

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
SEPTEMBER 12, 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: September 12, 2022, 6:30 P.M.

Join Zoom Meeting:

<https://us02web.zoom.us/j/88541786215?pwd=N3M1NHFpSkc3OVVVeEI5ZVg0M0t3dz09>

Webinar ID: 885 4178 6215

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**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
SEPTEMBER 12, 2022, 6:30 P.M.
TELECONFERENCE MEETING**

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 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 Council welcomes comments raised by interested citizens but typically does not respond during the comment period.*

6:30 PM CALL TO ORDER

OPEN FORUM

This is an opportunity for any citizen to briefly address the City Council on any matter that does not appear on this agenda. Upon being recognized by the Mayor, please 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 & PRESENTATIONS

1. City Council reports.
2. City Manager report.

SCHEDULED ITEMS

3. Presentation by Staff and Consultant on the Development of the City’s Housing Element.
Staff recommendation: Council will hear the presentation and provide possible direction to staff and consultant.

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.

4. Approve warrants for July and August of 2022.
5. Receive the City’s fourth quarter investment report.
6. Approve the Grant Agreement with Marin County for disbursement of Measure A Parks tax proceeds.

7. Adopt Resolution No. 2022- 47 approving an amendment to the Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies.
8. Approve the purchase of an all-electric vehicle for the replacement of one police vehicle.
9. Adopt Resolution No. 2022-48 amending and approving the City of Belvedere’s Conflict of Interest Code.
10. Approve a revocable license for proposed private improvements in the City street right-of-way along Bayview Avenue for the property at 25 Bayview Avenue.
11. Approve response to Marin County Civil Grand Jury report titled: “Electrifying Marin’s Buildings: A Countywide Approach.”
12. Approve response to Marin County Grand Jury report titled “Affordable Housing: Time for Collaboration in Marin.”
13. Adopt Resolution No. 2022-49 Authorizing the Continuation of Teleconference Public Meetings Pursuant to Government Code section 54953(e) (Assembly Bill 361).
14. 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

The Individual Consent Calendar consists of items that the City Council considers to be routine, or Council has discussed previously and do not require further discussion, but are separately listed because a Council member or members have a conflict of interest which require them to recuse themselves from participation in the decision.

15. Approve a revocable license for 19 Eucalyptus Avenue for improvements in the Eucalyptus Avenue right-of-way.
16. Approve a revocable license for 137 Golden Gate for the Eucalyptus Avenue right-of-way.

PUBLIC HEARING

17. Adopt Resolution No. 2022-50 Approving the designating of the property located at 206 Bayview Avenue as a City of Belvedere Historic Property.
Staff Recommendation: Adopt the resolution.

ADJOURN

NOTICE: WHERE TO VIEW AGENDA MATERIALS

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

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

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

NOTICE: AMERICANS WITH DISABILITIES ACT

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

SCHEDULED ITEMS

BELVEDERE CITY COUNCIL
September 12, 2022

To: Mayor and City Council

From: Ande Flower, Principal Planner, EMC Planning Group

Reviewed By: Robert Zadnik, City Manager
Irene Borba, Director of Planning & Building

Subject: Update to Housing Element Process & Preparation for Preliminary Draft Comments

Recommendation

Listen to the presentation/update from Ande Flower (Principal Planner - EMC Planning Group) and ask questions and or provide direction/comments for staff/consultant as we move forward through the required housing element process.

Summary/Background

State law requires an update of the City's Housing Element every eight years to address projected housing needs. Under State law, each local government in California is required to adequately plan for its share of the anticipated housing needs of its region by adopting a Housing Element as part of the General Plan. The Housing Element identifies housing conditions, needs and constraints, and establishes goals, policies and programs to accomplish the City's housing strategies. The Housing Element must implement the Regional Housing Needs Allocation (RHNA), an allocation of new housing units over a period of eight years. The allocation per city is determined by the Association of Bay Area Governments ("ABAG"), which is provided a regional allocation for the 9-county region and is charged by the State with allocating units among Bay Area jurisdictions.

As indicated above, the Housing Element must be updated every eight years; it is the only General Plan element that must be reviewed and approved by the State Department of Housing and Community Development (HCD). Failure to adopt a Housing Element or to receive state certification can result in financial penalties, loss of grant funding opportunities and legal challenges. The 2023-2031 Housing Element must be adopted by the City Council and submitted to HCD by January 31th, 2023, or within the 120-day grace period following January 31th, 2023.

Key Components of the Housing Element typically include:

1. Community Engagement: A community engagement program, reaching out to all economic segments of the community plus traditionally underrepresented groups.
2. Evaluation of Past Performance: Review the prior Housing Element to measure progress in implementing policies and programs.
3. Housing Needs Assessment: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
4. Constraints Analysis: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
5. Housing Sites Inventory: Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels as specified by RHNA.
6. Policies and Programs: Establish policies and programs to be carried out during the planning period to fulfill the identified housing goals and objectives.

There are *new* requirements for this Housing Element Update due to recent State legislation. These include:

- Higher RHNA allocations (as discussed below).
- Affirmatively Furthering Fair Housing (AFFH) – Housing Elements must affirmatively further fair housing. According to HCD, achieving this objective includes preventing segregation and poverty concentration as well as increasing access to areas of opportunity. HCD has mapped Opportunity Areas and has developed guidance for jurisdictions about how to address affirmatively furthering fair housing in Housing Elements.
- Limits on sites – Identifying sites for affordable units will be more challenging. There are new limits on the extent to which jurisdictions can reuse sites included in previous housing elements and there is increased scrutiny of small, large, and non-vacant sites when these sites are proposed to accommodate units for very low and low-income households.

Staff is required to provide more in-depth information and analysis for sites chosen to meet RHNA and to demonstrate to HCD that those sites are likely to be developed with housing over the housing element planning period.

- Safety Element - The safety element of the general plan must be updated concurrently with the housing element. The safety element must address wildfire risk, evacuation routes, climate adaptation and resilience requirements in an integrated manner when two or more general plan elements are updated.

The Safety Element is to include:

- A vulnerability assessment that identifies climate change risk to the City of Belvedere and the geographic areas at risk from climate change;

- A set of adaptation and resilience goals, policies and objectives based on the information specified in the vulnerability assessment; and
- Feasibility implementation measures designed to carry out the goals, policies and objectives identified in the adaptation objectives.

Background on RHNA

The Regional Housing Needs Allocation (“RHNA”) is a State-mandated process that identifies the number of housing units, by affordability level, that each California jurisdiction must accommodate in its Housing Element. Since 1969, State law has required that all jurisdictions plan to meet their “fair share” of housing for the community.

The objectives of RHNA are:

- Increase housing supply and mix of housing types, tenure, and affordability in all cities and counties in an equitable manner.
- Promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, and achieve GHG reduction targets.
- Promote intraregional jobs-housing relationships, including balance between low-wage jobs and affordable housing.
- Balance disproportionate household income distributions (more high-income RHNA to lower- income areas and vice-versa).

The state-provided Regional Housing Needs Determination (RHND) for the Bay Area for 2023-2031 is 441,176 new housing units. This amount is more than double the 2015-2023 RHND, which was 187,990. This increase is due in large part to recent changes in State law. The RHND needs to account not only for projected future housing demand, but also to address unmet existing needs. The computations must now account for existing overcrowded households, cost-burdened households paying more than 30% of their income for housing, and a target rental vacancy rate of 5%.

ABAG’s allocation methodology also changed significantly for this housing element cycle. The previous two RHNA methodologies sought to shift a large proportion of new housing production to areas well served by transit. In Marin, this methodology created a focus on new housing near SMART stations and in downtown San Rafael and Marin City (two locally-designated Priority Development Areas) but generally kept RHNA numbers low for other local jurisdictions. For this cycle, ABAG incorporated an “equity adjustment” to increase allocations of lower-income units in jurisdictions identified as having racial and socioeconomic demographics that differ from the regional average. Due to their higher income levels, higher paying jobs, and quality schools, Marin communities received a significantly higher RHNA allocation than in past cycles. Belvedere, along with most of Marin County, qualifies as a high opportunity and resource area for purposes of RHNA allocation. Additionally, State law now prohibits using stable population numbers or prior housing underproduction as justifications for reducing a jurisdiction’s RHNA allocation.

On May 20, 2021, the ABAG Executive Board approved the Final Regional Housing Needs Allocation (RHNA) Methodology and the Draft Allocations for each jurisdiction. Approval of the Final RHNA Methodology followed findings in April 2021 by the California Department of Housing & Community Development (HCD) that ABAG's Draft Methodology furthered the RHNA objectives. The Draft Regional Housing Needs Allocation Plan for the San Francisco Bay Area 2023-2031 can be found using the following link:

https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

Pursuant to the Plan, Belvedere was allocated a total of **160 units**, up from **16 units** in the last housing cycle, representing a 900 percent increase. Belvedere's units include:

- 1) 49 very low-income units (<50% AMI);
- 2) 28 low-income units (50-80% AMI);
- 3) 23 moderate income units (80-120% AMI);
- 4) 60 units above moderate income (> 120% AMI).

The City of Belvedere filed an appeal of our RHNA allocation. The committee voted to *deny* our appeal. We are required to plan for **160** new housing units.

Other State Mandates

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the State's housing shortage and rising housing costs, particularly through funding, streamlining permits, increasing local accountability, inclusionary zoning, and preserving existing affordable housing. Since then, legislative actions have also resulted in more stringent requirements for site selection, removing barriers to production, reducing fees, and limiting local discretionary control under certain circumstances.

Updating the Housing Element is a much more complex and involved process than in past cycles due to the 2017 legislation, subsequent State mandates, and a substantial increase in RHNA for communities in the Bay Area. As noted above, Belvedere was allocated a total of 160 units, up from 16 units in the last housing cycle. The updated Housing Element must focus on housing that meets the affordability component of the RHNA. New mandates require a significant level of public outreach and new policies to address inequities in housing policies and choice. The mandates also make it more difficult to "carry-over" previous opportunity sites without re-zoning. "By-right" standards entitle property owners to certain types of development with less local review and discretionary review.

As noted above, State law requires the General Plan's Safety Element to be updated along with the Housing Element and the Safety Element will need to reflect the analysis of local hazards (e.g., wildfire, flood) as they relate to new housing.

It is important to note that the City of Belvedere doesn't build housing, but it is responsible for making sure that the zoning in place enables the capacity for the number of housing units allocated

to the City. The Housing Element chapter of the General Plan also includes programs and policies to incentivize construction of housing units at several affordability levels.

Milestones to Date

The Housing Element Update process started in October of 2021 when the Council approved a Professional Service Agreement with EMC Planning Group as our consultants to provide services to conduct the required update.

The initial work for the update began with the gathering of information and data about the community. This included touring the community with the consultants. Touring the community also initiated the conversation about potential sites to be considered in this next housing cycle. This work was primarily between the staff and the consultants. This work took several months, and the discussion of potential housing sites is a continuing discussion as more people become involved and provide comments.

On April 13, 2022, a Workshop of the Housing Element was conducted at a Special Meeting of the Planning Commission. The workshop provided an overview of the housing and safety elements, discussed the importance of equity, and provided some strategies for sites and ways to provide feedback throughout this process.

A few months prior to the Workshop, the website for the housing element was up and running and available for the public. The website is named Blueprint for Belvedere. Staff and the consultants wanted the community to know they were valued and that they can and should have input into shaping of the future of Belvedere related to housing and that their voices and opinions were something we wanted to hear. The website is an interactive website. Mapping and surveys have been incorporated into the website to garner public opinion and promote discussion about sites that may be considered for the Sites Inventory List for housing opportunities through the next eight years.

As discussed above, the Association of Bay Area Governments (ABAG) allocates specific numbers of needed housing unit goals to each county and municipality according to their detailed methodology. The total draft Regional Housing Needs Allocation (RHNA) for Belvedere's existing and future housing need is 160 housing units, at varying levels of affordability: 49 very low-income units, 28 low-income units, 23 moderate-income units, and 60 above moderate-income units. As part of this process, an initial map of potential sites was available for review and comments, along with an interactive mapping exercise. These initial map/site lists were compiled by staff and the consultants. A Property Owner Interest Form was produced with invitations sent out to all potential sites for the Housing Opportunity List. There are new state expectations that the Housing Element update document be capable of demonstrating a reasonable expectation for a site to be developed for it to be included with this List.

On May 21, 2022, the consultants and staff held an Open House in Community Park. The Open House was to provide an in-person opportunity for the public to ask questions about the housing element process and to discuss informally the initial sites analysis/map along with a continued discussion of equity.

Information continues to be posted on the Housing Element website, Blueprint for Belvedere. We have mailed flyers, sent out reminders in the city newsletter, and advertised in the local newspaper about the housing element to spark interest within the community to become involved. From this process, Staff has spoken with property owners interested in the housing element and answered questions about redeveloping private property with an ADU or a possible SB9 lot split.

Next Steps/Future Milestones

As indicated above, the State has adopted new legislation (AB 686), also known as Affirmatively Furthering Fair Housing (AFFH), for this 6th Cycle Housing Element update process. This new law requires public agencies to examine existing and future policies, plans, programs, rules, practices, and related activities; and to create *meaningful actions* through policy to promote more inclusive communities. Meaningful actions can only be created through consistently prioritizing and incorporating inclusivity in every step of the Housing Element update process. This includes welcoming, listening to, and incorporating the feedback of a wide swath of regional community members—particularly those who may have not historically been able to or felt comfortable with contributing to policy development efforts.

EMC Planning Group is partnering with, Civic Makers, and Plan to Place to work throughout the region to better understand local housing needs. A focus-group meeting is planned September 21, 2022 to learn from those who have secured affordable housing in neighboring Tiburon. Ideas brought forward may foster new policy ideas when considering future affordable housing development in Belvedere.

The purpose of the Housing Element's Site Inventory is to identify and analyze specific land (sites) that is available and suitable for residential development to determine the jurisdiction's capacity to accommodate residential development and reconcile that capacity with the jurisdiction's RHNA (160 housing units). Sites are suitable for residential development if the City's regulations (zoning) allow enough residential development to accommodate the RHNA during the eight-year planning period (2023-2031). If there are not enough existing sites to accommodate the RHNA for each income category, the City must identify additional sites until there are enough sites.

With approximately 2,100 residents living in less than one square mile, the City expects that capacity for the 160 new housing units can be accommodated through past Housing Element sites as well as new locations and possibly policies that encourage housing types such as secondary units for existing single-family lots. Changes to the City's regulations (rezoning) and/or adopting programs and policies may be necessary to accommodate the full amount of housing needs allocated with RHNA.

The Housing Opportunity List has been revised several times, as new information becomes available. Recently, several sites have been added as a result of confirmed owner interest. A map is being drafted to reflect these recent changes. Secondary units remain a viable option for meeting RHNA through future housing construction, but there are certain formulas that must be followed that limit the number of units that may be projected. Receiving owner interest from property owners would be the only way that we can exceed the anticipated number of Accessory Dwelling

Units. Commitments to construct units through the SB-9 new flexible state standards may be included with this List only when the property owner interest has been submitted.

The deadline for all Bay Area jurisdictions to submit a Council-adopted Housing Element update is January 2023. In order to meet that deadline, a series of milestone goals must first be reached. The sites inventory analysis is the first step in the process because it will help define what level of environmental review may be necessary. Next, we will discuss policy options that relate the opportunity sites with incentives for housing construction at different levels of affordability options within this next eight-year cycle of the Housing Element update.

Sections of the draft Housing Element are currently being developed and the Sites Inventory is in the process of being revised to reflect recent information received regarding potential sites. The draft will be available to the public for 30 days and all comments will be shared with HCD, along with responses to those comments, and a revised draft reflective of community comments. HCD will provide a guidance letter after reviewing the preliminary draft. Prior to final submittal to HCD, a draft will be reviewed by both the Planning Commission and Council. It is anticipated that in late October a public draft of the housing element will be provided for review and comments.

Many jurisdictions within the Bay Area are working towards the deadline for the 6th Cycle Housing Element update. Recognizing the several new rules and limited guidance given in the past year, the update has taken longer than anticipated, and most agencies will not make the deadline. The Association of Bay Area Governments (ABAG) has drafted a briefing to describe what to expect regarding potential “Consequences of Late Adoption of the Housing Element.” This draft was made available on August 20th (**Attachment 2**).

Our next Housing Element Community Workshop will take place via Zoom to discuss the Housing Element draft and how the community may share their voice. We look forward to this opportunity to discover a shared vision to meet these state standards. Please share your ideas and impact this process!

A schedule/timeline is included with the staff report (**Attachment 1**).

Public Engagement

Belvedere’s dedicated Housing Element website www.blueprintforbelvedere.com is a key resource for the community to learn about the Housing Element update process, find out about upcoming events, and participate in online engagement opportunities, such as surveys, polls, and the Balancing Act mapping tool. The website is available in English and Spanish. Residents can subscribe through the website to receive regular updates on the progress of and opportunities to contribute to this update of the Housing Element.

The website was launched at the beginning of February, with a corresponding email announcement sent to the City’s News & Announcements listserv. The weekly Ark newspaper also highlighted the website launch. A postcard was mailed to all Belvedere residents that promotes the Blueprint for Belvedere website and another postcard will be mailed for the upcoming Community Workshop.

Interactive documents enable the public to share their comments in direct relationship to the text of the draft document. We encourage Community Leaders, like those we met during the Open House at the park on May 21, to share their knowledge, understanding, and interest in the making of this policy document and housing plan.

Attachments

1. Schedule/timeline
2. Memo from ABAG on consequences of late adoption



To: City Council
From: Ande Flower, Principal Planner, EMC Planning Group
Date: September 12, 2022

SUMMARY

This memorandum briefly describes the timeline for the Housing Element update process.

1. Administrative Draft

September 2022

An administrative draft will be available for staff and City Attorney review. All comments and edits will be integrated into the public draft.

2. Public Draft

October 2022

A public draft will be available online with an ability to easily share comments directly within the draft document. A Workshop may be scheduled to review the overarching concepts and to demonstrate how to comment on the public draft. The draft will be available for 30 days to receive comments. There will then be 10 days for staff and consultants to incorporate comments and to produce a response document for each comment received, similar to a CEQA analysis process for an EIR.

3. Preliminary HCD Draft

December 2022

A preliminary draft will be shared with HCD, along with the comment response document and a cover letter to HCD. The cover letter will point to challenges and opportunities specific to Belvedere and highlight the outreach efforts particularly for AFFH (Affirmatively Furthering Fair Housing). HCD has up to 90 days to review the preliminary draft. The guidance shared with this initial review will assist our process towards drafting a certifiable Housing Element. It is recommended that we do not request Council adoption for the update until we receive confirmation from HCD that the draft Housing Element is capable of being certified.

4. Next Steps

Assumption for two additional rounds of HCD review

Going forward beyond receipt of comments from HCD for the preliminary draft review, ABAG guidance suggests that we assume two additional rounds of review (at 60 days each). The initial draft for HCD review will embody knowledge gained from 6th Cycle Housing Element reviews throughout California. Each jurisdiction has been challenged unique to their community to meet the new and substantial requirements for this cycle. We cannot foresee the revisions that will be requested by HCD, though together with the community, our goal is to efficiently gain timely certification for Belvedere's Housing Element update.



DISCLAIMER: This document is intended to provide general information and does not constitute legal advice. Additional facts, facts specific to a particular situation, or future developments may affect the subjects discussed in this FAQ. Seek the advice of your attorney before acting or relying upon the following information.

Timing Requirements for Adoption of the Housing Element and Required Rezoning

Technical Memo, August 2022

AB 1398 (Chapter 358, Statutes of 2020) amended the provisions of state housing element law related to the implications of adopting a housing element after the due date. The current deadline for jurisdictions in the nine counties that are members of the Association of Bay Area Governments (ABAG) to adopt the housing element is **January 31, 2023**.

Previous Cycle Rules

To understand the new rules for adoption of a housing element, it may be helpful to compare them with those adopted in the last housing element cycle, the fifth cycle, when housing elements were due in January 2015. In the fifth cycle, if housing elements were not adopted by 120 days after the due date, the local jurisdiction was required to prepare a new housing element every four years, rather than every eight years. Those jurisdictions that adopted housing elements more than 120 days after the due date were required to adopt a mid-cycle housing element in 2019.

