck trips to haul dirt, debris, and concrete.
 - a) Fully loaded cement trucks and dump trucks can weigh up to 33 tons roughly 16 times more than a typical passenger vehicle.
 - b) They are responsible for many road encroachments and some road closures.
 - c) They significantly add to traffic and parking congestion.
 - d) They substantially add to wear and damages to our roadways.
- 3. The CIC recognizes that current construction standards often require more substantial concrete foundations for structures, engineered walls, fences, etc., than in the past. Simply replacing a fence or decking can require much more steel and concrete than existing. But we can and should preclude site changes that require anything beyond minimal revisions to existing conditions.
- 4. Recommendations:
 - a) The Planning Department should apply more scrutiny to enforce Section 20.04.110 by precluding site grading, terracing of sloped lots and other plans beyond "minimal" changes to site conditions.
 - b) The Planning Department should require estimates by cubic yard for "cut and fill" and concrete, including for landscaping plans.
 - c) The Building Department should require precise numbers by cubic yard for "cut and fill" and concrete, including for landscaping plans, before issuing a building permit.
 - (1) Any requests to increase such amounts should be strongly disfavored.

C. Topic 3: Parking

 Construction-related parking beyond the allowable limit has an adverse impact on neighborhoods by the loss of on-street parking, street congestion, and impairment of emergency access.

- 2. Belvedere Police can and do respond to complaints regarding traffic and parking related to construction, however, if no statute or ordinance is being violated their primary concern is health and safety, and possible traffic violations.
- 3. Belvedere Building Department officials attempt to remind and enforce the requirements of a Permittee's Staging and Parking Plan, but the Building Department does not currently have the personnel adequately to enforce the requirements nor, as importantly, the policy guidelines for this enforcement.
- 4. Recommendations:
 - a) Modify Staging and Parking Plan policy to include potential work stoppages and/or fines associated with policy requirements, including the three vehicle parking limit, as well as material storage and equipment storage and utilization. Establish manageable procedure for Building Department enforcement of contractor parking requirements. Broader site inspections and building department staffing would likely be required.
 - b) Specifically, codify the current custom into actionable policy. Current custom is a verbal warning, written warning, and finally a stop work order, although this rarely, if ever happens. New policy would be a verbal warning, a written warning, and finally an administrative citation pursuant to Chapter 1.15 of the Belvedere Municipal Code.
 - c) Additionally, a new or modified Ordinance may be necessary similar to the recently adopted Ordinance amending Title 9 of the Belvedere Municipal Code by adding chapter 9.80, "Parks and Community Center," regulating the use of Belvedere parks and Community Center. This new ordinance would govern the enforcement of the modified Staging and Parking Plan
 - d) City should consider adding people, possibly part-time employees or in conjunction with Tiburon, to enforce parking regulations.
- 5. The CIC also discussed the possibility of establishing two-hour parking regulations for all cars other than residents' throughout the City. While this option seems to be beyond the scope of the CIC, we feel it could have a positive impact on construction-related parking. The Traffic & Safety Committee recently reviewed parking regulations and we defer to their recommendations.

D. Topic 4: Construction Time Limit

- 1. Belvedere's Construction Time Limit Ordinance (20.04.035) and related Administrative Policy (14.4) provides for a maximum amount of time for completion of a project without incurring a penalty. Time is based on valuation from 6 months to 18 months. A 24 month CTL can be approved by the Planning Commission prior to the issuance of a building permit. This ordinance is intended to motivate the timely completion of construction projects.
- 2. We may consider revisions to the CTL to more effectively encourage project owners to complete projects within the CTL.
- 3. Recommendations:

- a) Migrate to a Permit Expiration model. Permits are valid for a fixed number of months (6, 12, 18); unusually complex project permits can still be issued for 24 months at the discretion of the Planning Commission. If the work is not complete within the initially-approved time period, reactivation fees would be required. The fees and penalties necessary to reactivate a permit increase with successive reactivations.
- b) Example attached.
 - (1) The goal is to improve upon the project shortening financial motivation of Construction Time Limits. A reactivation/extension charge is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building inspection services.