New Sixth Cycle Rules

AB 1398 has **eliminated** any requirement for a four-year housing element once the Department of Housing and Community Development (HCD) has found a community's sixth cycle housing element in conformance

with state law (Government Code¹ Section 65588(e)(4)(A)). Instead, state law sets deadlines for housing element adoption and rezoning and consequences if those deadlines are not met.

Housing Element Adoption and Timeline to Rezone

- If a housing element is adopted and found by HCD to be in compliance with state law by May 31, 2023, then the jurisdiction has approximately three years after the date it adopts its housing element to complete all rezoning required to provide adequate sites (Section 65583(c)(1)(A)).²
- If HCD does not find a housing element to be in compliance by May 31, 2023, then all rezoning required to provide adequate sites must be accomplished by January 31, 2024 (Section 65588(e)(4)(C)(i)).
 - Note that HCD has 60 days to review an adopted housing element (Section 65585(b)(3)). Any community desiring to have three years to adopt the necessary zoning should adopt a compliant housing element by April 1, 2023.
- If a housing element is adopted after January 31, 2024, HCD cannot find it in compliance with state law until all necessary rezoning is adopted (Section 65588(e)(4)(C)(iii)).

In the Southern California Association of Governments (SCAG) region, the due date for Housing Elements, October 15, 2021, has passed, and most jurisdictions are still working with HCD to receive certification.

Rezoning of Adequate Sites

If rezoning is not complete by the appropriate rezoning deadline as stated above, HCD is authorized to:

- Revoke its findings of compliance until rezoning is complete; and/or
- Refer the agency to the Attorney General (Section 65585(i), (j)).

HCD has adopted an additional policy relating to rezoning sites for lower income housing:

- If zoning required to provide adequate sites for lower income housing is adopted after the housing element due date of January 31, 2023, it must provide for “by right” approval.
 - “By right” approval means that a housing project that does not require a subdivision and that contains 20 percent lower income housing is exempt from the California Environmental Quality Act (CEQA) jurisdiction may require design review based on objective standards, but only if its “by right” ordinance requires design review approval (Section 65583.2(i)).

¹ Subsequent citations are to the Government Code unless otherwise stated.

² The due date for these jurisdictions is either three years after the date the jurisdiction adopted its housing element, or three years after the date that is 90 days after the jurisdiction received HCD’s comments on its draft element, whichever is earlier.

Limitations on Denial of Certain Housing Projects

Once January 31, 2023 passes without adoption of a sixth cycle housing element, the locality's adopted fifth cycle housing element may no longer comply with all provisions of state housing element law. This may have impacts on a jurisdiction's ability to deny housing projects. Some factors that may be relevant include whether the housing project includes a minimum of either 20% or 49% affordable units. Other laws, such as the Housing Accountability Act and SB 35 (2017), may also affect a jurisdiction's ability to deny a housing project. Consult with your jurisdiction's attorney before considering the denial of a housing project.

Eligibility for Certain Funding Programs

If a housing element is not consistent with state law or not found to be consistent by HCD, the jurisdiction may not be eligible for certain funding programs.

Funding programs that may require the local jurisdiction's adopted housing element to be in compliance with HCD include³:

- Community Development Block Grant Program
- Infill Infrastructure Grant Program
- Transit Oriented Development Program
- Local Housing Trust Fund Program
- Affordable Housing and Sustainable Communities Program
- Permanent Local Housing Allocation Program
- Caltrans Sustainable Communities Grant Program
- MTC's One Bay Area Grant (OBAG) Program

³ This list may not be exhaustive. Please check the regulations and guidelines for any funding program your jurisdiction is considering.

State funding programs that reward or incentivize projects in jurisdictions with compliant housing elements include:

- **Local Partnership Program:** Projects are evaluated on how they advance housing element goals.
- **Transit and Intercity Rail Capital Program:** Projects must document how transit ridership growth is supported by housing policies including evidence of compliance with state-required housing plans.
- **Active Transportation Program:** Infrastructure projects must address their potential to support existing and planned housing, and planning projects must be consistent with local housing policies.
- **HOME Investment Partnerships Program:** Applications receive points for housing element compliance.
- **Solutions for Congested Corridors Program:** Projects must address how they support infill development, which may include identifying housing element policies that streamline multifamily housing development.

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
SEPTEMBER 12, 2022**

To: Mayor and City Council
From: Helga Cotter, Administrative Services Director
Subject: **Approve Warrants of July and August 2022**

Recommended Motion/Item Description

That the City Council approve the July and August 2022 warrants as part of the Consent Calendar.

Attachments

Warrants.

CITY OF BELVEDERE
WARRANTS REPORT
JULY 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27539	7/6/2022	CALIFORNIA STATE CONTROLLER'S OFFICE	150.00	Automatic Generated Check
27540	7/6/2022	CODE PUBLISHING LLC	324.50	Automatic Generated Check
27541	7/6/2022	DIGITECH REPROGRAPHICS	1,315.46	Automatic Generated Check
27542	7/6/2022	ENCORE EVENTS RENTALS INC.	684.53	Automatic Generated Check
27543	7/6/2022	ERICKSON SOUND PRODUCTION	2,812.50	Automatic Generated Check
27544	7/6/2022	ESI	1,600.00	Automatic Generated Check
27545	7/6/2022	MADISON HAAS	400.00	Automatic Generated Check
27545	7/6/2022	MADISON HAAS	(400.00)	Automatic Generated Check
27546	7/6/2022	MARIN GENERAL SERVICES AU	26,948.50	Automatic Generated Check
27547	7/6/2022	TOM RIGNEY	2,000.00	Automatic Generated Check
27548	7/6/2022	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	147.95	Automatic Generated Check
27549	7/12/2022	AT&T	303.68	Automatic Generated Check
27550	7/12/2022	AT&T MOBILITY	217.54	Automatic Generated Check
27551	7/12/2022	BARTEL ASSOCIATES LLC	730.00	Automatic Generated Check
27552	7/12/2022	BLASEN LANDSCAPE ARCHITECTURE	1,144.00	Automatic Generated Check
27553	7/12/2022	COMCAST	135.67	Automatic Generated Check
27554	7/12/2022	COOL THE EARTH INC.	2,247.00	Automatic Generated Check
27555	7/12/2022	COUNTY OF MARIN-MARIN.ORG	4,919.58	Automatic Generated Check
27556	7/12/2022	DMV RENEWAL	10.00	Automatic Generated Check
27557	7/12/2022	EASTBAYTIRECO	585.69	Automatic Generated Check
27558	7/12/2022	EMC PLANNING GROUP INC.	26,988.51	Automatic Generated Check
27559	7/12/2022	FASTRAK INVOICE PROCESSING DEPT.	7.00	Automatic Generated Check
27560	7/12/2022	FLYERS ENERGY, LLC	1,383.99	Automatic Generated Check
27561	7/12/2022	FORSTER PUMP & WELL	1,220.21	Automatic Generated Check
27562	7/12/2022	GOODMAN BUILDING SUPPLY	111.40	Automatic Generated Check
27563	7/12/2022	MALLARI ADVISORY SERVICES	2,900.00	Automatic Generated Check
27564	7/12/2022	MARIN CO TAX COLLECTOR	1,200.00	Automatic Generated Check
27565	7/12/2022	MARIN MUNICIPAL WATER DIS	2,709.65	Automatic Generated Check
27566	7/12/2022	MERA	25,986.00	Automatic Generated Check
27567	7/12/2022	MIG	11,107.37	Automatic Generated Check
27568	7/12/2022	OTIS ELEVATOR COMPANY	3,866.28	Automatic Generated Check
27569	7/12/2022	PARISI TRANSPORTATION CONSULTING INC.	9,732.50	Automatic Generated Check
27570	7/12/2022	REMY MOOSE MANLEY LLP	2,252.50	Automatic Generated Check
27571	7/12/2022	RHAA	2,352.75	Automatic Generated Check
27572	7/12/2022	SCOTT ROBERTSON	60.00	Automatic Generated Check
27573	7/12/2022	TPX COMMUNICATIONS	892.76	Automatic Generated Check
27574	7/12/2022	UNICORN GROUP	311.97	Automatic Generated Check
27575	7/12/2022	U.S. BANK COPIER	916.23	Automatic Generated Check
27576	7/12/2022	U.S. BANK CORPORATE PAYME	5,319.43	Automatic Generated Check
27577	7/12/2022	VERIZON	617.00	Automatic Generated Check
A-1145	7/1/2022	DELTA DENTAL	2,200.08	Electronic Payment
A-1146	7/1/2022	LINCOLN LTD	610.14	Electronic Payment
A-1147	7/1/2022	RELIANT STANDARD LIFE/ADD	308.54	Electronic Payment
A-1152	7/5/2022	GLOBAL PAYMENTS	557.77	Electronic Payment
A-1153	7/6/2022	CALPERS	30,119.24	Electronic Payment
A-1154	7/7/2022	PITNEY BOWES	500.00	Electronic Payment
A-1155	7/7/2022	AFLAC INSURANCE CO	58.29	Electronic Payment
A-1156	7/12/2022	PACIFIC GAS & ELECTRIC	3,224.54	Electronic Payment
A-1157	7/14/2022	EFTPS	14,745.53	Electronic Payment
A-1158	7/14/2022	CA EDD	4,859.31	Electronic Payment
A-1159	7/14/2022	CALPERS	17,317.10	Electronic Payment
A-1160	7/14/2022	WESTAMERICA BANK	301.01	Electronic Payment
A-1161	7/18/2022	COMCAST	48.85	Electronic Payment
A-1162	7/20/2022	CONNECT YOUR CARE	13.32	Electronic Payment
A-1163	7/22/2022	AT&T	69.72	Electronic Payment
A-1164	7/26/2022	CALPERS	156,652.00	Electronic Payment
A-1165	7/26/2022	DELTA DENTAL	2,396.96	Electronic Payment
A-1166	7/27/2022	LINCOLN LTD	610.14	Electronic Payment
A-1167	7/27/2022	RELIANT STANDARD LIFE/ADD	329.04	Electronic Payment
A-1168	7/28/2022	PITNEY BOWES	169.79	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
JULY 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-1169	7/28/2022	EFTPS	13,538.03	Electronic Payment
A-1170	7/29/2022	CA EDD	4,339.82	Electronic Payment
A-1171	7/29/2022	CALPERS	16,751.76	Electronic Payment
AP070622-01	7/6/2022	BENTON TROPHY & AWARDS, I	40.02	Electronic Payment
AP070622-02	7/6/2022	CIRA	24,523.00	Electronic Payment
AP070622-03	7/6/2022	CIRA	581.00	Electronic Payment
AP070622-04	7/6/2022	CIVICPLUS	3,161.30	Electronic Payment
AP070622-05	7/6/2022	EDMUND H. SAN DIEGO	614.88	Electronic Payment
AP070622-06	7/6/2022	MARY NEILAN	614.88	Electronic Payment
AP070622-07	7/6/2022	MOE ENGINEERING, INC.	2,805.00	Electronic Payment
AP070622-08	7/6/2022	MOE ENGINEERING, INC.	762.50	Electronic Payment
AP070622-09	7/6/2022	MOE ENGINEERING, INC.	75.00	Electronic Payment
AP070622-10	7/6/2022	MOE ENGINEERING, INC.	270.00	Electronic Payment
AP070622-11	7/6/2022	MOE ENGINEERING, INC.	2,760.00	Electronic Payment
AP070622-12	7/6/2022	MOE ENGINEERING, INC.	600.00	Electronic Payment
AP070622-13	7/6/2022	SPTJ CONSULTING	2,775.00	Electronic Payment
AP071222-01	7/12/2022	BAY ALARM COMPANY	350.73	Electronic Payment
AP071222-02	7/12/2022	BK COOPER & ASSOCIATES	5,445.00	Electronic Payment
AP071222-03	7/12/2022	CARBONITE INC.	390.72	Electronic Payment
AP071222-04	7/12/2022	CIRA	176,507.00	Electronic Payment
AP071222-05	7/12/2022	JESUS ARGUELLES	639.81	Electronic Payment
AP071222-06	7/12/2022	JESUS ARGUELLES	831.25	Electronic Payment
AP071222-07	7/12/2022	KOMPAN CALIFORNIA INC	32,253.73	Electronic Payment
AP071222-08	7/12/2022	MARIN IT, INC.	559.50	Electronic Payment
AP071222-09	7/12/2022	MCNABB CONSTRUCTION INC	49,237.07	Electronic Payment
AP071222-10	7/12/2022	MOE ENGINEERING, INC.	1,875.00	Electronic Payment
AP071222-11	7/12/2022	MOE ENGINEERING, INC.	667.50	Electronic Payment
AP071222-12	7/12/2022	MOE ENGINEERING, INC.	685.00	Electronic Payment
AP071222-13	7/12/2022	MOE ENGINEERING, INC.	815.00	Electronic Payment
AP071222-14	7/12/2022	MOE ENGINEERING, INC.	592.50	Electronic Payment
AP071222-15	7/12/2022	MOE ENGINEERING, INC.	810.00	Electronic Payment
AP071222-16	7/12/2022	MOE ENGINEERING, INC.	1,147.50	Electronic Payment
AP071222-17	7/12/2022	MOE ENGINEERING, INC.	615.00	Electronic Payment
AP071222-18	7/12/2022	MOE ENGINEERING, INC.	1,270.00	Electronic Payment
AP071222-19	7/12/2022	MOE ENGINEERING, INC.	1,830.00	Electronic Payment
AP071222-20	7/12/2022	MOE ENGINEERING, INC.	9,075.00	Electronic Payment
AP071222-21	7/12/2022	MOE ENGINEERING, INC.	7,880.00	Electronic Payment
AP071222-22	7/12/2022	MOE ENGINEERING, INC.	1,420.00	Electronic Payment
AP071222-23	7/12/2022	MOE ENGINEERING, INC.	8,062.50	Electronic Payment
AP071222-24	7/12/2022	MOE ENGINEERING, INC.	1,735.00	Electronic Payment
AP071222-25	7/12/2022	MOE ENGINEERING, INC.	1,065.00	Electronic Payment
AP071222-26	7/12/2022	MOE ENGINEERING, INC.	1,845.00	Electronic Payment
AP071222-27	7/12/2022	MOE ENGINEERING, INC.	1,762.00	Electronic Payment
AP071222-28	7/12/2022	MOE ENGINEERING, INC.	1,592.00	Electronic Payment
AP071222-29	7/12/2022	RENNE PUBLIC LAW GROUP, LLP	904.50	Electronic Payment
AP071222-30	7/12/2022	RENNE PUBLIC LAW GROUP, LLP	16,149.21	Electronic Payment
AP071222-31	7/12/2022	TIBURON FIRE PROTECTION	166,575.92	Electronic Payment
AP071222-32	7/12/2022	TRANSPORTATION AUTHORITY	5,375.00	Electronic Payment
AP071222-33	7/12/2022	W. BRADLEY ELECTRIC INC.	313.73	Electronic Payment
Total for Bank Account 1000 ----->			955,792.88	

CITY OF BELVEDERE
WARRANTS REPORT
JULY 2022
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
141	7/12/2022	DIRECT DEPOSIT	63,642.08	Electronic Payment
142	7/27/2022	DIRECT DEPOSIT	61,167.77	Electronic Payment
P-204	7/12/2022	MASS MUTUAL	527.21	Electronic Payment
P-205	7/28/2022	MASS MUTUAL	527.21	Electronic Payment
PR071422-01	7/12/2022	BPOA	92.30	Electronic Payment
PR071422-02	7/12/2022	ICMA-RC	4,546.52	Electronic Payment
PR071422-03	7/12/2022	GARNISHMENT	692.31	Electronic Payment
PR072822-01	7/27/2022	BPOA	92.30	Electronic Payment
PR072822-02	7/27/2022	ICMA-RC	4,546.52	Electronic Payment
PR072822-03	7/27/2022	GARNISHMENT	692.31	Electronic Payment
Total for Bank Account 1010 ----->			136,526.53	
Grand Total of all Bank Accounts ----->			1,092,319.41	

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27578	8/2/2022	AMMI PUBLISHING COMP. INC	444.00	Automatic Generated Check
27579	8/2/2022	ARTISTRY IN TREES	700.00	Automatic Generated Check
27580	8/2/2022	ASSOC. OF BAY ARE GOVERNMENT	1,370.00	Automatic Generated Check
27581	8/2/2022	AUSTIN BYRNE CONLEY	2,297.04	Automatic Generated Check
27582	8/2/2022	BACR/JPCC	1,062.00	Automatic Generated Check
27583	8/2/2022	BROOKS TREE CARE	955.00	Automatic Generated Check
27584	8/2/2022	BRYAN LIN & PATRICIA SEID	1,000.00	Automatic Generated Check
27585	8/2/2022	CALIFORNIA BUILDING STAND	299.87	Automatic Generated Check
27586	8/2/2022	CINTAS CORPORATION #626	192.97	Automatic Generated Check
27587	8/2/2022	CODE SOURCE	1,785.00	Automatic Generated Check
27588	8/2/2022	COMCAST	145.87	Automatic Generated Check
27589	8/2/2022	COPWARE, INC.	460.00	Automatic Generated Check
27590	8/2/2022	DEPT. OF CONSERVATION	947.44	Automatic Generated Check
27591	8/2/2022	ENCORE EVENTS RENTALS INC.	684.53	Automatic Generated Check
27592	8/2/2022	ERICKSON SOUND PRODUCTION	2,812.50	Automatic Generated Check
27593	8/2/2022	FIELDMAN, ROLAPP & ASSOCIATES	1,815.00	Automatic Generated Check
27594	8/2/2022	FLYERS ENERGY, LLC	1,693.21	Automatic Generated Check
27595	8/2/2022	GOLDFARB LIPMAN ATTORNEYS	2,516.00	Automatic Generated Check
27596	8/2/2022	L.N. CURTIS AND SONS	1,804.97	Automatic Generated Check
27597	8/2/2022	MARIN INDEPENDENT JOURNAL	54.10	Automatic Generated Check
27598	8/2/2022	OTIS ELEVATOR COMPANY	3,410.00	Automatic Generated Check
27599	8/2/2022	REMY MOOSE MANLEY LLP	382.50	Automatic Generated Check
27600	8/2/2022	SAN FRANCISCO YACHT CLUB	62.36	Automatic Generated Check
27601	8/2/2022	SANTA ROSA FIRE EQUIPMENT	1,200.00	Automatic Generated Check
27602	8/2/2022	STERICYCLE INC	290.32	Automatic Generated Check
27603	8/2/2022	STETSON ENGINEERS, INC.	24,962.75	Automatic Generated Check
27604	8/2/2022	STRADLING YOCCA CARLSON & RAUTH	1,020.00	Automatic Generated Check
27605	8/2/2022	TOWN OF TIBURON	38,233.20	Automatic Generated Check
27606	8/2/2022	TPX COMMUNICATIONS	906.36	Automatic Generated Check
27607	8/2/2022	U.S. BANK COPIER	992.03	Automatic Generated Check
27608	8/2/2022	VERIZON	129.73	Automatic Generated Check
27609	8/2/2022	WILFORD KELLY	250.00	Automatic Generated Check
27610	8/16/2022	ALLEN GLAESSNER HAZELWOOD & WERTH LLP	810.00	Automatic Generated Check
27611	8/16/2022	AMMI PUBLISHING COMP. INC	1,236.00	Automatic Generated Check
27612	8/16/2022	AT&T	323.27	Automatic Generated Check
27613	8/16/2022	AT&T MOBILITY	216.15	Automatic Generated Check
27614	8/16/2022	BELVEDERE-TIBURON LANDMAR	200.00	Automatic Generated Check
27615	8/16/2022	BLASEN LANDSCAPE ARCHITECTURE	1,140.00	Automatic Generated Check
27616	8/16/2022	CD & POWER	1,855.00	Automatic Generated Check
27617	8/16/2022	CERVANTES BUILDER INC	25,104.38	Automatic Generated Check
27618	8/16/2022	CINTAS CORPORATION #626	310.70	Automatic Generated Check
27619	8/16/2022	CITY OF FOSTER CITY	520.00	Automatic Generated Check
27620	8/16/2022	CODE SOURCE	5,110.00	Automatic Generated Check
27621	8/16/2022	DAVIS SIGN COMPANY INC	92.65	Automatic Generated Check
27622	8/16/2022	EMC PLANNING GROUP INC.	18,568.83	Automatic Generated Check
27623	8/16/2022	ENCORE EVENTS RENTALS INC.	684.53	Automatic Generated Check
27624	8/16/2022	ERICKSON SOUND PRODUCTION	2,812.50	Automatic Generated Check
27625	8/16/2022	ERICKSON SOUND PRODUCTION	2,557.00	Automatic Generated Check

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27626	8/16/2022	FIELDMAN, ROLAPP & ASSOCIATES	198.00	Automatic Generated Check
27627	8/16/2022	FLYERS ENERGY, LLC	1,381.46	Automatic Generated Check
27628	8/16/2022	FORSTER PUMP & WELL	6,237.00	Automatic Generated Check
27629	8/16/2022	HORIZON	214.31	Automatic Generated Check
27630	8/16/2022	IWORQ	4,500.00	Automatic Generated Check
27631	8/16/2022	JERRY BUTLER	311.45	Automatic Generated Check
27632	8/16/2022	KAISER FOUNDATION HEALTH	120.00	Automatic Generated Check
27633	8/16/2022	MARIN CO TAX COLLECTOR	3,883.78	Automatic Generated Check
27634	8/16/2022	MARIN COUNTY - DPW	315.00	Automatic Generated Check
27635	8/16/2022	MARIN HISTORY MUSEUM	150.00	Automatic Generated Check
27636	8/16/2022	MIG	15,294.08	Automatic Generated Check
27637	8/16/2022	MILES TURK	400.00	Automatic Generated Check
27638	8/16/2022	M. SANDOVAL ARCHITECTS, I	3,843.75	Automatic Generated Check
27639	8/16/2022	RICHARDSON'S BAY REGIONAL AGENCY	119,726.00	Automatic Generated Check
27640	8/16/2022	SMART SOURCE LLC	714.91	Automatic Generated Check
27641	8/16/2022	STRADLING YOCCA CARLSON & RAUTH	4,684.00	Automatic Generated Check
27642	8/16/2022	SWAN ENTERTAINMENT CLIENT	2,000.00	Automatic Generated Check
27643	8/16/2022	TOWN OF TIBURON	280.75	Automatic Generated Check
27644	8/16/2022	U.S. BANK CORPORATE PAYME	6,842.65	Automatic Generated Check
27645	8/16/2022	US POSTMASTER	275.00	Automatic Generated Check
27646	8/16/2022	VERIZON	618.20	Automatic Generated Check
27647	8/16/2022	VERIZON	132.94	Automatic Generated Check
27648	8/16/2022	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	147.95	Automatic Generated Check
27649	8/30/2022	AT&T	352.61	Automatic Generated Check
27650	8/30/2022	AT&T MOBILITY	216.15	Automatic Generated Check
27651	8/30/2022	BELVEDERE-TIBURON LANDMAR	50.00	Automatic Generated Check
27652	8/30/2022	CODE SOURCE	7,080.00	Automatic Generated Check
27653	8/30/2022	COMCAST	135.87	Automatic Generated Check
27654	8/30/2022	EMC PLANNING GROUP INC.	8,212.01	Automatic Generated Check
27655	8/30/2022	FLYERS ENERGY, LLC	1,268.71	Automatic Generated Check
27656	8/30/2022	GOLDFARB LIPMAN ATTORNEYS	3,536.00	Automatic Generated Check
27657	8/30/2022	GOODMAN BUILDING SUPPLY	16.19	Automatic Generated Check
27658	8/30/2022	MARIN MUNICIPAL WATER DIS	2,779.24	Automatic Generated Check
27659	8/30/2022	PITNEY BOWES	183.58	Automatic Generated Check
27660	8/30/2022	STETSON ENGINEERS, INC.	11,921.25	Automatic Generated Check
27661	8/30/2022	TPX COMMUNICATIONS	907.96	Automatic Generated Check
27662	8/30/2022	U.S. BANK COPIER	916.23	Automatic Generated Check
27663	8/30/2022	VERIZON	1,426.35	Automatic Generated Check
27664	8/30/2022	WAGeworks INC.	100.00	Automatic Generated Check
27665	8/30/2022	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	189.63	Automatic Generated Check
27666	8/30/2022	ZERO WASTE USA, INC.	731.57	Automatic Generated Check
A-1172	8/2/2022	GLOBAL PAYMENTS	465.18	Electronic Payment
A-1173	8/4/2022	CALPERS	30,149.40	Electronic Payment
A-1174	8/4/2022	AFLAC INSURANCE CO	38.86	Electronic Payment
A-1175	8/9/2022	PACIFIC GAS & ELECTRIC	3,577.52	Electronic Payment
A-1176	8/10/2022	CALPERS	1,400.00	Electronic Payment
A-1177	8/11/2022	EFTPS	13,865.76	Electronic Payment
A-1178	8/11/2022	CA EDD	4,489.17	Electronic Payment
A-1179	8/12/2022	CALPERS	17,473.41	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-1180	8/15/2022	WESTAMERICA BANK	273.40	Electronic Payment
A-1181	8/16/2022	CONNECT YOUR CARE	13.32	Electronic Payment
A-1182	8/18/2022	COMCAST	48.85	Electronic Payment
A-1183	8/23/2022	AT&T	69.72	Electronic Payment
A-1184	8/25/2022	EFTPS	13,367.76	Electronic Payment
A-1185	8/25/2022	CA EDD	4,294.49	Electronic Payment
A-1186	8/25/2022	DELTA DENTAL	2,889.44	Electronic Payment
A-1187	8/30/2022	LINCOLN LTD	637.64	Electronic Payment
A-1188	8/30/2022	RELIANT STANDARD LIFE/ADD	339.70	Electronic Payment
A-1189	8/30/2022	AFLAC INSURANCE CO	38.86	Electronic Payment
AP-083022-1	8/30/2022	BELVEDERE-TIBURON LIBRARY	3,754.40	Electronic Payment
AP-083022-10	8/30/2022	MARY NEILAN	614.88	Electronic Payment
AP-083022-11	8/30/2022	PARS	600.00	Electronic Payment
AP-083022-12	8/30/2022	RAFAEL FLOORS	375.00	Electronic Payment
AP-083022-13	8/30/2022	RENNE PUBLIC LAW GROUP, LLP	17,062.68	Electronic Payment
AP-083022-14	8/30/2022	RENNE PUBLIC LAW GROUP, LLP	1,218.48	Electronic Payment
AP-083022-15	8/30/2022	RENNE PUBLIC LAW GROUP, LLP	4,680.00	Electronic Payment
AP-083022-16	8/30/2022	TIBURON FIRE PROTECTION	166,575.92	Electronic Payment
AP-083022-17	8/30/2022	TREEMASTERS	3,880.00	Electronic Payment
AP-083022-18	8/30/2022	WOLFECOMMUNICATIONS, INC.	300.00	Electronic Payment
AP-083022-2	8/30/2022	BENTON TROPHY & AWARDS, I	227.59	Electronic Payment
AP-083022-3	8/30/2022	CARBONITE INC.	390.72	Electronic Payment
AP-083022-4	8/30/2022	CIRA	12,289.29	Electronic Payment
AP-083022-5	8/30/2022	CORNERSTONE DISPLAYS LLC	916.88	Electronic Payment
AP-083022-6	8/30/2022	DC ELECTRIC GROUP, INC.	331.10	Electronic Payment
AP-083022-7	8/30/2022	ECORP CONSULTING INC.	407.50	Electronic Payment
AP-083022-8	8/30/2022	EDMUND H. SAN DIEGO	614.88	Electronic Payment
AP-083022-9	8/30/2022	MARIN IT, INC.	125.00	Electronic Payment
AP080222-01	8/2/2022	ALHAMBRA & SIERRA SPRINGS	60.41	Electronic Payment
AP080222-02	8/2/2022	AMY O SKEWES-COX	3,770.00	Electronic Payment
AP080222-03	8/2/2022	ARBORSCIENCE	1,500.00	Electronic Payment
AP080222-04	8/2/2022	BASELINE ENVIRONMENTAL CONSULTING	4,516.25	Electronic Payment
AP080222-05	8/2/2022	BELVEDERE-TIBURON LIBRARY	2,648.45	Electronic Payment
AP080222-06	8/2/2022	BELVEDERE-TIBURON LIBRARY	30,035.29	Electronic Payment
AP080222-07	8/2/2022	BELVEDERE-TIBURON LIBRARY	3,422.40	Electronic Payment
AP080222-08	8/2/2022	CAPITAL ONE PUBLIC FUNDING, LLC	119,933.50	Electronic Payment
AP080222-09	8/2/2022	CAPRI	11,976.50	Electronic Payment
AP080222-10	8/2/2022	CARBONITE INC.	390.72	Electronic Payment
AP080222-11	8/2/2022	CIRA	54,990.98	Electronic Payment
AP080222-12	8/2/2022	CIRA	957.00	Electronic Payment
AP080222-13	8/2/2022	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP080222-14	8/2/2022	ECORP CONSULTING INC.	4,267.62	Electronic Payment
AP080222-15	8/2/2022	EDMUND H. SAN DIEGO	614.88	Electronic Payment
AP080222-16	8/2/2022	ENGINEERING SOLUTIONS SERVICES	4,160.00	Electronic Payment
AP080222-17	8/2/2022	ENVIRONMENTAL VISION	1,004.00	Electronic Payment
AP080222-18	8/2/2022	FORSTER & KROEGER LANDSCA	22,080.00	Electronic Payment
AP080222-19	8/2/2022	MARY NEILAN	614.88	Electronic Payment
AP080222-20	8/2/2022	MAZE & ASSOCIATES	15,000.00	Electronic Payment
AP080222-21	8/2/2022	MCNABB CONSTRUCTION INC	46,131.53	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
AP080222-22	8/2/2022	MEYERS NAVE	7,425.00	Electronic Payment
AP080222-23	8/2/2022	MEYERS NAVE	9,058.50	Electronic Payment
AP080222-24	8/2/2022	MEYERS NAVE	3,020.67	Electronic Payment
AP080222-25	8/2/2022	MOE ENGINEERING, INC.	75.00	Electronic Payment
AP080222-26	8/2/2022	MOE ENGINEERING, INC.	540.00	Electronic Payment
AP080222-27	8/2/2022	MOE ENGINEERING, INC.	90.00	Electronic Payment
AP080222-28	8/2/2022	MOE ENGINEERING, INC.	90.00	Electronic Payment
AP080222-29	8/2/2022	MOE ENGINEERING, INC.	150.00	Electronic Payment
AP080222-30	8/2/2022	MOE ENGINEERING, INC.	60.00	Electronic Payment
AP080222-31	8/2/2022	MOE ENGINEERING, INC.	60.00	Electronic Payment
AP080222-32	8/2/2022	MOE ENGINEERING, INC.	525.00	Electronic Payment
AP080222-33	8/2/2022	MOE ENGINEERING, INC.	297.50	Electronic Payment
AP080222-34	8/2/2022	MOE ENGINEERING, INC.	112.50	Electronic Payment
AP080222-35	8/2/2022	MOE ENGINEERING, INC.	300.00	Electronic Payment
AP080222-36	8/2/2022	MOE ENGINEERING, INC.	540.00	Electronic Payment
AP080222-37	8/2/2022	MOE ENGINEERING, INC.	685.00	Electronic Payment
AP080222-38	8/2/2022	MOE ENGINEERING, INC.	577.50	Electronic Payment
AP080222-39	8/2/2022	MOE ENGINEERING, INC.	120.00	Electronic Payment
AP080222-40	8/2/2022	MOE ENGINEERING, INC.	187.50	Electronic Payment
AP080222-41	8/2/2022	MOE ENGINEERING, INC.	530.00	Electronic Payment
AP080222-42	8/2/2022	MOE ENGINEERING, INC.	120.00	Electronic Payment
AP080222-43	8/2/2022	MOE ENGINEERING, INC.	75.00	Electronic Payment
AP080222-44	8/2/2022	MOE ENGINEERING, INC.	915.00	Electronic Payment
AP080222-45	8/2/2022	MOE ENGINEERING, INC.	1,852.50	Electronic Payment
AP080222-46	8/2/2022	MOE ENGINEERING, INC.	112.50	Electronic Payment
AP080222-47	8/2/2022	MOE ENGINEERING, INC.	1,097.50	Electronic Payment
AP080222-48	8/2/2022	MOE ENGINEERING, INC.	337.50	Electronic Payment
AP080222-49	8/2/2022	MOE ENGINEERING, INC.	4,245.00	Electronic Payment
AP080222-50	8/2/2022	MOE ENGINEERING, INC.	315.00	Electronic Payment
AP080222-51	8/2/2022	MOE ENGINEERING, INC.	637.50	Electronic Payment
AP080222-52	8/2/2022	PARS	600.00	Electronic Payment
AP080222-53	8/2/2022	RENNE PUBLIC LAW GROUP, LLP	25,864.96	Electronic Payment
AP080222-54	8/2/2022	RENNE PUBLIC LAW GROUP, LLP	1,708.50	Electronic Payment
AP080222-55	8/2/2022	RENNE PUBLIC LAW GROUP, LLP	650.00	Electronic Payment
AP080222-56	8/2/2022	SPTJ CONSULTING	4,800.00	Electronic Payment
AP080222-57	8/2/2022	STEVEN ENZENSPERGER	13,030.83	Electronic Payment
AP080222-58	8/2/2022	TIBURON FIRE PROTECTION	166,575.92	Electronic Payment
AP080222-59	8/2/2022	UNDERGROUND SERVICE ALERT	389.65	Electronic Payment
AP080222-60	8/2/2022	WOLFECOMMUNICATIONS, INC.	412.50	Electronic Payment
AP081622-01	8/16/2022	ALHAMBRA & SIERRA SPRINGS	60.41	Electronic Payment
AP081622-02	8/16/2022	AMY O SKEWES-COX	2,737.50	Electronic Payment
AP081622-03	8/16/2022	ARBORSCIENCE	300.00	Electronic Payment
AP081622-04	8/16/2022	ARBORSCIENCE	300.00	Electronic Payment
AP081622-05	8/16/2022	BASELINE ENVIRONMENTAL CONSULTING	1,491.25	Electronic Payment
AP081622-06	8/16/2022	CIRA	164.01	Electronic Payment
AP081622-07	8/16/2022	CORNERSTONE DISPLAYS LLC	916.88	Electronic Payment
AP081622-07	8/16/2022	CORNERSTONE DISPLAYS LLC	(916.88)	Electronic Payment
AP081622-08	8/16/2022	ECORP CONSULTING INC.	4,462.50	Electronic Payment
AP081622-09	8/16/2022	FORSTER & KROEGER LANDSCA	8,960.00	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
AP081622-10	8/16/2022	JESUS ARGUELLES	442.95	Electronic Payment
AP081622-11	8/16/2022	JESUS ARGUELLES	597.18	Electronic Payment
AP081622-12	8/16/2022	MARIN IT, INC.	559.50	Electronic Payment
AP081622-13	8/16/2022	MICHAEL PAUL COMPANY INC.	12,400.45	Electronic Payment
AP081622-14	8/16/2022	MOE ENGINEERING, INC.	375.00	Electronic Payment
AP081622-15	8/16/2022	MOE ENGINEERING, INC.	525.00	Electronic Payment
AP081622-16	8/16/2022	MOE ENGINEERING, INC.	1,415.00	Electronic Payment
AP081622-17	8/16/2022	MOE ENGINEERING, INC.	450.00	Electronic Payment
AP081622-18	8/16/2022	MOE ENGINEERING, INC.	1,680.00	Electronic Payment
AP081622-19	8/16/2022	MOE ENGINEERING, INC.	1,382.50	Electronic Payment
AP081622-20	8/16/2022	PARISI TRANSPORTATION CONSULTING INC.	1,342.50	Electronic Payment
AP081622-21	8/16/2022	SPTJ CONSULTING	5,475.00	Electronic Payment
AP081622-22	8/16/2022	SPTJ CONSULTING	2,955.91	Electronic Payment
AP081622-23	8/16/2022	SPTJ CONSULTING	16,976.09	Electronic Payment
AP081622-24	8/16/2022	TREEMASTERS	5,200.00	Electronic Payment
AP081622-25	8/16/2022	TREEMASTERS	2,180.00	Electronic Payment
AP081622-26	8/16/2022	U.S. BANK OPERATIONS CENT	26,617.50	Electronic Payment
AP081622-27	8/16/2022	U.S. BANK OPERATIONS CENT	97,371.86	Electronic Payment
AP081622-28	8/16/2022	U.S. BANK OPERATIONS CENT	473,917.24	Electronic Payment
AP081622-29	8/16/2022	WILLDAN FINANCIAL SERVICE	7,205.77	Electronic Payment
Total for Bank Account 1000 ----->			1,930,630.40	

CITY OF BELVEDERE
WARRANTS REPORT
AUGUST 2022
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
143	8/9/2022	DIRECT DEPOSIT	62,675.08	Electronic Payment
144	8/24/2022	DIRECT DEPOSIT	61,280.37	Electronic Payment
P-206	8/9/2022	MASS MUTUAL	527.21	Electronic Payment
P-207	8/25/2022	MASS MUTUAL	527.21	Electronic Payment
PR081122-01	8/9/2022	BPOA	92.30	Electronic Payment
PR081122-02	8/9/2022	ICMA-RC	4,725.33	Electronic Payment
PR081122-03	8/9/2022	GARNISHMENT	692.31	Electronic Payment
PR082522-01	8/24/2022	BPOA	92.30	Electronic Payment
PR082522-02	8/24/2022	ICMA-RC	4,683.17	Electronic Payment
PR082522-03	8/24/2022	GARNISHMENT	692.31	Electronic Payment
Total for Bank Account 1010 ----->			135,987.59	
Grand Total of all Bank Accounts ----->			2,066,617.99	

To: Mayor and City Council
From: Helga Cotter, Administrative Services Director
Subject: **Investment Report as of September 12, 2022**

Recommended Motion/Item Description

That the City Council receive the City’s Investment Report for the quarter ending June 30, 2022, as part of the Consent Calendar.

Background

This report is provided as required by the City’s investment policy. Current investments are consistent with the investment policy and are allowable under current California law. Investments are selected to meet the priority principles of the policy: safety, liquidity, and yield in respective order.

The balance in the CEPPT 115 Trust as of June 30, 2022, was as follows:

Initial Installments (15 out of 15)	\$1,500,000
Annual Investment – FY22	300,000
Investment Earnings	(200,461)
<u>Less: Investment/Admin Fees</u>	<u>(2,540)</u>
Ending Balance	\$1,597,000

Attachments

1. Investment Summary Report
2. LAIF Remittance Advice on June 30, 2022
3. CEPPT Account Update on June 30, 2022

CITY OF BELVEDERE
REPORT ON INVESTMENTS
FISCAL YEAR 2021/22

QUARTER-ENDED 6/30/22

<u>Investment</u>	<u>Balance</u>	<u>Interest Earned</u>	<u>Investment Yield</u>	<u>Maturity</u>
Local Agency Investment Fund (LAIF)	\$ 7,513,523.63	\$ 13,235.81	0.75%	Liquid
CalPERS CEPPT 115 Pension Trust	1,597,000.00	\$ (155,887.28)	-12.41%	Liquid - with restrictions on use



BETTY T. YEE
California State Controller

**LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE**

Agency Name BELVEDERE

Account Number 98-21-071

As of 07/15/2022, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 06/30/2022.