4. Actions

- a) Belvedere would need to modify section 16.03.020, which amends the California Building Code uniquely for Belvedere. Section 105.5 Expiration of the California Building Code would need to be modified in the BMC (16.03.020).
- 5. Supporting Documents
 - a) Relevant City Ordinances & Policies
 - (1) 20.04.035 Time limits for construction
 - (2) Policy 14.4 Violation of the Construction Time Limit Ordinance
 - b) Model Ordinance from Tiburon
 - (1) https://library.municode.com/ca/tiburon/codes/code of ordinances ?nodeId=TITIVLAIMUS CH13BURE
 - (2) Example
 - (a) Grace Period. In instances where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to three (3) months may be granted, without payment of additional charges or penalties.
 - (b) Extension #1 (6 Months). If the project is not completed within the extension allowed under section 1 above, a Stop Work Order may be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. A six (6) month extension may be issued by the Building Official once a reactivation/extension Charge equal to one (1) times the original project construction permit fee is paid.
 - (c) Extension #2 (6 Months). If the project is not completed within the six (6) month extension allowed under section 2 above, a Stop Work Order may be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. Reactivation and extension of

- the permit for another six (6) month period shall be allowed only if a Reactivation/Extension Charge equal to three (3) times the original project construction permit fees is paid.
- (d) Extension #3 (tbd) with City Council Approval. If the project is not completed within the six (6) month extension allowed under section 3 above, a Stop Work Order shall be issued and the matter referred to the City Council for resolution. The City Council may reactivate and extend the permit for additional time based upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees as a Reactivation/Extension Charge. The City Council may reduce the reactivation/extension charge based on such reasons as the project's nearness to completion and/or the cause of the delay. The City Council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion.

E. Topic 5: Communications, information, and complaints

- Improving communications regarding construction projects, and implementing a system for tracking complaints, will help us continue to monitor construction impacts going forward.
- 2. Recommendations:
 - a) Improve oversight: Provide adequate Building Department personnel to oversee safety, orange tags, parking issues, mess from workers, permitting issues
 - b) Improve Communication
 - (1) Create and publicize a single contact point, including a phone number (unattended, with voicemail) and an email address, for all comments or complaints about construction impacts.
 - (a) This contact point should cover matters related to Building, Planning, Public Works, parking, traffic, and other construction-related matters. Belvedere residents often do not know which department should handle their concerns.
 - (b) City staff should monitor all communication and distribute to the appropriate department or staff.
 - (c) Data on complaints should be collected and analyzed on a periodic basis.
 - (2) For projects expected to have a duration of more than 30 days, and any long-duration encroachment or road closure permit (or other projects as determined by the Building Department), require on-site sign/poster, with a QR code that links to Planning Dept., at each worksite displaying:

- (a) Project/site address;
- (b) Permitted duration of project;
- (c) Permitted hours of construction Subsection 105.7.1 of Municipal Code 16.04.030
- (d) Name, address, and phone number of contractor or lead agency;
- (e) Name, address, and phone number of the person responsible for the project or in case of emergency;
- (f) The email of the Belvedere building official to contact for complaints regarding the project.
- (3) Improve community outreach, as a condition of use:
 - (a) For municipal projects, require an agency introductory letter to all affected neighbors with contact information for primary liaison.
 - (b) For large residential projects, require a contractor introductory letter to all affected neighbors with contact information for primary liaison.
- (4) Improve the Building Department website
 - (a) Revise and update
 - (b) List current and upcoming road encroachments and closures