Earnings Ratio		.00002057622201151
Interest Rate		0.75%
Dollar Day Total	\$	643,257,547.65
Quarter End Principal Balance	\$	7,513,523.63
Quarterly Interest Earned	\$	13,235.81

CEPPT Account Update Summary

City of Belvedere

as of June 30, 2022

CEPPT Account Summary

As of June 30, 2022	Strategy 1	Strategy 2	Total
Initial contribution (05/25/2021)	\$100,000	\$0	\$100,000
Additional contributions	\$1,700,000	\$0	\$1,700,000
Disbursements	\$0	\$0	\$0
CEPPT expenses	(\$2,540)	\$0	(\$2,540)
Investment earnings	(\$200,461)	\$0	(\$200,461)
Total assets (05/25/2021-06/30/2022 = 1.1 years)	\$1,597,000	\$0	\$1,597,000

CEPPT/CERBT Investment Returns Outperform Benchmarks

Periods ended June 30, 2022

Fund	Assets	1 Month	3 Months	FYTD	1 Year	3 Years	5 Years	10 Years	ITD
CERBT Strategy 1 (Inception June 1, 2007)	\$12,805,762,723	-6.65%	-12.97%	-13.35%	-13.35%	4.60%	5.60%	6.86%	4.86%
Benchmark		-6.71%	-13.07%	-13.55%	-13.55%	4.32%	5.32%	6.51%	4.45%
CERBT Strategy 2 (Inception October 1, 2011)	\$1,750,235,674	-5.53%	-11.49%	-12.54%	-12.54%	3.35%	4.66%	5.69%	6.29%
Benchmark		-5.57%	-11.54%	-12.66%	-12.66%	3.15%	4.43%	5.37%	6.02%
CERBT Strategy 3 (Inception January 1, 2012)	\$747,065,965	-4.56%	-9.82%	-10.72%	-10.72%	2.56%	3.91%	4.55%	4.81%
Benchmark		-4.59%	-9.84%	-10.77%	-10.77%	2.41%	3.73%	4.22%	4.53%
CERBT Total	\$16,954,078,879								
CEPPT Strategy 1 (Inception October 1, 2019)	\$58,090,430	-4.86%	-10.08%	-12.41%	-12.41%	-	-	-	2.49%
Benchmark		-4.95%	-10.24%	-12.62%	-12.62%	-	-	-	2.41%
CEPPT Strategy 2 (Inception January 1, 2020)	\$25,825,663	-3.12%	-7.30%	-10.94%	-10.94%	-	-	-	-0.48%
Benchmark		-3.14%	-7.34%	-11.02%	-11.02%	-	-	-	-0.62%
CEPPT Total	\$70,697,726								

CEPPT Portfolios

Portfolios	CEPPT Strategy 1	CEPPT Strategy 2
Expected Return	5.0%	4.0%
Risk	8.2%	5.2%

CEPPT Portfolio Details

Asset Classification	Benchmark	CEPPT Strategy 1	CEPPT Strategy 2
Global Equity	MSCI All Country World Index	40% ±5%	14% ±5%
Fixed Income	Bloomberg Barclays U.S. Aggregate Bond Index	47% ±5%	73% ±5%
Global Real Estate (REITs)	FTSE EPRA/NAREIT Developed Liquid Index	8% ±5%	8% ±5%
Treasury Inflation Protected Securities (TIPS)	Barclays Capital Global Real: US TIPS Index	5% ±3%	5% ±3%
Cash	3-Month Treasury Bill	0% +2%	0% +2%

Total Participation Cost Fee Rate

- Total all-inclusive cost of participation
 - Combines administrative, custodial, and investment fees
 - Separate trust funds
 - Self-funded, fee rate may change in the future
 - Fee is applied daily to assets under management
 - 10 basis points - CERBT
 - 25 basis points - CEPPT

CEPPT/CERBT Consistently Low Fee Rate History

Fiscal Year	CERBT	CEPPT
2007-2008	2.00 basis points	-
2008-2009	6.00 basis points	-
2009-2010	9.00 basis points	-
2010-2011	12.00 basis points	-
2011-2012	12.00 basis points	-
2012-2013	15.00 basis points	-
2013-2014	14.00 basis points	-
2014-2015	10.00 basis points	-
2015-2016	10.00 basis points	-
2016-2017	10.00 basis points	-
2017-2018	10.00 basis points	-
2018-2019	10.00 basis points	-
2019-2020	10.00 basis points	25.00 basis points
2020-2021	10.00 basis points	25.00 basis points
2021-2022	10.00 basis points	25.00 basis points
2022-2023	10.00 basis points	25.00 basis points

618 Prefunding Program Employers

598 CERBT and 72 CEPPT

- State of California
- 157 Cities or Towns
- 10 Counties
- 81 School Employers
- 32 Courts
- 337 Special Districts and other Public Agencies
 - (101 Water, 37 Sanitation, 34 Fire, 25 Transportation)

Questions? Where to Get Trust Fund Information?

Name	Title	E-mail	Desk	Mobile
Matt Goss	Outreach & Support Program Manager	Matthew.Goss@calpers.ca.gov	(916) 795-9071	(916) 382-6487
Karen Lookingbill	Outreach & Support Manager	Karen.Lookingbill@calpers.ca.gov	(916) 795-1387	(916) 501-2219
Jasper Jacobs	Outreach & Support Analyst	Jasper.Jacobs@calpers.ca.gov	(916) 795-0432	(916) 717-3886
Colleen Cain-Herrback	Administration & Reporting Program Manager	Colleen.Cain-Herrback@calpers.ca.gov	(916) 795-2474	(916) 505-2506
Vic Anderson	Administration & Reporting Manager	Victor.Anderson@calpers.ca.gov	(916) 795-3739	(916) 281-8214
Robert Sharp	Assistant Division Chief	Robert.Sharp@calpers.ca.gov	(916) 795-3878	(916) 397-0756

Program E-mail Addresses	Prefunding Programs Webpages
CEPPT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CEPPT
CERBT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CERBT
CERBTACCOUNT@calpers.ca.gov – Online Record Keeping System	

CEPPT Strategy 1



June 30, 2022

Objective

The CEPPT Strategy 1 portfolio seeks to provide capital appreciation and income consistent with its strategic asset allocation. There is no guarantee that the portfolio will achieve its investment objective.

Strategy

The CEPPT Strategy 1 portfolio is invested in various asset classes that are passively managed to an index. CalPERS periodically adjusts the composition of the portfolio in order to match the target allocations. Generally, equities are intended to help build the value of the employer's portfolio over the long term while bonds are intended to help provide income and stability of principal. Also, strategies invested in a higher percentage of equities seek higher investment returns (but assume more risk) compared with strategies invested in a higher percentage of bonds.

Compared with CEPPT Strategy 2, this portfolio has a higher allocation to equities than bonds. Historically, equities have displayed greater price volatility and, therefore, this portfolio may experience greater fluctuation of value. Employers that seek higher investment returns, and are able to accept greater risk and tolerate more fluctuation in returns, may wish to consider this portfolio.

CalPERS Board may change the list of approved asset classes in composition as well as targeted allocation percentages and ranges at any time.

Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 1	Annual Expense Ratio
\$58,090,430	0.25%

Composition

Asset Class Allocations and Benchmarks

The CEPPT Strategy 1 portfolio consists of the following asset classes and corresponding benchmarks:

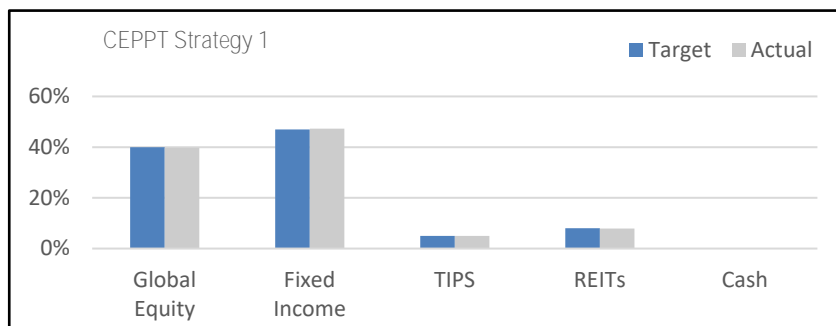
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	40%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	47%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")	8%	± 5%	FTSE EPRA/NAREIT Developed Index (Net)
Cash	-	+ 2%	91-Day Treasury Bill

Portfolio Benchmark

The CEPPT Strategy 1 benchmark is a composite of underlying asset class market indices, each assigned the target weight for the asset class it represents.

Target vs. Actual Asset Class Allocations

The following chart shows policy target allocations compared with actual asset allocations as of the specified reporting month-end. CalPERS may temporarily deviate from the target allocation for a particular asset class based on market, economic, or other considerations.



CEPPT Strategy 1 Performance as of June 30, 2022

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (October 1, 2019)
Gross Return ^{1,3}	-4.86%	-10.08%	-12.41%	-12.41%	-	-	-	2.49%
Net Return ^{2,3}	-4.87%	-10.12%	-12.61%	-12.61%	-	-	-	2.25%
Benchmark Return	-4.95%	-10.24%	-12.62%	-12.62%	-	-	-	2.41%
Standard Deviation ⁴	-	-	-	-	-	-	-	-

* Returns for periods greater than one year are annualized.

¹ Gross returns are net of SSGA operating expenses.

² Net returns are net of SSGA operating expenses, investment management, administrative and recordkeeping fees.

³ Expenses are described in more detail on page 2 of this document.

⁴ Standard deviation is based on gross returns and is reported for periods greater than 3 years.

June 30, 2022

General Information

Information Accessibility

The CEPPT Strategy 1 portfolio consists of assets managed internally by CalPERS and/or by external managers. Since it is not a mutual fund, a prospectus is not available and daily holdings are not published. CalPERS provides a quarterly statement of the employer's account and other information about the CEPPT. For total market value, detailed asset allocation, investment policy and performance information, please visit our website at www.calpers.ca.gov.

Portfolio Manager Information

The CalPERS Board, through its Investment Committee, directs the CEPPT investment strategy based on policies approved by the Board of Administration. State Street Global Advisors (SSGA) manages all underlying investments for CEPPT, which include: Global Equity, Fixed Income, Real Estate Investment Trusts, and Treasury Inflation-Protected Securities.

Custodian and Record Keeper

State Street Bank serves as custodian for the CEPPT. Northeast Retirement Services serves as recordkeeper.

Expenses

CEPPT is a self-funded trust in which participating employers pay for all administrative and investment expenses. Expenses reduce the gross investment return by the fee amount. The larger the expenses, the greater reduction of investment return. Currently, CEPPT expense ratios are 0.25%. This equates to \$2.50 per \$1,000 invested. The expenses consist of administrative expenses borne by CalPERS to administer and oversee the Trust assets, investment management and administrative fees paid to SSGA to manage all asset classes, and recordkeeping fees paid to Northeast Retirement Services to administer individual employer accounts. The expenses described herein are reflected in the net asset value per unit. The expense ratio is subject to change at any time and without prior notification due to factors such as changes to average fund assets or market conditions. CalPERS reviews the operating expenses annually and changes may be made as appropriate. Even if the portfolio loses money during a period, the expenses will still be charged.

What Employers Own

Each employer invested in CEPPT Strategy 1 owns units of this portfolio, which invests in pooled asset classes managed by CalPERS and/or external advisors. Employers do not have direct ownership of the securities in the portfolio.

Price

The value of the portfolio changes daily based upon the market value of the underlying securities. Just as prices of individual securities fluctuate, the portfolio's value also changes with market conditions.

Principal Risks of the Portfolio

The CEPPT fund is a trust fund dedicated to prefunding employer contributions to defined benefit pension plans for eligible state and local agencies. CEPPT is not, however, a defined benefit plan. There is no guarantee that the portfolio will achieve its investment objectives or provide sufficient funding to meet employer obligations.

An investment in the portfolio is not a bank deposit, nor is it insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC), CalPERS, the State of California or any other government agency.

There are risks associated with investing, including possible loss of principal. The portfolio's risk depends in part on the portfolio's asset class allocations and the selection, weighting and risks of the underlying investments. For more information about investment risks, please see the document entitled "CEPPT Principal Investment Risks" located at www.calpers.ca.gov.

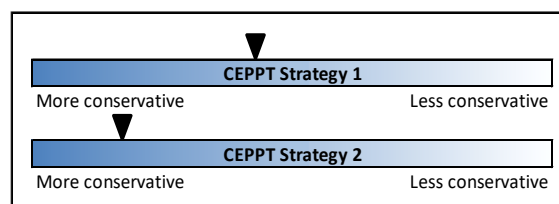
Fund Performance

Performance data shown on page 1 represents past performance and is no guarantee of future results. The investment return and principal value of an investment will fluctuate so that an employer's units, when redeemed, may be worth more or less than their original cost. Current performance may be higher or lower than historical performance data shown. For current performance information, please visit www.calpers.ca.gov and follow the links to California Employers' Pension Prefunding Trust.

CEPPT Strategy Risk Levels

CalPERS offers employers the choice of one of two investment strategies. Projected risk levels among risk strategies vary, depending upon the target asset class allocations. Generally, equities carry more risk than fixed income securities.

Asset Class Target Allocations	Strategy 1	Strategy 2
Global Equity	40%	14%
Fixed Income	47%	73%
Treasury-Inflation Protected Securities	5%	5%
Real Estate Investment Trusts	8%	8%



June 30, 2022

Objective

The CEPPT Strategy 2 portfolio seeks to provide capital appreciation and income consistent with its strategic asset allocation. There is no guarantee that the portfolio will achieve its investment objective.

Strategy

The CEPPT Strategy 2 portfolio is invested in various asset classes that are passively managed to an index. CalPERS periodically adjusts the composition of the portfolio in order to match the target allocations. Generally, equities are intended to help build the value of the employer's portfolio over the long term while bonds are intended to help provide income and stability of principal. Also, strategies invested in a higher percentage of equities seek higher investment returns (but assume more risk) compared with strategies invested in a higher percentage of bonds.

Compared with CEPPT Strategy 1, this portfolio has a lower allocation to equities and a higher allocation to bonds. Historically, funds with a lower percentage of equities have displayed less price volatility and, therefore, this portfolio may experience comparatively less fluctuation of value. Employers that seek greater stability of value, in exchange for possible lower investment returns, may wish to consider this portfolio.

CalPERS Board may change the list of approved asset classes in composition as well as targeted allocation percentages and ranges at any time.

Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 2	Annual Expense Ratio
\$25,825,663	0.25%

Composition

Asset Class Allocations and Benchmarks

The CEPPT Strategy 2 portfolio consists of the following asset classes and corresponding benchmarks:

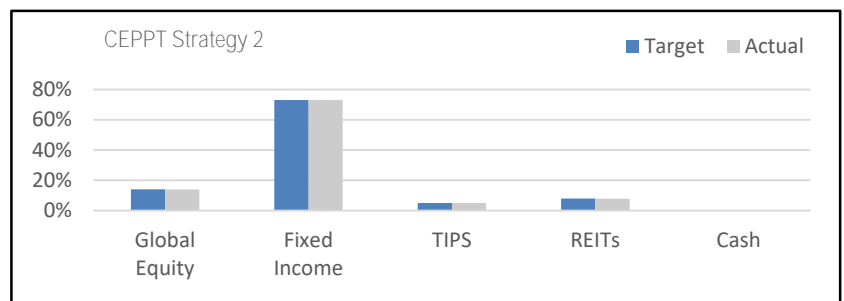
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	14%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	73%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")	8%	± 5%	FTSE EPRA/NAREIT Developed Index (Net)
Cash	-	+ 2%	91-Day Treasury Bill

Portfolio Benchmark

The CEPPT Strategy 2 benchmark is a composite of underlying asset class market indices, each assigned the target weight for the asset class it represents.

Target vs. Actual Asset Class Allocations

The following chart shows policy target allocations compared with actual asset allocations as of the specified reporting month-end. CalPERS may temporarily deviate from the target allocation for a particular asset class based on market, economic, or other considerations.



CEPPT Strategy 2 Performance as of June 30, 2022

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (January 1, 2020)
Gross Return ^{1,3}	-3.12%	-7.30%	-10.94%	-10.94%	-	-	-	-0.48%
Net Return ^{2,3}	-3.14%	-7.35%	-11.14%	-11.14%	-	-	-	-0.71%
Benchmark Return	-3.14%	-7.34%	-11.02%	-11.02%	-	-	-	-0.62%
Standard Deviation ⁴	-	-	-	-	-	-	-	-

* Returns for periods greater than one year are annualized.

¹ Gross returns are net of SSGA operating expenses.

² Net returns are net of SSGA operating expenses, investment management, administrative and recordkeeping fees.

³ Expenses are described in more detail on page 2 of this document.

⁴ Standard deviation is based on gross returns and is reported for periods greater than 3 years.

CEPPT Strategy 2



June 30, 2022

General Information

Information Accessibility

The CEPPT Strategy 2 portfolio consists of assets managed internally by CalPERS and/or by external managers. Since it is not a mutual fund, a prospectus is not available and daily holdings are not published. CalPERS provides a quarterly statement of the employer's account and other information about the CEPPT. For total market value, detailed asset allocation, investment policy and performance information, please visit our website at www.calpers.ca.gov.

Portfolio Manager Information

The CalPERS Board, through its Investment Committee, directs the CEPPT investment strategy based on policies approved by the Board of Administration. State Street Global Advisors (SSGA) manages all underlying investments for CEPPT, which include: Global Equity, Fixed Income, Real Estate Investment Trusts, and Treasury Inflation-Protected Securities.

Custodian and Record Keeper

State Street Bank serves as custodian for the CEPPT. Northeast Retirement Services serves as recordkeeper.

Expenses

CEPPT is a self-funded trust in which participating employers pay for all administrative and investment expenses. Expenses reduce the gross investment return by the fee amount. The larger the expenses, the greater reduction of investment return. Currently, CEPPT expense ratios are 0.25%. This equates to \$2.50 per \$1,000 invested. The expenses consist of administrative expenses borne by CalPERS to administer and oversee the Trust assets, investment management and administrative fees paid to SSGA to manage all asset classes, and recordkeeping fees paid to Northeast Retirement Services to administer individual employer accounts. The expenses described herein are reflected in the net asset value per unit. The expense ratio is subject to change at any time and without prior notification due to factors such as changes to average fund assets or market conditions. CalPERS reviews the operating expenses annually and changes may be made as appropriate. Even if the portfolio loses money during a period, the expenses will still be charged.

What Employers Own

Each employer invested in CEPPT Strategy 2 owns units of this portfolio, which invests in pooled asset classes managed by CalPERS and/or external advisors. Employers do not have direct ownership of the securities in the portfolio.

Price

The value of the portfolio changes daily based upon the market value of the underlying securities. Just as prices of individual securities fluctuate, the portfolio's value also changes with market conditions.

Principal Risks of the Portfolio

The CEPPT fund is a trust fund dedicated to prefunding employer contributions to defined benefit pension plans for eligible state and local agencies. CEPPT is not, however, a defined benefit plan. There is no guarantee that the portfolio will achieve its investment objectives or provide sufficient funding to meet employer obligations.

An investment in the portfolio is not a bank deposit, nor is it insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC), CalPERS, the State of California or any other government agency.

There are risks associated with investing, including possible loss of principal. The portfolio's risk depends in part on the portfolio's asset class allocations and the selection, weighting and risks of the underlying investments. For more information about investment risks, please see the document entitled "CEPPT Principal Investment Risks" located at www.calpers.ca.gov.

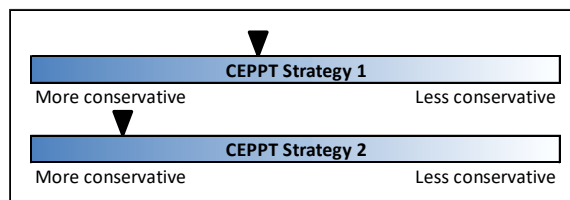
Fund Performance

Performance data shown on page 1 represents past performance and is no guarantee of future results. The investment return and principal value of an investment will fluctuate so that an employer's units, when redeemed, may be worth more or less than their original cost. Current performance may be higher or lower than historical performance data shown. For current performance information, please visit www.calpers.ca.gov and follow the links to California Employers' Pension Prefunding Trust.

CEPPT Strategy Risk Levels

CalPERS offers employers the choice of one of two investment strategies. Projected risk levels among risk strategies vary, depending upon the target asset class allocations. Generally, equities carry more risk than fixed income securities.

Asset Class Target Allocations	Strategy 1	Strategy 2
Global Equity	40%	14%
Fixed Income	47%	73%
Treasury-Inflation Protected Securities	5%	5%
Real Estate Investment Trusts	8%	8%



To: Mayor and City Council

From: Helga Cotter, Administrative Services Director

Subject: Agreement with County of Marin for Measure A Parks Tax Proceed Disbursement

Recommended Motion/Item Description

Approve the Grant Agreement for disbursement of Measure A Parks tax proceeds.

Background

The citizens of Marin County approved the renewal of the ¼ cent sales tax on June 7, 2022, for Measure A, the Marin Parks, Open Space, and Farmland Preservation Transactions and Use Tax that is expected to generate \$16M per year countywide for the ten-year life of the Measure. The renewal will be effective on October 1, 2022, and fifteen percent (15%) of the revenue is to be allocated to Marin cities/towns and special districts to assist in managing their parks, open space preserves, recreation programs, and vegetation to promote biodiversity and reduce wildfire risk.