F. Topic 6: Permitted work hours

- 1. The CIC's objective is to explore how modifying permitted work hours, for quiet work only, could reduce the <u>duration</u> of projects without meaningfully increasing disruptions. To illustrate, a 5% increase in productivity due to expanded quiet work hours could result in a large project being completed 4-5 weeks sooner.
- 2. Based on discussions with two of Belvedere's leading contractors, who participated on the CIC, there are several ways expanding permitted work hours will reduce project duration and construction impact:
 - a) Expanded hours will result in greater scheduling flexibility and increased productivity, reducing overall duration of projects.
 - b) Construction crews could be on-site before school traffic fills the streets, reducing congestion. RUSD schools start at 8:00, 8:20, and 8:30 am; Redwood and Tam start at 8:30 am.
 - c) Expanded hours would permit a construction team to optionally work four 10-hour days instead of five 8-hour days, reducing traffic congestion and preparation/disassembly time (shortening projects).
 - d) Expanded hours would enable >40-hour work weeks if the homeowner is willing to pay overtime (as they may in a CTL fine situation).
 - e) These changes closely align with other Marin cities and towns, where quiet work is generally permitted before 8:00 am and after 5:00 pm.
- 3. Recommendations:
 - a) For a pilot period of 12 months, extend the time when construction work is permitted to the hours of 7 am and 6 pm Monday through Friday,

provided that from 7 am to 8 am, and from 5 pm to 6 pm, only light noise associated with preparing or disassembling the job site is permitted; for example, no heavy equipment or power tools are permitted. Delivery of construction material such as lumber and cement would be unchanged, and may be made to the work site only between the hours of 8 am to 5 pm Monday through Friday.

- b) Clarify the language in Belvedere Municipal Code section 16.04.030 (subsection 105.7.1) to accommodate these changes and to clean up ambiguities.
- c) After the 12-month pilot period, assess the response of the community to the extended quiet hours based on complaint data.
- 4. To address concerns about construction-related noise between 7 and 8 am and 5 and 6 pm, the CIC recommends improved communication and complaint processes, as described under Topic 5.

G. Topic 7: Historic properties

- The Belvedere General Plan recognizes "that the conservation of historic properties stabilizes and increases property values and strengthens the overall community." The CIC recognizes that the preservation of historical structures, avoiding their tear-down and replacement, will significantly reduce negative construction impacts.
- 2. As defined by Belvedere's Historical Preservation Committee, list of historic properties is maintained by Belvedere Planning pursuant to Title 21 of the Belvedere City Code. The list currently enumerates 21 buildings.
- 3. However, a more comprehensive list is the Historic Properties Data File for Marin County that is maintained by the California Office of Historic Preservation (OHP), referred to as the Historic Resources Inventory (HRI). There are 49 properties listed on the HRI that are located in Belvedere. Additionally, reports made by the Landmark Society name other structures.
- 4. Recommendations:
 - a) The Historical Preservation Committee should review the gaps between the HRI list, the Landmark Society lists, and the City of Belvedere list.
 - b) The City of Belvedere list should be adjusted as the HPC believes is appropriate.

July 27, 2022

TO: City of Belvedere Construction Impact Committee

FROM: Linda Bine/339 San Rafael Avenue

RE: Draft Report 7/7/22

I applaud your efforts to quantify the conditions related to the impact of construction on residents of Belvedere and to formulate a comprehensive set of recommendations to help mitigate the issues you have identified.

However, I am reminded of the Hippocratic Oath that compels doctors to "First, do no harm." I fear that a couple of your recommendations – in particular extending permitted working hours, increasing encroachment permit fees and establishing two-hour parking regulations for all cars other than those belonging to residents - would likely harm more residents than it would help.

In contrast, I strongly support a focus on large construction projects; greater communication, greater enforcement of existing rules regarding construction parking, and greater enforcement of existing codes that require projects to minimize removal of rock and soil, cut and fill area and grade changes.