Findings

The County has prepared a “grant agreement” that each city must approve. The agreement will govern the timing and method of the allocation of funds. The agreement lists four categories of appropriate expenditures:

- i. To manage parks, open spaces, and recreational programming.
- ii. To maintain, restore and/or renovate existing parks, preserves and recreational facilities.
- iii. To construct new parks and recreational facilities or acquire parklands.
- iv. To engage in vegetation management to reduce wildfire risk, promote biodiversity or control invasive non-native weeds on private, municipal, or district lands.

An annual work plan must be submitted to the County by December 1st each year, and an annual expenditure report must be made each fiscal year. Allocations will be made in two installments annually, paid in July and January.

Fiscal Impact

The estimated annual allocation for the City of Belvedere is \$19,732. This revenue is included as part of the FY2022-23 Operating and Capital Budget. No budget amendment is necessary.

Attachment

Grant agreement

GRANT AGREEMENT FOR DISBURSEMENT OF TAX PROCEEDS

BETWEEN

COUNTY OF MARIN

AND

CITY OF _____
TOWN OF _____
_____ DISTRICT

This Grant Agreement (hereinafter "AGREEMENT") is made and entered into this ___ day of MONTH, 2022, by and between the County of Marin, a political subdivision of the State of California (hereinafter "COUNTY"), and the CITY/TOWN of _____, or _____ DISTRICT (hereinafter "CITY/TOWN/DISTRICT"), a political subdivision of the State of California, collectively hereinafter the "PARTIES".

Recitals

Whereas, the Marin Parks, Open Space, and Sustainable Agriculture Transactions and Use Tax Ordinance 3760 (hereinafter "MEASURE A"; attached as Exhibit A) was approved by Marin County voters on June 7, 2022; and

Whereas, upon becoming operative on October 1, 2022, MEASURE A applies to any unspent fund balance from the Marin Parks, Open Space, and Farmland Preservation Transactions and Use Tax Ordinance 3586, which became effective April 1, 2013.

Whereas, MEASURE A levies a one-quarter of one-percent transactions and use tax (hereinafter "sales tax") in Marin County and is estimated to generate approximately \$16,000,000 per year for the nine year life of the measure; and

Whereas, the MEASURE A Expenditure Plan, included in Exhibit A, allocates fifteen percent (15%) of the revenues from the sales tax increment to a City, Town, and Applicable Special District Program (hereinafter "PROGRAM") to assist Marin's municipalities and applicable special districts in managing their parks, open space preserves, recreation programs, and vegetation to promote biodiversity and reduce wildfire risk; and

Whereas, the term, "applicable special districts," means a local public entity located wholly within the unincorporated area of Marin that was explicitly formed to provide services to the community for park and recreation purposes and/or park and recreation purposes plus open space. Applicable special districts do not include federal agencies, state agencies, extensions of the County government (i.e. Community Service Areas) and/or districts located within an incorporated town or city even if such agencies or districts provide services to the community for recreation, open space or recreation programming.

Whereas, COUNTY is charged with the fiduciary duty to administer the MEASURE A sales tax proceeds consistent with applicable laws; and

Whereas, MEASURE A, requires that an allocation method be used as a means to determine the amount of funding each municipality and applicable special district receives on an annual basis from the PROGRAM; and

Whereas, the Ordinance 3586 allocation method approved by the Marin County Board of Supervisors on December 17th, 2013, a copy of which is attached hereto and made a part hereof (hereinafter "ALLOCATION METHOD"; Exhibit B), has been updated with current census information and will be used to determine funding allocations under this PROGRAM; and

Whereas, the objective of this AGREEMENT is to continue a mutually beneficial relationship between PARTIES to disburse and account for MEASURE A fund expenditures;

Therefore, PARTIES are entering into this AGREEMENT.

Statement of Agreement

1. It is mutually agreed and understood that, upon signing of this AGREEMENT:
 - a. COUNTY is responsible for allocating, managing, accounting for, and disbursing all PROGRAM funds.
 - b. COUNTY will disburse PROGRAM funds to CITY/TOWN/DISTRICT semiannually (two times per fiscal year), as follows:
 - i. Disbursement 1 will occur in or about July each year, conditional upon receipt by Marin County Parks of an Annual Measure A Work Plan prepared by CITY/TOWN/DISTRICT, in the form attached as Exhibit C, by July 1st of the same calendar year. Disbursement 1 will consist of PROGRAM funds from Measure A revenue received from the California Department of Tax and Fee Administration during the preceding January 1st through June 30th period and allocated to the CITY/TOWN/DISTRICT according to the ALLOCATION METHOD. If CITY/TOWN/DISTRICT submits its Annual Measure A Work Plan after July 1st, Disbursement 1 shall occur approximately 30 days subsequent to submittal.
 - ii. Disbursement 2 will occur in or about January, conditional upon receipt by Marin County Parks, by November 15th of the same fiscal year, of an Annual Measure A Expenditure Report prepared by CITY/TOWN/DISTRICT, in the form attached as Exhibit D, describing actual expenditures for the preceding fiscal year. Disbursement 2 will consist of PROGRAM funds from Measure A revenue received from the California Department of Tax and Fee Administration during the preceding July 1st through December 31st period and allocated to the CITY/TOWN/DISTRICT according to the ALLOCATION METHOD. If CITY/TOWN/DISTRICT submits its Annual Measure A Expenditure Report after November 15th, Disbursement 2 may be delayed. Late Expenditure Reports will delay annual reporting on Measure A, and the work of the Measure A Community Oversight Committee.

CITY/TOWN/DISTRICT is encouraged to produce Annual Measure A Expenditure Reports on time.

- iii. COUNTY will make every effort to make disbursements within the time periods specified above, and shall not willfully delay or withhold PROGRAM funds for reasons other than those stated in this AGREEMENT, but shall not be responsible for the consequences if disbursements are delayed for any reason. Disbursements will occur by electronic transfer.
 - iv. CITY/TOWN/DISTRICT Annual Measure A Work Plans and Expenditure Reports shall account for any unspent revenue and unreported expenditures from Ordinance 3586.
- c. CITY/TOWN/DISTRICT's allocation of PROGRAM funds must be used as described in Exhibit A to this AGREEMENT. Only the following uses are allowed:
- i. Manage parks, open spaces, and recreational programming.
 - ii. To maintain, restore and/or renovate existing parks, preserves and recreational facilities.
 - iii. To construct new parks and recreational facilities or acquire parklands.
 - iv. To engage in vegetation management to reduce wildfire risk, promote biodiversity or control invasive non-native weeds on private, municipal, or district lands.
- d. Without changing the ALLOCATION METHOD, COUNTY may review and adjust CITY/TOWN/DISTRICT's population numbers every three years, beginning with the date of this AGREEMENT. COUNTY shall provide CITY/TOWN/DISTRICT's with notice of any adjustments.
- e. For CITY/TOWN/DISTRICT's budgeting purposes, COUNTY will provide an estimate of a CITY/TOWN/DISTRICT's annual allocation for the coming fiscal year on or about March 1st, for as long as the tax is in effect. COUNTY will base the estimate on the annual budget approved by the Board of Supervisors and account for an estimated delay in payment from the sales tax is assessed to the time a payment is made to COUNTY of three (3) months. Actual allocation may be higher or lower than the estimate due to variability in annual tax receipts.
- f. CITY/TOWN/DISTRICT is not required to match funds.
- g. CITY/TOWN/DISTRICT will segregate PROGRAM funds from other funds available to it. CITY/TOWN/DISTRICT must ensure that PROGRAM funds are not commingled with other funds not pertaining to MEASURE A. This can be achieved by either establishing a separate bank account dedicated solely to MEASURE A, or by establishing and accounting for MEASURE A financial transactions in a special revenue fund dedicated solely to MEASURE A.

- h. CITY/TOWN/DISTRICT need not expend its annual allocation of PROGRAM funds in a single fiscal year. Allocations may accumulate with the CITY/TOWN/DISTRICT and carry over into multiple, successive fiscal years if, for example, CITY/TOWN/DISTRICT wishes to use the funds for a program, project or projects that cannot be funded with a single year allocation.
- i. CITY/TOWN/DISTRICT will expend the sum total of its annual allocations by 10 years after the date MEASURE A expires. On that date, PROGRAM funds not expended by CITY/TOWN/DISTRICT shall revert and be due to COUNTY.
- j. CITY/TOWN/DISTRICT's Annual Measure A Work Plans shall be due as stated in item "b" above.
- k. CITY/TOWN/DISTRICT is responsible for ensuring that environmental review and permitting requirements are fulfilled, if applicable, for all projects receiving Measure A funds.
- l. CITY/TOWN/DISTRICT will spend Measure A funds solely on project or program costs. Project or program costs are defined as costs associated with staff, contractors, consultants or materials related to projects identified in the Annual Measure A Work Plan.
- m. The accuracy of CITY/TOWN/DISTRICT's Annual Measure A Expenditure Reports will be certified by the CITY/TOWN/DISTRICT's chief fiscal officer.
- n. COUNTY may audit CITY/TOWN/DISTRICT's expenditure of PROGRAM funds and any unspent allocation balances.
- o. COUNTY will assist CITY/TOWN/DISTRICT to establish or continue practices and procedures, as reasonably necessary, to facilitate CITY/TOWN/DISTRICT's fulfillment of its responsibilities pursuant to this AGREEMENT.
- p. CITY/TOWN/DISTRICT will repay the COUNTY any funds that the COUNTY has disbursed which are not used in accordance with this AGREEMENT unless there has been prior written agreement between the PARTIES stating otherwise.

2. Indemnification

CITY/TOWN/DISTRICT shall defend, indemnify, hold harmless, and release COUNTY, its elected and appointed officials, officers, agents, and employees, from and against any and all actions, claims, damages, liabilities, or expenses (hereinafter "LIABILITY") that may be asserted by any third party arising out of or in connection with CITY/TOWN/DISTRICT'S performance under or the making of this AGREEMENT, except to the extent that LIABILITY is caused by the negligence or willful misconduct of COUNTY.

COUNTY shall defend, indemnify, hold harmless, and release CITY/TOWN/DISTRICT, its elected and appointed officials, officers, agents, and employees, from and against any and all actions, claims, damages, liabilities, or expenses (hereinafter "LIABILITY") that may be asserted by any third party arising out of or in connection with COUNTY'S performance under or the making of this AGREEMENT, except to the extent that LIABILITY is caused by the negligence or willful misconduct of CITY/TOWN/DISTRICT.

3. Replacement

Beginning on October 1, 2022 this AGREEMENT replaces the Ordinance 3586 agreement signed by CITY/TOWN/DISTRICT on December 17, 2013 related to the administration of PROGRAM funds.

4. Duration and Termination

The terms of this AGREEMENT shall remain in full force and effect for 10 (ten) years from the date adopted and signed. Any party may terminate this AGREEMENT by notifying the other party a minimum of 30 (thirty) days in advance.

5. Contacts and Notices

All notices under this Agreement shall be in writing (unless otherwise specified) delivered to the parties by electronic mail, hand, by commercial courier service, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.

For County:

Director and General Manager
Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
Phone: (415) 473-6387
Fax: (415) 473-3795
Email: MKorten@marincounty.org

For City, Town or District:

Title
Name of City/Town/District
Address
Phone
Fax
E-mail

6. NO THIRD PARTY BENEFICIARIES

Nothing contained in this agreement shall be construed to create, and the PARTIES do not intend to create, any rights in third parties.

7. EXPENSES

Except as otherwise provided in Section 2 of this AGREEMENT, each party shall be solely responsible for and shall bear all of its own respective legal expenses in connection with any dispute arising out of this AGREEMENT and the transactions hereby contemplated. PARTIES may not use PROGRAM funds for the aforementioned purpose.

8. INTEGRATION

This AGREEMENT, including Exhibits A, B, C and D which are attached hereto and incorporated herein by reference, represents the entire AGREEMENT of the PARTIES with respect to the subject matter thereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein.

9. AMENDMENT

Except as otherwise provided herein, this AGREEMENT may not be changed, modified or rescinded except in writing, signed by all PARTIES hereto, and any attempt at oral modification of this AGREEMENT shall be void and of no effect.

10. SEVERABILITY

Should a court of competent jurisdiction rule or declare that any part of this AGREEMENT is unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this AGREEMENT, which shall continue in full force and effect; provided that the remainder of this AGREEMENT can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the PARTIES.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT on the day and year above written.

CITY, TOWN OR DISTRICT

Mayor or other authorized representative

Attest:

Clerk of the City/Town/District

Approved as to Form:

CITY/TOWN/DISTRICT COUNSEL

By: _____

COUNTY OF MARIN

President, Board of Supervisors

Attest:

Clerk of the Board

Approved as to Form:
COUNTY COUNSEL

By: _____

EXHIBIT A

Marin County Ordinance No. 3760

EXHIBIT B

Allocation Method

EXHIBIT C

Form of Annual Measure A Work Plan

EXHIBIT D

Form of Annual Measure A Expenditure Report

To: Mayor and City Council

From: Robert Zadnik, City Manager
Helga Cotter, Administrative Services Director

Subject: **Revision to Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies**

Recommended Motion/Item Description

Adopt a resolution approving an amendment to the Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies.

Background

Financial policies are essential to ensuring consistent, responsible financial management. The City has established sound financial policies which document a shared understanding of how the organization will manage its resources to provide the best value to the community. These policies establish the framework for staff to realize the City’s strategic goals while protecting government resources.

Currently, the City is potentially facing larger than anticipated legal challenges. To have a more proactive strategy for dealing with these potential legal challenges, Staff is recommending modifying the current Insurance Reserve Fund to increase the reserve limit and updating the title of this fund to Insurance and Legal Reserve Fund to incorporate the legal aspect of this fund. The additional funding would be from one-time, unanticipated revenue sources. This reserve fund would continue to be classified as “Assigned” in the City’s financial statements.

To implement the policy recommendation above, an amendment to the City’s Administrative Policy Manual (APM) Section 2.2 Fund Balance and Reserve Policies would be required (Attachment A).

Current Policy:

2.2.2 Item C: Insurance Reserve

Target: Reserves shall be maintained between \$50,000 and \$100,000 to allow for emergencies and numerous or large claims. Reserves shall be replenished through subsequent charges to the appropriate user departments.

Purpose: This Fund is designed to cover claims and deductibles related to property and casualty insurance claims.

Classification: The Insurance Reserve Fund is classified as “Assigned” in the City’s financial statements.

Proposed Policy:

2.2.2 Item C: Insurance and Legal Reserve

Target: Reserves shall be maintained between \$250,000 and \$350,000 to cover 1) deductibles and claims related to property and casualty insurance claims and 2) litigation risk that would require additional resources outside of the City’s insured risk. Reserves shall be replenished through subsequent charges to the appropriate user departments and/or by utilizing revenue from Construction Time Limit (CTL) fines.

Purpose: This Fund is designed to cover claims and deductibles related to property and casualty insurance claims in addition to legal defense, damages, and settlements.

Classification: The Insurance and Legal Reserve Fund is classified as “Assigned” in the City’s financial statements.

Fiscal Impact

The annual budget process does not incorporate Construction Time Limit (CTL) fines due to the infrequency of this revenue source. The amounts from CTL fines can be significant when they are imposed and collected. The City does not incur other significant one-time revenues; therefore, this proposed amendment would establish a formal policy for the use of these CTL funds, with the goal of promoting continuity and stability of our financial management practices.

Attachments

1. Resolution to Amend Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies
2. Exhibit A – Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies

**CITY OF BELVEDERE
RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AMENDING BELVEDERE ADMINISTRATIVE POLICY MANUAL,
POLICY 2.5 “FUND BALANCE AND RESERVE POLICIES”**

WHEREAS, Belvedere Administrative Policy Manual Section 2.2 “Fund Balance and Reserve Policies” provides policies establishing fund balance classifications; and

WHEREAS, on September 12, 2022, the City Council held a public meeting to consider the Administrative Policy Amendments; and

WHEREAS, the City Council finds that the Administrative Policy Amendments 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 that Part 2, Finance, of the City of Belvedere Administrative Policy Manual, Section 2.2 is hereby adopted as set forth in Exhibit A.

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

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**


APPROVED: _____

Sally Wilkinson, Mayor

ATTEST: _____

Beth Haener, City Clerk

Exhibit A

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 2.2 FUND BALANCE AND RESERVE POLICIES		
Adoption Date:	2007	Adopted by:	Budget document
Revised Date:	11/13/2018 6/8/2020 4/12/2021 6/14/2021 12/13/2021	Revised by:	City Council Resolution No. 2018-32 FY 2020-21 Budget Document City Council Resolution No. 20210-10 FY 2021-22 Budget Document City Council Resolution No. 2021-46
Authority:	City Council		

2.2.1 FUND BALANCE – CLASSIFICATIONS

The City has adopted the provisions of GASB Statement No. 54, Fund Balance and Governmental Fund Type Definitions. GASB 54 establishes Fund Balance classifications based largely upon the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds. The Governmental Fund statements conform to this new classification.

The Fund Financial Statements consist of Nonspendable, Restricted, Committed, Assigned and Unassigned amounts as described below:

Nonspendable: Items that cannot be spent because they are not in spendable form, such as prepaid items, or items that are legally or contractually required to be maintained intact, such as principal of an endowment or revolving loan fund.

Restricted: Restricted fund balances encompass the portion of net fund resources subject to externally enforceable legal restrictions. This includes externally imposed restrictions by creditors (such as through debt covenants), grantors, contributors, laws or regulations of other governments, as well as restrictions imposed by law through constitutional provisions or enabling legislation.

Committed: Committed fund balances encompass the portion of net fund resources, the use of which is constrained by limitations that the government imposes upon itself at its highest level of decision making (normally the governing body) and that remain binding unless removed in the same manner. The City Council is considered the highest authority for the City and can commit funds through resolutions.

Assigned: Assigned fund balances encompass the portion of net fund resources reflecting the government's intended use of resources. Assignment of resources can be done by the highest level of decision making or by a committee or official designated for that purpose. The City Council has the authority to assign funds in Belvedere and can assign funds through the

budgetary process.

Unassigned: This category is for any balances that have no restrictions placed upon them. The general fund is the only fund that reports a positive unassigned fund balance amount. In other governmental funds it is not appropriate to report a positive unassigned fund balance amount. However, in governmental funds other than the general fund, if expenditures incurred for specific purposes exceed the amounts that are restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance in that fund.

2.2.2 FUND RESERVES

The City Council may elect to establish General Fund Reserve Policy/Guidelines. These Policy/Guidelines may be updated, modified and revised as determined by the Council. At the time of adoption of this Finance Policy, there are four such Policies/Guidelines: General Fund Reserve, 115 Pension Trust Reserve, Insurance Reserve, and Seawall Reserve.

A. General Fund Reserve:

- **Target:** The City shall endeavor to achieve at year end a General Fund Reserve that totals one half of the General Fund expenditures, plus one half of the General Fund transfer to the Fire Fund, plus one half of annual debt service payments. For the purposes of this calculation, the expenditures from the 2nd year of the 5-year budget projection shall be used. For example, when calculating the General Fund reserve of fiscal year 2021-2022, the expenditures forecast in the fiscal year 2022-2023 shall be used. In addition, the transfers to the City's 115 Pension Trust and/or any additional discretionary payments made to CalPERS will not be included in this calculation because they are discretionary in nature.
- **Purpose:** Funds reserved under this category shall be used in case of catastrophic events, for budget stabilization purposes, or for capital and special projects:
 - **Catastrophic events:** Funds reserved shall be used to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Should unforeseen and unavoidable events occur that require the expenditure of City resources beyond those provided for in the annual budget, the City Manager or designee shall have authority to approve Catastrophic General Fund Reserve appropriations. The City Manager or designee shall then present to the City Council a budget amendment confirming the nature of the emergency and authorizing the appropriation of reserve funds.
 - **Budget stabilization:** Funds reserved shall be used to mitigate, should they occur, annual budget revenue shortfalls (actual revenues less than projected revenues) due to changes in the economic environment and/or one-time expenditures that will result in future efficiencies and/or budgetary savings.

Examples of “economic triggers” and one-time uses include, but are not limited to:

- Significant decrease in property tax, or other economically sensitive revenues;
 - Reductions in revenue due to actions by the state/federal government;
 - Workflow/technical system improvements to reduce ongoing, personnel costs and enhance customer service;
 - One-time maintenance of service levels due to significant economic/budget constraints; and
 - One-time transitional costs associated with organizational restructuring to secure long-term personnel cost savings.
- Capital and Special Projects: Funds reserved may be designated by the City Council for key infrastructure and capital/special projects as identified in the City 5-year Capital Improvement Plan, as there is no ongoing funding source to support the City’s capital needs.
- Classification: The General Fund Reserve is classified as “Assigned” in the City’s financial statements.

B. 115 Pension Trust Reserve:

- Target: An annual amount as determined by the funding calculation prescribed in Policy 2.3.1.5.
- Purpose: The purpose of the 115 Pension Trust is to set aside an appropriate level of funds to fully fund accrued pension obligations at a more prudential rate. City Council approval is required to transfer accumulated funds in the 115 Pension Trust to CalPERS as an additional discretionary payment or to offset a portion of the actuarially determined contribution.
- Classification: The 115 Pension Trust Reserve Fund is classified as “Restricted” in the City’s financial statements.

C. Insurance Reserve:

- Target: Reserves shall be maintained between \$250,000 and \$100350,000 to allow for emergencies and numerous or large claims cover 1) deductibles and claims related to property and casualty insurance claims and 2) litigation risk that would require additional resources outside of the City’s insured risk. Reserves shall be replenished through subsequent charges to the appropriate user departments and/or by utilizing revenue from Construction Time Limit (CTL) fines.
- Purpose: This Fund is designed to cover claims and deductibles related to property and casualty insurance claims in addition to legal defense, damages, and settlements.

- Classification: The Insurance and Reserve Legal Reserve Fund is classified as “Assigned” in the City’s financial statements.

D. Critical Infrastructure Reserve:

- Target: This reserve does not have a specific dollar target.
- Purpose: The Critical Infrastructure Reserve is available to provide resources for potential future critical infrastructure capital projects in the City; both planned and emergency repair projects. The reserve is designed to reduce the City’s future needs for borrowing or bonding on these projects and could also be used as required grant matching funds.
- Classification: The Critical Infrastructure Reserve is classified as “Assigned” in the City’s financial statements.

2.2.3 EXCESS FUND RESERVE

At the end of the fiscal year, any unassigned funds that remain in the City’s General Fund after all other funds have been classified as Nonspendable, restricted, committed or assigned in accordance with GAAP and City Policy are considered excess fund reserves. These excess fund reserves shall be transferred to the Critical Infrastructure Reserve and classified as assigned.

To: Mayor and City Council

From: Jason Wu, Police Chief
Helga Cotter, Administrative Services Director

Subject: Replacement of Police Vehicle

Recommended Motion/Item Description

Approve the purchase of an all-electric vehicle for the replacement of one police vehicle.

Background

The replacement of the Police Department’s 2014 Dodge Charger with an electric vehicle was included as part of the FY2022-23 Operating and Capital Budget not to exceed \$60,000. While no budget amendment is necessary, it is past practice for City Council to approve the purchase of fleet vehicles.

The Belvedere Police Department maintains a fleet of four police vehicles: three marked Ford Explorers and one unmarked Dodge Charger (Chief’s vehicle). The oldest vehicle in the fleet is the unmarked 2014 Dodge Charger (gas-only engine). The estimated purchase price for a similar replacement Dodge Charger is approximately \$43,695. The Belvedere Police Department conducted a cost comparison of replacement vehicles, specifically looking at the cost-benefit analysis for the purchase of the first-ever all electric vehicle for the police fleet. Five (5) all-electric vehicles were explored, as well as two (2) hybrids:

Tesla Model 3 (EV)	\$48,535	State Bid
Ford Mach E (EV)	\$47,299	State Bid
Chevy Bolt (EV)	\$30,095	Currently in recall
Kia Niro (EV)	\$39,990	No State Bid
Nissan Leaf	\$36,000	Unavailable in State Bid
Toyota Highlander (HV)	\$37,330	State Bid
Ford Explorer	\$47,654	State Bid

In addition, a cost/benefit analysis regarding fuel and maintenance was also conducted comparing all-electric vehicles to hybrid vehicles. There was an estimated \$10-15K in fuel and maintenance savings over eight (8) years when driving an all-electric versus hybrid vehicle.

Findings

Based on this analysis, the Tesla Model 3 and the Ford Mach E meet the performance and safety standards necessary for an unmarked police vehicle, especially when considering the installation of a police radio and emergency equipment. These two vehicles are the current “industry standard” for police duty-rated electric vehicles throughout the country where electric vehicles are utilized for police duty. The estimated cost for the installation of police radio and emergency equipment for an unmarked police vehicle is approximately \$5K. The purchase of the all-electric vehicle qualifies for several rebates and EV incentives from other agencies. The City is planning the installation of two EV charging stations dedicated for staff use at City Hall within the next four months.

	Tesla Model 3	Ford Mach E
Vehicle Cost	\$48,535	\$47,299
License/Fee/Tax	4,500	4,250
Install PD Equipment	5,000	5,000
Sale of 2014 Dodge Charger	(12,000)	(12,000)
Rebates/EV Incentives	(6,750)	(9,250)
Total Cost	\$39,285	\$35,299

When analyzing the options, Tesla vehicles (Model 3 and Y) have been in use by several law enforcement agencies in California since 2019 and have more aftermarket support locally as compared to the Ford Mach E. Tesla Model 3 has better performance and the highest miles per charge ratio (262) of the seven (7) vehicles researched. Locally, Tesla Model 3 is used by police administrators at Central Marin Police Authority, UCSF Police Department, and (soon) Marin County Sheriff’s Office (under procurement at this time). It is also worth noting that more agencies are adopting the Tesla (Model Y) as a patrol vehicle due to its larger interior capacity for police equipment and prisoner transport.

Transitioning to all-electric staff vehicles, where appropriate, is consistent with the goals established in the city’s recently adopted Climate Action Plan. Phasing out internal combustion engine vehicles will combat climate change and help the city meet its 2030 greenhouse gas (GHG) reduction goals.

It is the opinion of staff that a formal bidding procedure for a replacement vehicle would not be in the best interest of the City based on the following:

- a) Tesla Model 3 is part of the State of California’s large quantity contract award, which was competitively bid; thus, the City is receiving a competitive price; and
- b) The expenditure of staff time and money to compile the necessary bid documents for a single vehicle is not likely to result in a better price or an outcome more advantageous to the City.

Therefore, Staff requests that the City Council determine that formal bidding of this purchase is not in the best interest of the City, dispense with the formal bid requirements pursuant to City Policy 2.7.5, and authorize the purchase by contract as described in this staff report.

Fiscal Impact

The replacement of the 2014 Dodge Charger with an electric vehicle was included as part of the FY2022-23 Operating and Capital Budget not to exceed \$60,000. No budget amendment is necessary. This expense will also be partially offset by the sale of the 2014 Dodge Charger and available rebates and EV incentives.

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Amy Ackerman, City Attorney

Subject: Adopt resolution approving amendments to the City of Belvedere Conflict of Interest Code

Recommended Motion/Item Description

That the City Council adopt the resolution amending the City’s Conflict of Interest Code.

Background

Pursuant to California Government Code Section 87300, every public agency must adopt and promulgate a conflict of interest code. Every two years, a city is required to review and update its conflict of interest code. Most recently, the Belvedere City Council approved its conflict of interest code in 2020 by Resolution No. 2020-36, which readopted and incorporated the conflict of interest code regulations set by the State of California and the Fair Political Practices Commission (FPPC).

Staff recommends that the City Council adopt an updated conflicts of interest code, as required by State law.

The City’s conflict of interest code designates city officials who may have financial conflicts of interest due to the types of decisions they make on behalf of the City by naming these positions and describing the kind of interests each official must disclose. These persons file a Form 700 annually with the City Clerk. The following public officials are required by the State (Cal. Gov. Code 87200) to provide full disclosure of their financial interests every year in the Form 700 submitted to the FPPC: city councilors, planning commissioners, city managers, treasurers, and city attorneys.

The conflict of interest code before the Council is the same as in 2020, with the following changes:

- Change title Deputy City Attorney to Assistant City Attorney.

Attachments

- 2022 Local Agency Biennial Notice
- Resolution with attached Conflict of Interest Code

2022 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX)*:

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other *(describe)* _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

CITY OF BELVEDERE

RESOLUTION NO. 2022-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
ADOPTING A CONFLICT OF INTEREST CODE FOR THE CITY
AND RESCINDING RESOLUTION NO. 2020-36**

WHEREAS, the Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 California Code of Regulations 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, this resolution and adoption of regulations is not subject to the California Environmental Quality Act (“CEQA”) because it does not meet the definition of a “project”.

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

- 1. Prior Conflict of Interest Code Rescinded.** Resolution No. 2020-36 is hereby repealed.
- 2. Conflict of Interest Code Adopted.** The terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Belvedere.
- 3. Statement Filing and Public Inspection.** Designated employees shall file their statements with the City Clerk, who shall be and perform the duties of filing officer for the City of Belvedere. Statements shall be made available for inspection and reproduction pursuant to Government Code Section 81008.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Sally Wilkinson, Mayor

ATTEST: _____

Beth Haener, City Clerk

APPENDIX

Section 1 - Schedule of Designated Public Officials

POSITION	DISCLOSURE CATEGORY
Public officials whose duties are broad and indefinable: <ul style="list-style-type: none"> • Assistant City Attorney 	1
Public officials with limited decision-making authority over insurance matters and purchasing and who make recommendations to the city council, thereby participating in the making of governmental decisions: <ul style="list-style-type: none"> • Risk Management Officer 	2
Public officials with limited decision-making authority, such as purchasing, contracting for services, and/or making recommendations to the city council, and who work for specific departments within the City: <ul style="list-style-type: none"> • Associate Engineer • City Clerk/Management Analyst • City Engineer • IT Coordinator • Police Chief • Public Works Director/ Emergency Preparedness Manager 	3
Members of the planning and building departments who issue permits and/or make recommendations to the planning commission: <ul style="list-style-type: none"> • Administrative Clerk • Assistant Planner • Associate Planner • Building Official/Code Enforcement Officer • Director of Planning & Building • Planning Intern 	4

POSITION	DISCLOSURE CATEGORY
<p>Consultants who serve in a staff capacity that is equivalent to a designated position.</p>	<p>Same category as the designated position.</p>
<p>Consultants who serve in a staff capacity that is equivalent to a designated position, but who are hired to perform a range of duties that is limited in scope.</p>	<p>The City Clerk or City Attorney shall describe in writing the consultant's duties and, based upon the description, state the extent of disclosure requirements. <i>(This determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.)</i></p>
<p>Consultants who serve in a capacity for which there is no equivalent designated position, who are hired to make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest of the City of Belvedere.</p>	<p>The City Clerk or City Attorney shall determine whether disclosure is required. If so, the City Attorney shall describe in writing the consultant's duties and, based upon the description, state what those requirements are.</p>
<ul style="list-style-type: none"> • Positions which do not entail the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest of the City of Belvedere. • Unsalaries members of boards or commissions which serve in a solely advisory capacity. • Positions that are clerical, secretarial, manual, or ministerial. 	<p>Not required to disclose economic interests.</p>
<ul style="list-style-type: none"> • Public officials who file a statement of economic interest pursuant to Government Code Section 87200: <ul style="list-style-type: none"> ○ City Council members. ○ Planning Commissioners. ○ City Manager/City Treasurer ○ City Attorney • Public officials who manage public investments as defined by 2 California Code of Regulations Section 18701(b): <ul style="list-style-type: none"> ○ Administrative Services Manager 	<p>These officials are subject to the disclosure requirements of Government Code Section 87200 et seq. rather than to this conflict of interest code.</p>

Section 2 - Disclosure Categories

Category	Disclosure Requirements
1	<ul style="list-style-type: none"> • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which are now: located in the city; doing business in the city; and/or which own real property in the city. • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which plan within the next calendar year to: be located in the city; do business in the city; and/or acquire real property in the city. • All interest in real property, except for a primary residence, which is located in whole or in part within, or within a two-mile radius of, the limits of the city. • All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that: <ul style="list-style-type: none"> ○ Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Belvedere. ○ Are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the City of Belvedere. ○ Engage in construction, or the acquisition or sale of real property, on the Tiburon peninsula. ○ Are the type of entity with which the City of Belvedere is empowered to invest funds. ○ Engage in the business of insurance, including but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries. ○ Are financial institutions, including but not limited to: banks and savings and loan associations. ○ Have filed a claim, or have a claim pending, against the City of Belvedere. ○ Deliver concessions or services on behalf of the City of Belvedere by virtue of the City's authority.
2	<p>All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that:</p> <ul style="list-style-type: none"> ○ Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Belvedere. ○ Engage in the business of insurance, including but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries. ○ Have filed a claim, or have a claim pending, against the City of Belvedere. ○ Deliver concessions or services on behalf of the City of Belvedere by virtue of the City's authority.
3	All investments, business positions in, and income (including gifts, loans, and travel

Category	Disclosure Requirements
	<p>payments) from sources that:</p> <ul style="list-style-type: none"> ○ Manufacture, sell or provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee’s designated department.
4	<ul style="list-style-type: none"> ● All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which are now: located in the city and/or which own real property in the city. ● All investments, business positions in, and income (including gifts, loans, and travel payments) from sources which plan within the next calendar year to be located in the city and/or acquire real property in the city. ● All interest in real property, except for a primary residence, which is located in whole or in part within, or within a two-mile radius of, the limits of the city. ● All investments, business positions in, and income (including gifts, loans, and travel payments) from sources that: <ul style="list-style-type: none"> ○ Are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the planning or building departments of the City of Belvedere. ○ Engage in construction, or the acquisition or sale of real property, on the Tiburon peninsula. ○ Provide consulting services of the type utilized by the employee’s designated department.

To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Reviewed by: Robert Zadnik, City Manager

Subject: Approve revocable license for proposed private improvements in the City street right-of-way along Bayview Avenue for the property at 25 Bayview Avenue

Recommended Motion/Item Description

That the City Council approve a revocable license agreement for 25 Bayview Avenue for existing & new improvements in the Bayview Avenue street right-of-way for *existing* arbor/gate, hedges/landscaping, fencing in the right-of-way, and new improvements for drainage pipes and drainage outlet.

Background and Findings

A revocable license exists for the property at 25 Bayview Avenue (RL 93-8 - attached) which captured improvements for the *existing* arbor/gate, hedges/landscaping, and fencing. These improvements are not changing. At the time of building permit, it was determined by Public Works that an updated revocable license was necessary to capture the new drainage improvements in the right-of-way.

Compliance with Administrative Policy Manual Section 272.05, Revocable Licenses

In accordance with Section 272.05 of the City’s Administrative Policy Manual, a revocable license for private use of the excess street right-of-way may be granted at the discretion of the City Council when there is some benefit to the public, provided that any proposed encroachment into the right-of-way complies with the design review requirements of Title 20 of the Belvedere Municipal Code. The existing & proposed improvements conform to the Administrative Policy Manual for revocable licenses.

The Belvedere Administrative Policy Manual provides that the City Council may grant a revocable license for the private use of excess right-of-way if there is some public benefit and based on a list of factors. (Administrative Policy No. 11.7.) Here, staff recommends that the Council approve a revocable license for the existing & *proposed* drainage 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 drainage improvements to the property which encroach into the public right-of-way. The proposed improvements are necessary for proper drainage of the site.

- 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;

Existing landscaping and other improvements exist (landscaping, arbor/gate and fencing) which are not being modified and were previously approved through RL 93-8.

- 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;

Nothing is changing from what currently exists related to off-street parking.

- 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;

Nothing is changing from what currently exists.

- e. Where appropriate to validate already existing private improvements in the public right-of-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;

A revocable license exists for the property at 25 Bayview Avenue (RL 93-8) which included improvements an arbor/gate, hedges/landscaping and fencing. These improvements are not changing. As noted above a new/updated revocable license is required to reflect new drainage improvements in the right-of-way. A Revocable License is necessary to shift potential liability for injury and damages to the private property owner.

- f. Where necessary to protect or enhance public safety;

There are no improvements proposed are required to provide proper drainage from the property.

- 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.

Additionally, the Administrative Policy further states that "Where fencing is proposed on City property, with the exception of where said fencing would be located on a very steep slope and would serve as a safety measure for vehicles and pedestrians said, fencing should normally be

avoided as this effectively turns public property into private property and potentially creates the unwanted image of a “tunnel effect” along our city streets. Fences and other similar barriers, including landscaping, that enclose public property for private use should be avoided.”

There are no new fences proposed in the right of way. Currently there is an entry arbor/gate and existing fence in the right-of-way which are not changing, and which were approved through a prior revocable license for the property in 1993.

Public Benefit

The project benefits the public, as the new proposed drainage improvements will provide for proper and necessary drainage from the property to the street.

Future improvements

The license covers any future improvements within the revocable license area which 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 272.05, 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, maintained in the Planning Department file for this address, will always be available to show exactly what structures have been approved within the license area. This will save considerable staff time that would otherwise be devoted to bringing a revised license and staff report to the City Council, along with issuing, recording, and archiving a new license agreement.

Recommended Action

That the City Council approve a new/updated revocable license agreement for existing & *proposed* improvements for 25 Bayview Avenue as part of the Consent Calendar.

Attachments

1. Draft license agreement with attached exhibit.
2. RL -93-8

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. 2022.04

ASSESSOR'S PARCEL NO.: **060-114-07**
ADDRESS: **25 Bayview Avenue, Belvedere, California 94920**
OWNER: **Shyang Jen & Kris Yao**
DATE ISSUED: **September 12, 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 its 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:

(E) landscaping, fencing, arbor/gate and (N) drainage improvements.

The above-described improvements received City design review approval. This license shall cover any future improvements within the revocable license area which receive design review approval and which meet one or more of the criteria adopted by City Council resolution for the granting of revocable licenses. Any future revocable license application which does not meet the criteria must be approved by the City Council.

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

1. Licensee 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 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. 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 of the City of Belvedere and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.
3. 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"), Licensee agrees to construct and maintain those improvements in full compliance with the requirements of the Act.
4. If Licensee 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 Licensee at the address hereinabove stated. Licensee shall not restrict access by the public and/or by adjacent property owners to the licensed area.
5. 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.
 6. 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 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.
 7. That 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.
 8. 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.
 9. The Licensee shall deliver this license to any successor in interest to the above-described land.
 10. 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.
 11. The Licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
 12. 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 September 12, 2022.

Robert Zadnik, City Manager

The foregoing License is accepted and its terms and conditions are agreed to:

Shyang Jen, Licensee

Kris Yao, Licensee

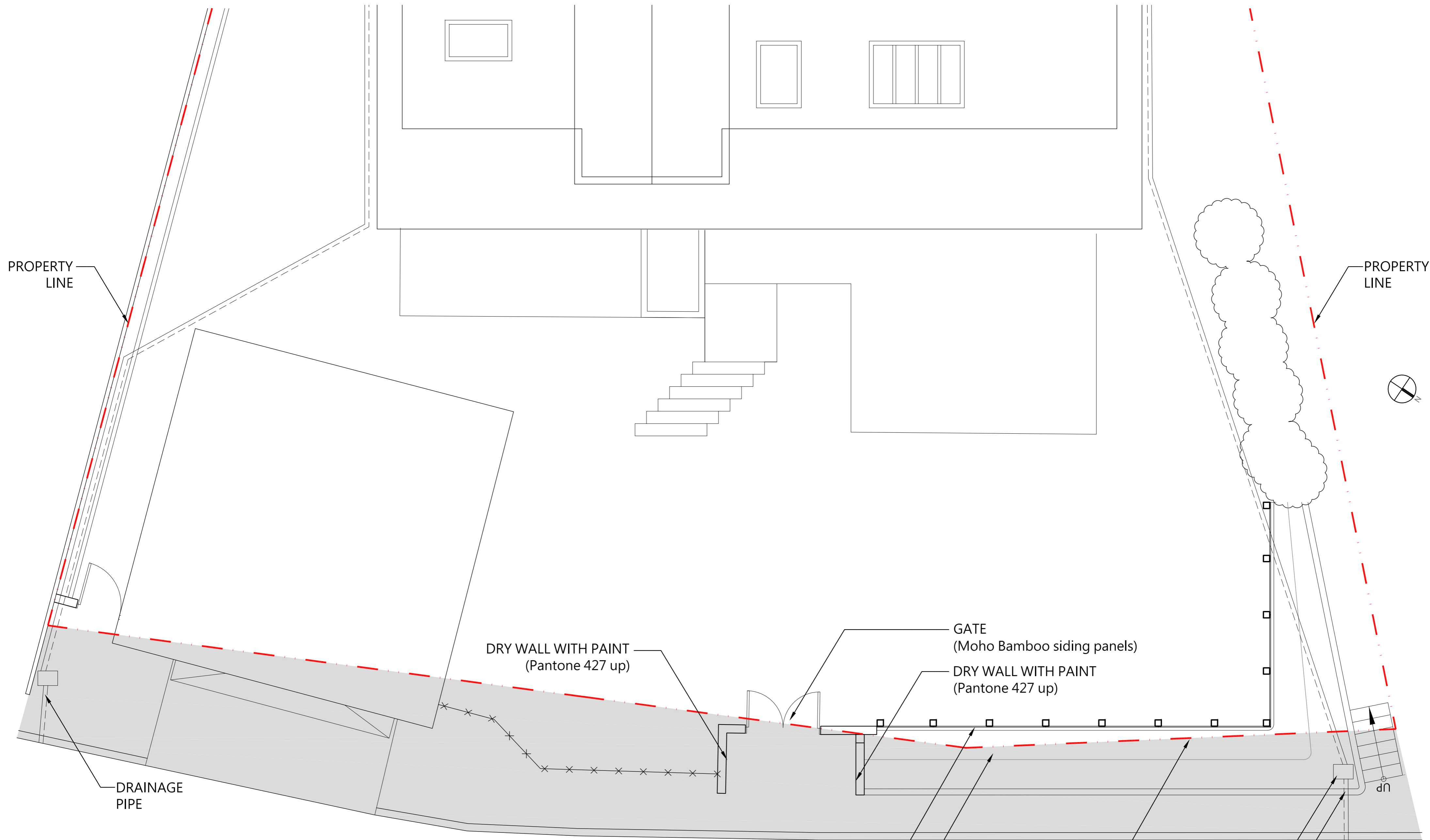


EXHIBIT A
 LICENSE AREA SHOWN SHADED
 25 Bayview Avenue
 Belvedere, California 94920
 AP#: 060-114-07

BAYVIEW AVE.