Don't Extend Work Hours Beyond 8AM-5PM

I strongly urge you to eliminate the recommendation to increase permitted work hours to allow "light noise" between 7am and 8am and 5pm and 6pm. This may be something that a couple of contractors expressed support for, but as a someone who lives in a location (at the bottom of a hill) where sound ricochets from near and far, I can't imagine a worse idea. Here are just a few reasons:

- 1. One of the things we all love about Belvedere is how quiet it is the more hours that are peaceful the better.
- 2. Defining "light noise" would be impossible. Just saying that the workers can't use "heavy equipment or power tools" wouldn't preclude someone using an old-fashioned hammer and nail or some kind of "light equipment" that makes enough noise to disturb a sleeping retiree or wake up a baby. And if preparing or disassembling the job site is permitted, as your draft indicates, what makes anyone think that such activities are quiet?

3. Improving the complaint process doesn't help a neighbor who is experiencing noise from a construction site at 7AM. Who are they going to call? The only people at City Hall working at that hour are the police. Is that really a good use of their time? And likely they wouldn't be able to get to the job site before 8AM, when the noise they were called to investigate would be allowed. And even if the police do come to check out the excessive noise in time, how are they going to assess if it is "light" or "heavy"?

Increase Encroachment Permit Fees Only for Large Projects

I found the committee's finding that large projects (over \$500,000) account for the most road encroachments and closures to be enlightening. Given that reality, I would recommend that you consider only increasing encroachment permits and fees for activities related to those large projects, while keeping the encroachment permit fees for small projects, and especially one-day projects such as tree trimming, at the current modest amounts.

It is likely that if you raise the one-day encroachment permit fee to \$260 you will just have more people choosing not to get permits for minimal projects and hoping they just don't get caught.

Do No Harm

Your report contains so many diverse recommendations, I urge you to include a suggestion to the City Council that any implementation of changes begin in a slow, incremental fashion - starting with enforcing the rules that are already on the books and then moving on to focus on large construction projects, which you have determined cause the most headaches for residents of Belvedere.

Thank you for your consideration.

OTHER SCHEDULED ITEMS

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Robert Zadnik, City Manager

Subject: Approve the Formation of a Citizens' Advisory Committee for Review

of the Protect Belvedere Project Draft Environmental Impact Report

(EIR)

Recommended Action

Staff recommends that the Council adopt a resolution establishing an Citizens' Advisory Committee for the Protect Belvedere Project to review the construction impacts portion of the draft Environmental Impact Report.

BACKGROUND/DISCUSSION

Throughout the history of the Protect Belvedere Project, citizen oversight by committees and other working groups has played a critical role in opening the review process to the community. At the same time, the City has greatly benefited from the insight and expert advice these diverse groups bring to the table.

This project has moved into the CEQA stage, and a draft Environmental Impact Report (EIR) is anticipated to be available for publication in September of 2022. The Draft will summarize the findings related to noise, dust, traffic, and several other short-term and potential long-term impacts related to the work. For transparency, the City proposes a short-term advisory committee be established to assist staff in reviewing construction impacts identified in the draft EIR.

This committee will consist of no more than seven members from the community who have experience in the construction/building industries or reside in locations likely to face direct construction impacts.

FISCAL IMPACT

Staff does not foresee fiscal impacts to the city other than staff time to assist the committee.

ATTACHMENTS

1. Resolution establishing a Citizens' Advisory Committee with Committee Charter included as Exhibit A.

CITY OF BELVEDERE

RESOLUTION NO. 2022 -XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE ESTABLISHING

PORTION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROTECT BELVEDERE PROJECT			
WHEREAS , the City of Belvedere has engaged in a significant infrastructure project intended to strengthen, its access/egress routes and utility lines from the threat of natural catastrophes, such as earthquakes, called the Protect Belvedere Project ("Project"); and			
WHEREAS, in order to proceed with the Project, the City is required to comply with the California Environmental Quality Act and complete and Environmental Impact Report ("EIR") on the Project; and			
WHEREAS, the City of Belvedere wishes to minimize the construction impacts of the Project on the citizens of Belvedere; and			
WHEREAS, the Belvedere City Council desires to establish a Citizen's Advisory Committee ("Committee") to review and provide comments on the construction impacts portion of the draft EIR for the Project; and			
WHEREAS, the Committee's function will be to allow for additional citizen review and input on the construction impacts of the Project; and			
WHEREAS , the Committee will make official comments to become part of the record provided to Council prior to its certification of the EIR.			
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belvedere hereby establishes a Citizen Advisory Committee to Review the Construction Impacts Portion of the Draft EIR for the Protect Belvedere Project as set forth in Exhibit A.			
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on August 8, 2022, by the following vote:			
AYES: NOES: ABSENT: ABSTAIN:			
APPROVED:			
ATTEST:Beth Haener, City Clerk			