SCALE 1"=5'

CITY COUNCIL AGENDA ITEMDEPARTMENT: Planning INITIATOR: Diane Henderson, ConsultantFOR COUNCIL MEETING OF: December 6, 1993 FINAL COUNCIL DECISION BY: _____

- | | | |
|--|--|---|
| <input type="checkbox"/> CONSENT CALENDAR | <input type="checkbox"/> STATUS REPORT | <input type="checkbox"/> CONTRACT/AGREEMENT |
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> INFORMATION ONLY |
| <input checked="" type="checkbox"/> OTHER SCHEDULED ITEM | <input type="checkbox"/> RESOLUTION | <input type="checkbox"/> APPOINTMENTS |

ITEM:

Approve Revocable License to construct arbor and hedge ~~on City-owned~~ property adjacent to 25 Bayview Avenue; Applicants/Owners: Sam So and Margaret Tao

ATTACHMENTS:

Revocable License
Illustration

STAFF REPORT:

The applicant has applied for and received approval to construct an entry arbor and plant a hedge on City-owned property adjacent to the front yard at 25 Bayview Avenue. The arbor provides pedestrian access to the property from the street. The revocable license includes the new hedge (which does not impact any views) as well as existing landscaping and a wire deer fence on the property.

The immediate neighbors surrounding the property were noticed on November 29, 1993. The plans have been reviewed and approved by the City Engineer and the Public Works Superintendent.

STAFF RECOMMENDATION:

That the City Council approve the attached revocable license.

Estimated discussion time: 5 min

AGENDA ITEM NO. 14

CITY OF BELVEDERE

REVOCABLE LICENSE NO. 93-8

ASSESSOR'S PARCEL NO.: 60-114-07
ADDRESS: Adjacent to 25 Bayview Avenue
OWNER'S NAME: Sam So & Margaret Tao
DATE ISSUED: December 6, 1993

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 his 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:

To construct an entry arbor, hedge and garden including wire deer fence on City-owned property adjacent to 25 Bayview Avenue.

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

1. Licensee 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 Licensee, his 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 claimed to be the result of construction by Licensee in, on, under, above, or upon City property which is the subject of the revocable license granted Licensee 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, Licensee agrees to erect and install the same in accordance with plans and specifications approved by the Planning Commission of the City of Belvedere and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.

3. If Licensee 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 Licensee at the address hereinabove stated.

4. 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 Licensee at the address hereinabove stated a notice of revocation and termination. Within the time specified in said notice, Licensee shall, at his own cost and expense, remove from the Premises the encroachment and all structures and facilities placed thereon or therein by Licensee.

5. That 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.

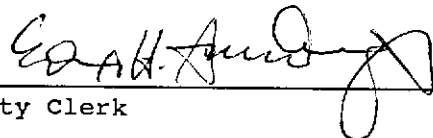
6. The Licensee shall deliver this license to any successor in interest to the above-described land.

7. The agreements contained herein are covenants and servitudes running with the land and shall be binding upon Licensee and his successors, assigners, executors, administrators, and personal representatives.

8. The licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.

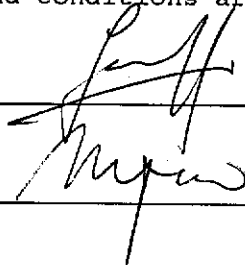
9. The licensee shall maintain all vegetation at least five feet away from City sewer manhole structure near number 27 Bayview on south property line.

Issued by direction of the City Council of the City of Belvedere pursuant to action taken at its meeting of December 6, 1993.



City Clerk

The foregoing License is accepted and its terms and conditions are agreed to:



Licensee

BAYVIEW AVE

FIELDSTONE WALL

MONOMA FIELDSTONE 28" AG HT.

(2)
LI

LOOSE SET HEADSIZED
MONOMA FIELDSTONE
SHALL REPLACE OLD RAILROAD TIES
20" HT.

REPLACE EXISTING GRAVEL W/
1/2" Ø TRINITY GRAVEL, 2" DEEP

EXISTING CURB/GUTTER

INTER LOCK W/ 3/8" JOINT
INNER FIELD. BUSHWELVE
ON ALL REINFORCED CONG. SLAB.

EXISTING AGG PAVING
ADD ROW LOCK OF BRICK ON
ALL REIN. CONG. FTO. ALONG
PERIMETER.

(1)
L2

ENTRY ARBOR

WIRE DEER/DOG FENCE
4'0" HT LIGHT DUTY GREEN MESH
WIRE ON STEEL STAPLES @ 4'0" O.C.

PERIMETER
NO PAINTING
A 5'0" CIRC.
HATCHES.

GRAVEL PAT
REPLACE EXIST
W/ 1/2" Ø TRIN
2"0. DEPTH 2"

EXISTING RAILROAD
TIE STAIRS TO
REMAIN
EXISTING BIRCHES
REMAIN

EXISTING IVY
BANK REMAINS

ACE
REMAINING

(2) EXISTING CEDARS OF

EXISTING HONEYDEW
PRUNE TO SHAPE

////// Area of Revocable License

25 BAYVIEW AVENUE
SAM SO AND MARGARET TAO
60-114-07

REVOCABLE LICENSE

APPROVALS:

Initials Date

Public Works Department

ASJ 12/1/93

Engineering Department

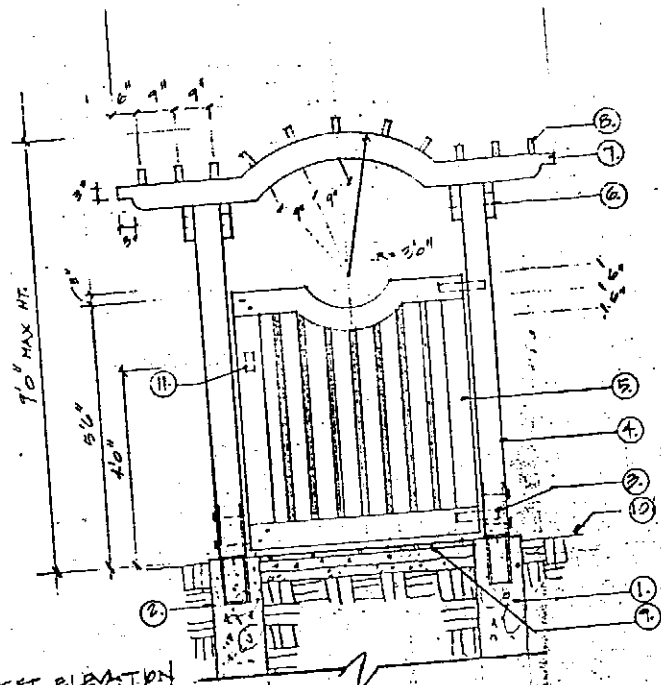
EDD 12/1/93

Planning Department

MSH 11/30/93

25 BAYVIEW AVENUE
 SAM SO & MARGARET TAO

.5" MAX
 12" MIN.
 5/2" CL
 R12
 1/8" SLAB



DESIGN REVIEW EXEMPTION

	Initials	Date
APPROVALS:		
Planning Staff	DPE	11/8/13
Planning Commissioner	PS	11/11/13
Building Department	CB	11/11/13
City Manager	ZC	11/11/13
Date of Noticing		

Changes to these plans may be subject to further review.

STREET ELEVATION

1
 L2 ENTRY ARBOR + GATE
 1/2" = 1'0"

1" x 4" redwood, s 4 s.
 1/2" or approved equal
 1/2" hot dipped galvanized.
 Comply with local codes
 for front landscape structures.

EXISTING
 GUTTER

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 Building: A Countywide Approach”

Recommended Motion/Item Description

Approve response to Marin County Civil Grand Jury Report: Electrifying Marin's Building: 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 industries 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 then concluded with findings and recommendations, including a request for the City of Belvedere's formal response (**Attachment 2**). The City's formal response must conform to the format required by Penal Code Section 933.05.

On August 8, 2022, staff brought this item to Council for consideration, and the item was pulled from the Consent Calendar for discussion by a member of the public. At that meeting, Council directed staff to revise the City's response to the Grand Jury Report and consider ways the City's recently adopted Climate Action Plan (CAP) may impact responses to the Grand Jury's Report. While the CAP does not directly address the individual findings and/or recommendations set forth in the Grand Jury Report, it does address the overall intent of the Report and complies with the California Energy Commission requirements of all new residential and commercial construction to be net zero energy by 2030.

The attached responses to the Grand Jury findings and recommendations have been adapted for consistency with the CAP. Generally, our responses mirror and build upon responses made by other Marin jurisdictions.

It is important to note that Penal Code 933.05 allows for only three standard responses to Grand Jury findings and recommendations. For example, while the City may agree with 99 percent of a Grand Jury finding, our response is limited to "Partially Disagree". In these situations, the City will typically clarify its position with additional details.

Fiscal Impact

There is no fiscal impact associated with this action.

Attachments

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

**RESPONSE TO GRAND JURY REPORT FORM
City of Belvedere**

Report Title: Electrifying Marin's Buildings: A Countywide Approach
Report Date: June 6, 2022
Public Release: September 12, 2022
Response By: Sally Wilkinson, Mayor of City of Belvedere,
& Irene Borba, Belvedere Director of Planning & Building

FINDINGS:

We agree with the findings numbered **F2, F4-F5**

We disagree wholly or partially with the findings numbered **F1, F3, F6**

(See Attachment A)

RECOMMENDATIONS:

- Recommendations numbered _____ have been implemented.
- Recommendations numbered _____ have not yet been implemented but will be implemented in the future.
- Recommendations numbered **R1, R2 and R3** require further analysis. (Attachment A)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not feasible.

Date: 09/12/2022

Signed: _____
Sally Wilkinson, Mayor

Date: 09/12/2022

Signed: _____
Irene Borba, Director of Planning & Building

Number of pages attached: 4

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

It is reasonable to believe that the City of Belvedere is on pace to meet its energy goals, as defined in the City’s Climate Action Plan and by the State of California Energy Commission, that all new residential and commercial construction be zero net energy by 2030. The City, and other neighboring Marin County municipalities met or exceeded their 2020 energy goals and are on pace to do the same with their 2030 goals. The State Building Codes continue to increase energy efficiency and Green Building requirements each Code cycle with an intent to meet this goal.

The grand jury targeted the building industry which 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 shared building elements or public improvements that will be necessary to reduce transportation related GHG emissions. 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 a number of new codes and regulations aimed at reducing GHG emissions.

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: Agree

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 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 continues to be an ongoing problem in the building industry. 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, building 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 EMFs. While induction cooking can be seen as producing fewer overall 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 wildfires in just the last eight years—these include the wildfires that destroyed neighborhoods in 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 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 up-front investment.

Response: Agree

However, some of the proposals in the report are not cost-effective and may impact consumers negatively; the report recommendations need to be tied to housing affordability. The costs to transition to all-electric energy solutions have been studied by the California Energy Commission

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

The City of Belvedere agrees that the near-term electrification of existing buildings will likely require one or more mandatory measures. However, financial subsidies cannot always not be seen as a mitigation, as often those programs do not uniformly incentivize the public and can be exhausted of funds.

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.

Response: This recommendation requires further analysis.

Although the City of Belvedere agrees that all-electric buildings are critically important to a holistic response to climate change, the adoption date of January 1, 2023, leaves too little time for jurisdictions to implement the needed policies, procedures, and staff training. 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.**

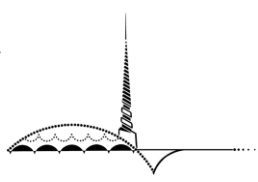
Response: This recommendation requires further analysis.

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. Similar to Recommendation R1, a deadline of January 1, 2023, leaves insufficient time to engage those stakeholders.

- 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.**

Response: This recommendation requires further analysis.

This must be a County-wide response. To achieve this recommendation, representatives from each County jurisdiction will need to conduct meetings in order to come to a mutual and comprehensive County-wide 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. The City will participate 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.¹ 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

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

- 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.

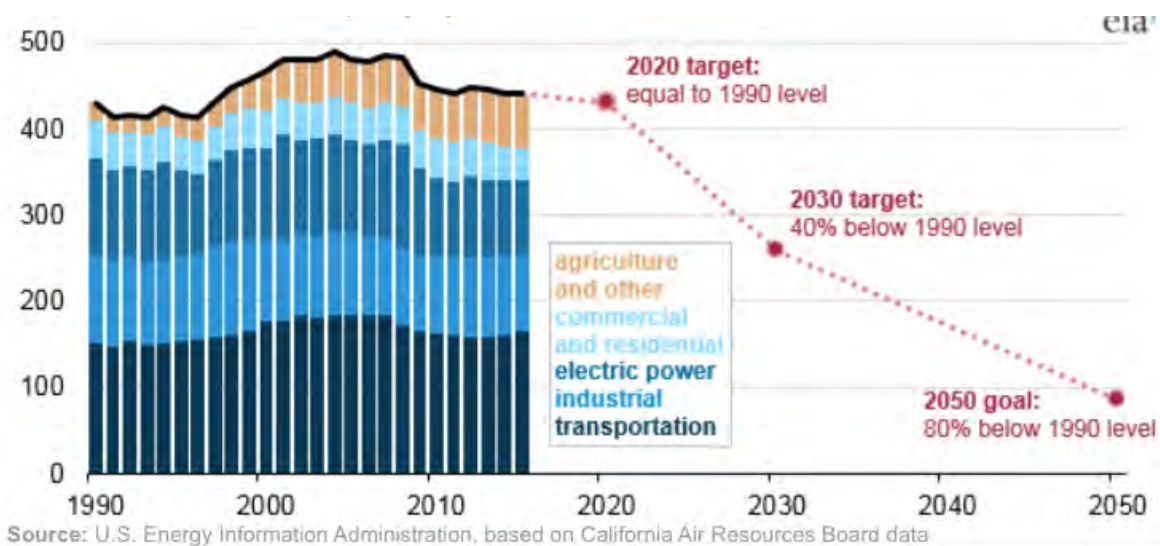
California has helped lead the way in framing the urgent need for prompt action. Legislation passed in 2016 requires state agencies to enact regulations and implement programs that will result in a statewide reduction in greenhouse gas emissions to 40 percent below 1990 levels by

² United Nations, UN News Global Perspective Human Stories, *2021 joins top 7 warmest years on record: WMO*, January 19, 2022, <https://news.un.org/en/story/2022/01/1110022#:~: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

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/-/media/files/departments/cd/planning/sustainability/climate-and-adaptation/cap-2030_12082020final.pdf. The Climate Action Plans for each of the municipalities in Marin are <https://marinclimate.org/climate-action-plans/>.

⁶ See Marin Climate and Energy Partnership (MCEP) website, Marin Sustainability Tracker, <http://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.⁷ 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.⁸ 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.⁹ 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.

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).

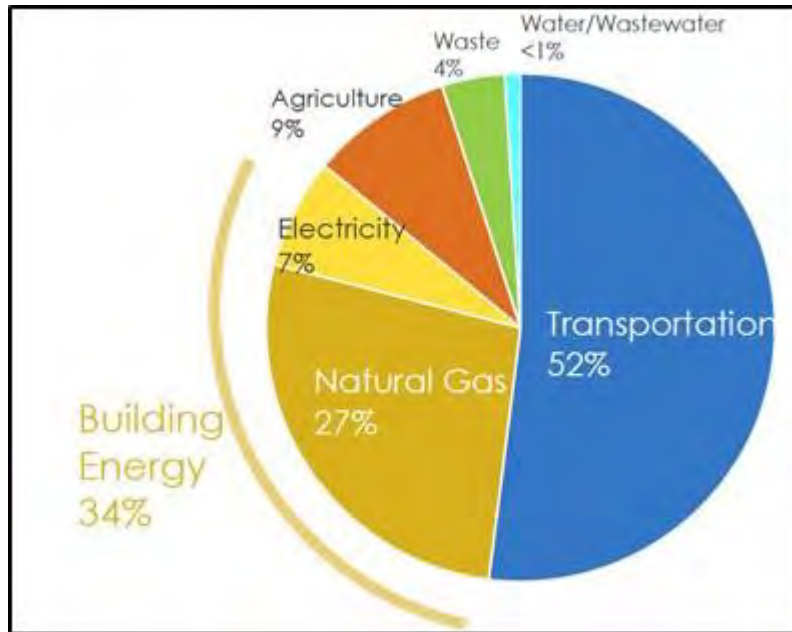
⁹ See MCEP website, *Marin County Emissions by Sector, 2019*, <https://marinclimate.org/greenhouse-gas-inventories/>.

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

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

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 gas-powered 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. https://leginfo.ca.gov/pub/bill_text/client_201_20180sb100_puc_454_53.html

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_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

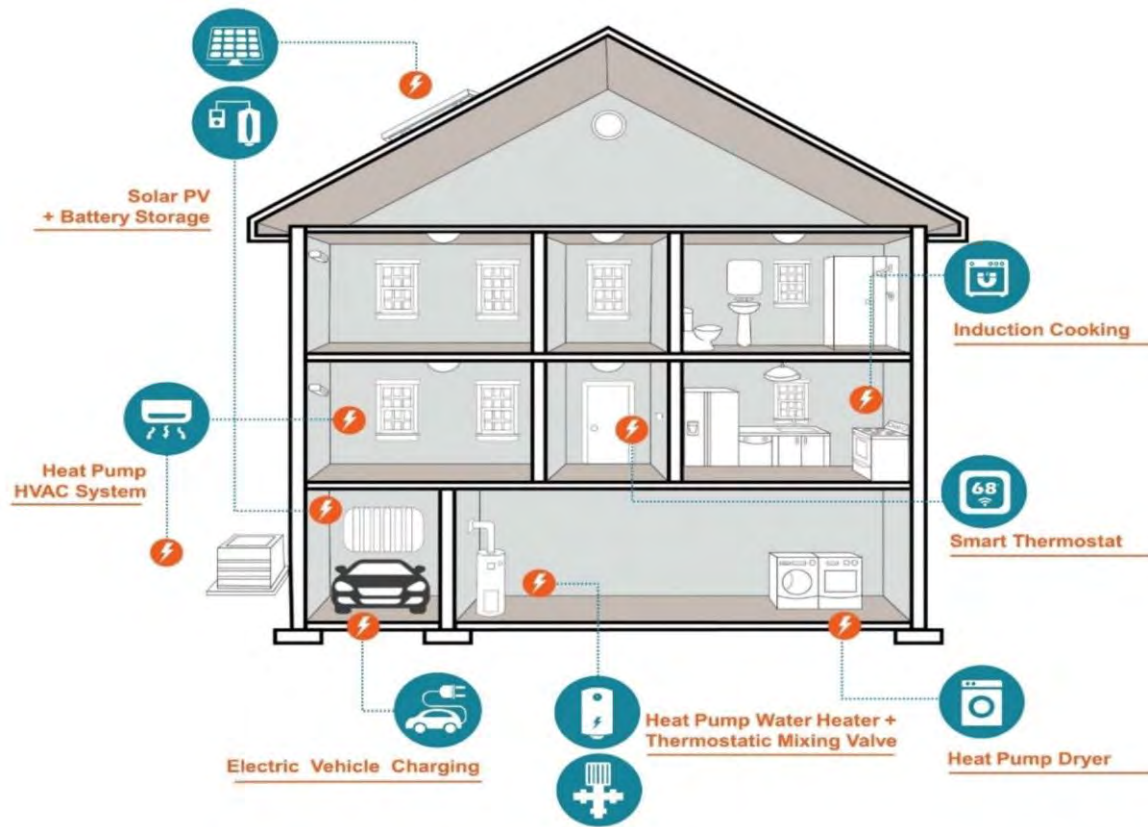
One of the most direct means of accomplishing electrification in the building sector is to ensure that newly constructed buildings are fully electric, with no natural gas connections. A shift to all-electric new construction helps accelerate greenhouse gas emission reductions in the building sector and 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.³⁰ Construction 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 accidentally 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.³¹ 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 http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=13238&MediaPosition=&ID=108511&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.³⁵ 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

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.sanjoseca.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 up-front 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,

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/ntcn17ssl0w9/1UEmqh5159cFaHMqVwHqMy/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.⁴³ 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.⁴⁴ 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.⁴⁵ 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:

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*, December 20 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.”⁵⁰ 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.”