EXHIBIT A

Charter for the Citizens' Advisory Committee to Review the Construction Impacts Portion of the Draft Environmental Impact Report ("EIR") for the Protect Belvedere Project.

Purpose:

The Citizen's Advisory Committee to Review the Construction Impacts Portion of the Draft EIR for the Protect Belvedere Project ("Committee") is a temporary ad hoc committee whose purpose shall be to review and comment on the Construction Impacts Portion of the Draft EIR.

Duties:

Upon the publication of the Draft EIR for the Protect Belvedere Project, the Committee shall meet to review and assess the Construction Impacts Portion of the Draft EIR Consistent with the timelines provided in the California Environmental Quality Act ("CEQA"), the Committee will provide comments in response to the Construction Impacts Portion of the Draft EIR to become part of the official record of the EIR for Council to consider prior to certifying the Final EIR.

Members:

The Committee shall be comprised of no more than seven Public Members, who shall be residents of Belvedere with either relevant construction or construction oversight experience or who reside in locations likely to face direct construction impacts from the Protect Belvedere Project. The Committee shall select its Chair from its Members.

In addition, the Committee will include one non-voting Council liaison charged with guiding committee deliberations to ensure they are responsive to the purpose of this Charter.

The City Manager shall attend committee meetings.

Selection of Members:

The Council shall delegate to the Mayor the selection of public members. The Members shall serve at the pleasure of the Council.

Duration of Committee and Meetings:

The Committee shall complete its work in no more than three weeks in order to comply with the timelines established under CEQA. The Committee shall meet as frequently as necessary to complete their duties. After the Committee has provided its comments, the Committee will expire.

Quorum:

A quorum shall require a majority of the Members.

Funding:

No budget appropriation shall be made for the Committee. Incidental expenses not to exceed \$2,500 may be paid by the City in connection with the Committee's work if approved by the Mayor.

Brown Act Committee:

The Committee is subject to the requirements of the Brown Act (Govt. Code sec. 54950) and its meetings shall be open to the public.

OTHER SCHEDULED ITEMS

BELVEDERE CITY COUNCIL AUGUST 8, 2022

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Appoint a voting delegate and alternate for the League of California Cities'

Annual Conference

Recommended Motion/Item Description

Appoint a voting delegate and alternate for the League of California Cities' Annual Conference.

Background

The League's 2022 Annual Conference is scheduled for September 07-09, in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 9. At this meeting, the League membership considers and takes action on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, Belvedere must appoint a voting delegate and alternate. City Council is asked to appoint a voting delegate and alternate.

Attachments

• 2022 Annual Conference Voting Delegate/Alternate Form



1. VOTING DELEGATE

CITY: Belvedere	_
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2022 ANNUAL CONFERENCE VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to Cal Cities office by Friday, <u>September 2</u>, <u>2022</u>. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate <u>one voting delegate and up to two alternates</u>.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

Name:	_						
Title:	_						
2. VOTING DELEGATE - ALTERNATE	3. VOTING	DELEGATE - ALTERNATE					
Name:	Name:						
Title:	Title:						
ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).							
Name:	Email						
Mayor or City Clerk(circle one) (signature)	Date	Phone					

Please complete and return by Friday, September 2, 2022 to:

Darla Yacub, Assistant to the Administrative Services Director E-mail: dyacub@calcities.org; Phone: (916) 658-8254



Annual Conference Voting Procedures

- 1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
- 2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
- 3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
- 4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
- 5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
- 6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
- 7. **Resolving Disputes**. In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.