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."⁵¹ 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.⁵² 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.

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.⁵⁴ 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

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.

To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Reviewed By: Robert Zadnik, City Manager

Subject: Approve response to Marin County Grand Jury report titled “Affordable Housing: Time for Collaboration in Marin”

Recommended Motion/Item Description

Approve response to Marin County Civil Grand Jury Report: Affordable Housing: Time for Collaboration in Marin.

Background

On June 24, 2022, the 2021–2022 Marin County Civil Grand Jury published a report on Affordable Housing: Time for Collaboration in Marin (Report) (**Attachment 1**). The Report first identifies a lack of affordable housing throughout Marin County and the need for the county, cities, and towns of Marin to work collaboratively on affordable housing issues. The report begins with a summary of the noting the following:

- Lack of affordable housing is a problem throughout Marin County and the housing shortfall is characterized by the county as a “crisis”.
- In 2016-2017, the Marin County Civil Grand Jury report that called on the county, cities, and towns of Marin to work collaboratively on affordable housing issues was rejected.
- County has failed to create sufficient affordable and workforce housing for Marin’s low to median-income earners.
- State of California has passed significant legislation intended to increase affordable housing in the state.
- State has increased the amount of housing that counties, cities, and towns are required to build; failure to meet housing allotments will trigger mechanisms for new state legislation that limit local control over housing.

The approach of the Grand Jury to investigate affordable housing issues included:

- Interviews with elected officials and staff members from Marin County, local cities and towns, and neighboring counties.

- Consultation with experts on affordable housing issues, including executives of both nonprofit and for-profit housing developers, and individuals from local housing advocacy groups.
- Review of past Grand Jury reports, past Marin County planning documents and proposals, academic studies, government reports and documents, and new articles on a broad range of affordable housing issues.
- Inspection of potential affordable housing building sites located in the county.

The Grand Jury report goes on to state that the County and each of the 11 municipalities have their own approaches to managing growth and housing development. Therefore, there is a need for more of a collaborative effort to address housing needs. To accomplish this, countywide cooperation is a critical element in addressing the affordable and workforce housing needs of Marin County.

The Report calls on Belvedere to respond to all findings and recommendations. However, because this topic is important to all Marin residents, the city has collaborated with other municipalities and the County in reviewing and developing responses. It is worth noting that the City's responses (**Attachment 1**) are not necessarily the sole positions and opinions of those neighboring agencies.

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: Affordable Housing: Time for Collaboration in Marin

RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

CITY OF BELVEDERE

REPORT TITLE: "AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN"

REPORT DATE: June 24, 2022

Public release Date: September 12, 2022

RESPONSE BY: Sally Wilkinson, Mayor of City of Belvedere
Irene Borba, Director of Planning & Building

GRAND JURY FINDINGS

- We agree with the findings numbered: **F1, F2, F3, F4, F5, F6, F7, F9, and F10**
- We disagree wholly or partially with the finding numbered: **F8**

GRAND JURY RECOMMENDATIONS

- Recommendation numbered **R1** will not be implemented because it is not warranted or reasonable.

Date: _____

Signed: _____
Sally Wilkinson
Mayor City of Belvedere

RESPONSE TO GRAND JURY FINDINGS

F1. Marin County lacks sufficient affordable and workforce housing.

Response: Agree.

F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.

Response: Agree.

F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.

Response: Agree.

F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.

Response: Agree.

The City of Belvedere supports using the Regional Housing Needs Allocation (RHNA) as a means of identifying sites for housing, but the current allocation of 160 units for the 2023-2031 planning period represents an increase of almost 900% or a tenfold increase above the 16 units that were allocated for the most recent planning period (2015-2023). Whether this amount of housing can be built within the eight-year time frame will depend on many factors that are outside the City’s control, such as owner interest, availability of land, financing, and other market forces.

F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.

Response: Agree.

F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.

Response: Agree.

F7. A countywide approach to housing development would enhance Marin’s ability to meet affordable and workforce housing needs.

Response: Agree.

Marin County collaborates and coordinates housing programs with the towns and cities in several areas, and the City of Belvedere participates in such collaborative and coordinated efforts as deemed appropriate. This is discussed further in the response to Recommendation R1 below.

F8. Large affordable housing developments in Marin require subsidies to be financially feasible.

Response: Partially disagree.

Regardless of size, all affordable housing developments require subsidies. In fact smaller developments are more expensive, more difficult to fund, and cost more per unit than larger developments.

F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.

Response: Agree.

The City of Belvedere understands that Vivalon Healthy Aging Campus and Senior Housing currently under construction in San Rafael is an example of a successful countywide partnership. Eden Housing and Vivalon are collaborating on a mixed-use project with studios and 1-bedroom apartments on the upper floors, which will be available to low-income seniors. The City of San Rafael and County of Marin provided funding, and the Marin Housing Authority provided project-based vouchers.

F10. A countywide approach to housing development would enhance Marin’s ability to secure funding for affordable and workforce housing.

Response: Agree.

Marin County collaborates and coordinates housing programs with the towns and cities in several areas, and the City of Belvedere participates in such collaborative and coordinated efforts as deemed appropriate. This is discussed further in the response to Recommendation R1 below.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin’s city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

Response: This recommendation will not be implemented because it is not warranted or reasonable.

The City of Belvedere agrees that more collaboration on housing policy and funding would be beneficial and will likely result in more affordable housing in our community. In fact, much work has been done to date, as described below, and additional opportunities are being developed. The City of Belvedere remains open to additional collaboration and/or more formal arrangements in the future.

City of Belvedere Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

However, forming a Joint Powers Agreement (JPA) with 12 jurisdictions would take a significant investment of time, funding, and energy that would likely impair current housing efforts, and of course requires willing partners. Doing so by December 31, 2022 is not a realistic timeline, particularly given that each Marin jurisdiction is currently striving to meet statutory deadlines to submit their housing element by January 31, 2023.

Below is a brief summary of existing and recommended new pursuits for strengthening interjurisdictional coordination and planning around affordable and workforce housing:

Existing collaboration

The County has long spearheaded housing collaboration with its cities and towns, beginning in 2008 with the development of the countywide Housing Element Workbook, which provided a shared template, background information and model programs and policies for development of the 2009 Housing Element. This effort resulted in all Marin municipalities receiving certified housing elements, which in turn made more housing funds available. The City of Belvedere participated in this successful effort.

In 2019, County staff reconvened a countywide working group of Planning Directors and planning staff to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The working group meets once monthly and has evolved from briefings and discussions regarding state housing legislation into collaboration on projects to facilitate the development of more housing in Marin County. The working group applied jointly for SB2 planning grants in the summer and fall of 2019 and has started to collaborate on these grant projects, including Objective Design and Development Standards, an ADU Workbook and Website, and inclusionary housing program updates. The group received funds from ABAG to work collaboratively on shared Housing Element deliverables including translation dollars, Affirmatively Furthering Fair Housing products, visualizations, and a countywide website. The City of Belvedere participates in this collaborative effort and finds it extremely helpful to discuss common issues/requirements that all jurisdictions are grappling with to resolve or learn how to move forward.

Future collaboration

The City of Belvedere understands that the County intends to expand collaboration with its cities and towns in the following ways:

1. **Commit to collaboration:** In the County’s draft 2023-2031 Housing Element, a proposed new program would “*Collaborate with Marin County, cities and towns to address regional planning and housing issues*”
 - This would require the County, and each city and town, to commit resources to collaboration and hold a public hearing annually to report on progress to the respective decision-making body and report to the State through the Annual Progress Report (APR).

The City of Belvedere finds this would be a useful way of providing information and updates to report on progress to the respective decision-making bodies. The City of Belvedere is willing to participate in this reporting.

2. **Implementation of Housing Element programs:** During implementation of the 2023-2031 Housing Element, the County, cities (including the City of Belvedere) and towns will collaborate on program implementation, especially those related to Affirmatively Furthering Fair Housing and tenant protections. This will include:
 - *Model ordinances:* developing model ordinances to be considered by the Board of Supervisors and City Councils.
 - *Outreach and community engagement:* Conducting shared outreach and community engagement.

The City of Belvedere finds the sharing of information extremely useful and cost-effective, especially since all jurisdictions are working on same issues/requirements such as Affirmatively Furthering Fair Housing for our Housing Elements.

3. **Housing Element Collaboration:** Develop a deeper and more formalized collaboration on the Housing Element in the future. This could include:
 - *One Housing Element:* Develop one document with shared background, outreach, programs, and policies. This would provide consistency, save funds and improve accessibility for stakeholders and housing developers.
 - *Consider a subregional approach:* The County and cities and towns will consider developing a subregional approach to meeting the Regional Housing Need Allocation in the next housing element cycle.
 - *Shared consultants* to conserve resources and develop more consistent policies and programs, the County, cities, and towns will seek to hire the same consultants to prepare parts of the housing element, conduct regional outreach and conduct any needed environmental review.

The City of Belvedere is open to discussions for further collaborative and coordinated efforts for future Housing Elements.

4. **Funding collaboration:** explore ways to more effectively collaborate on shared funding for affordable housing. This could include:
 - *Inclusionary policies:* Developing more consistent policies and fees to encourage and facilitate more affordable housing as part of new market-rate developments and increase funding for affordable housing.
 - *Regional housing trust fund:* Consider the establishment of a regional housing trust fund which would make state applications more competitive and lower the administrative burden for cities and towns.
 - *Community Development Block Funds:* Continue to collaborate as an entitlement community on using CDBG funds to fund affordable housing and leverage other State and Federal Sources.
 - *Permanent Local Housing Allocation (PLHA):* Continue to collaborate as an entitlement community to use PLHA funds on housing-related projects and programs that assist in addressing the unmet housing needs of our local communities.
 - *The Bay Area Housing Finance Authority (BAHFA):* Actively participate and support the efforts of BAHFA to raise funds to help address affordable housing and housing stability.

City of Belvedere Response to Grand Jury Report Findings and Recommendations
“Affordable Housing: Time for Collaboration in Marin”
(June 24, 2022)

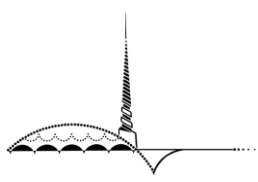
The City of Belvedere is willing to explore ways to effectively collaborate on shared funding for affordable housing in our community as well as in Marin County.

5. **Shared staffing:** With the exceptions noted above, the County, cities, and towns address most housing issues individually, and often with limited staff and financial resources. Programs and policies in the Housing Element require concrete goals and deliverables which will be difficult for smaller jurisdictions to achieve with all of the other obligations associated with their work. Shared staffing initiatives would encourage coordination and working together to tackle the housing crisis on a larger scale through shared housing staff to provide expertise and local knowledge to support affordable housing developers. This would also result in consistency throughout the county and adoption of best practices.

The City of Belvedere a smaller jurisdiction with a small staff is willing to explore this idea further to determine how this could be done. Having expertise and dedicated staff available to aid with these complex housing matters would be very helpful.

SUMMARY

As the City of Belvedere moves forward with our Housing Element Update for 2023-2031, we will look at and consider additional programs to expand and or supplement collaboration between the County, towns, and other cities. The City of Belvedere currently participates and collaborates in interjurisdictional efforts to plan and provide for housing and will continue in this effort.



2021–2022 MARIN COUNTY CIVIL GRAND JURY

AFFORDABLE HOUSING: TIME FOR COLLABORATION IN MARIN

June 24, 2022

SUMMARY

Lack of affordable housing is a problem throughout Marin County. The housing shortfall, characterized by the county as a “crisis,” was addressed in a 2016-2017 Marin County Civil Grand Jury report that called on the county, cities, and towns of Marin to work collaboratively on affordable housing issues. The recommendation was rejected, and the county has continued to fail to create sufficient affordable and workforce housing for Marin’s low to median income earners.

Since that report was issued, the State of California has passed significant legislation intended to increase the affordable housing stock in the state. Simultaneously, the state has drastically increased the amount of housing that counties, cities, and towns are required to build. Failure to meet these housing allotments will trigger mechanisms of this new state legislation that will limit local control over housing and allow for construction that would otherwise not comply with local development laws.

Increasing the stock of affordable housing is a goal widely supported by elected officials throughout Marin County but losing local control over development is not. The task ahead for the county and municipalities of Marin is to build more affordable housing while retaining local control. Achieving these goals will require increased countywide cooperation at the highest levels of government.

Since at least 1973, the county and its cities and towns have acknowledged the benefits of a countywide approach to affordable and workforce housing issues with several different agreements for collaboration. Currently, however, the approach to housing policy in Marin is fragmented. No single agency is tasked with the coordination and implementation of solutions to affordable housing issues that affect the entire county. It is time to renew a collaborative, countywide approach for affordable and workforce housing in Marin.

The 2021-2022 Marin County Civil Grand Jury recommends that the County of Marin and its cities and towns jointly create a regional organization, or empower an existing authority, to coordinate and facilitate affordable and workforce housing policy on a countywide basis.

APPROACH

In its investigation into affordable housing issues, the Marin County Civil Grand Jury conducted interviews with elected officials and staff members from Marin County, local cities and towns, and neighboring counties. The Grand Jury consulted experts on affordable housing issues, executives of both nonprofit and for profit housing developers, and individuals from local housing advocacy groups. The Grand Jury also reviewed past civil grand jury reports, past Marin County planning documents and proposals, academic studies, government reports and

documents, and news articles on a broad range of affordable housing issues. Finally, the Grand Jury inspected potential affordable housing building sites located in the county.

BACKGROUND

Marin's lack of affordable housing is a countywide problem. The Marin County Civil Grand Jury 2017 report *Overcoming Barriers to Housing Affordability* identified key issues that must be addressed if Marin County's housing crisis is to be solved.¹ Among these issues was the fact that the county and each of the 11 municipalities have their own approaches for managing growth and housing development. The jury expressly stated: "The County should create and fund the position of Regional Housing Coordinator. The Coordinator's responsibilities should include: working with funding sources and developers, identifying underutilized properties, working with jurisdictions to create specific plans, and creating a countywide civic mediation program for all civic project community dialogues."² The 2017 Grand Jury concluded that Marin County needed regional coordination in order to facilitate the development of more affordable housing.

Although the 2017 Grand Jury's recommendation for the creation of a Regional Housing Coordinator position was rejected, the need for greater countywide cooperation remains relevant and more necessary today than ever. Marin County needs more affordable and workforce housing. Countywide cooperation is a critical element in making that happen. While the county, cities, and towns do not build housing themselves, they must work together to address state requirements and remove barriers to getting affordable and workforce housing built. In the five years since the last grand jury report, insufficient progress has been made to address the affordable and workforce housing needs of Marin County.

DISCUSSION

Marin's Need For More Affordable and Workforce Housing

Affordable housing, often subsidized, is housing made available for residents with incomes at or below 80 percent of the area's median income. Workforce housing, also known as middle-income or moderate-income housing, is housing for residents typically earning less than 120 percent of the area's median income. This category often includes first responders, teachers, and government employees, as well as healthcare, construction, and retail workers.

The community benefits when people are able to live where they work. Affordable and workforce housing reduces traffic congestion and improves air quality by cutting commute times. In some cases, it even shifts commuters out of their cars and into other transit options. Currently, only about 45 percent of Marin County government employees live in the county, and of even greater concern, less than 25 percent of new county government hires live in the county. According to the most recent, pre-pandemic statistics available, approximately 68,000 workers commute into Marin County from other counties, and an estimated 16,000 of them travel more than 100 miles daily.³

¹ Marin Civil Grand Jury, *2016-2017 Overcoming Barriers to Housing Affordability*, April 12, 2017.

<https://www.marincounty.org/-/media/files/departments/gj/reports-responses/2016/overcoming-barriers-to-housing-affordability.pdf?la=en>

² Marin Civil Grand Jury, *2016-2017 Overcoming Barriers to Housing Affordability*, p.20.

³ Marin Environmental Housing Collaborative (MEHC). "Focus: Where does Marin's workforce live?"

<https://marinmehc.org/focus-where-does-marins-workforce-live/#:~:text=Roughly%2035%2C000%20in%2Dcommuters%20travel,from%20their%20jobs%20in%20Marin.>

Local governments are struggling to fill positions required to provide necessary public services. Businesses are also finding it difficult to attract workers in many sectors, ranging from retail to hospitality to building trades. If these workers become residents, they would purchase goods and services locally. This would increase local sales and property taxes and other revenue for local governments.

Regional Housing Needs Allocation

California's affordable housing requirements have their roots in the Housing Element Act of 1969.⁴ The act mandated that all California counties, cities, and towns must plan for future housing needs. Using the mandated Housing Element and Regional Housing Needs Allocation (RHNA), the California Department of Housing and Community Development determines the number of homes to be built across the state. These mandated housing requirements are then allocated to each region and local jurisdiction throughout the state.

For the San Francisco Bay region, the Association of Bay Area Governments (ABAG) operates as the "regional planning agency."⁵ ABAG assigns a share of the Bay Area's new housing to be built in each county, city, and town in the region, including Marin and each of its municipalities.⁶ These mandates, however, have failed to provide sufficient housing in Marin County and in nearly all areas of California.

Currently, Marin County and its municipalities are planning for RHNA cycle 6, an eight-year period that begins in January 2023 and runs through 2031. By January 2023, Marin County and all its cities and towns must adopt their Housing Elements and identify potential building sites to satisfy their RHNA allocations for cycle 6. Compared to the current cycle 5, which ends in 2022, the new allocations have greatly increased. The cycle 5 allotment for unincorporated Marin is 185 units but increases to 3,569 for cycle 6. The aggregate numbers for the county and all municipalities are 2,298 for cycle 5 but increase to 14,405 for cycle 6. Few of Marin's jurisdictions expect to achieve their cycle 6 allotments. Indeed, even the significantly smaller allotments for cycle 5 may prove beyond the reach of most jurisdictions.

New Statewide Housing Legislation

SB 35 will retain local control for those cities that are producing their share of housing, but create a more streamlined path for housing creation in those cities that are blocking housing or ignoring their responsibility to build. -State Senator Scott Weiner, author of Senate Bill 35⁷

Since the 2017 Grand Jury report, the state has become more assertive in its efforts to address the statewide housing shortage by adopting legislation intended to expand housing construction. The most consequential component of this legislation is Senate Bill 35 (SB 35).⁸ Under its provisions, eligible development projects can take advantage of a streamlined, ministerial approval process.

⁴ Cal. Gov. C. §65583,

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65583

⁵ Association of Bay Area Governments, History, 2022, <https://abag.ca.gov/about-abag/what-we-do/history>

⁶ Association of Bay Area Governments, RHNA - Regional Housing Needs Allocation, 2022,

<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

⁷ California State Senator Wiener, Press Release, January 23, 2017. <https://sd11.senate.ca.gov/news/20170123-senator-wiener-releases-details-sb-35-%E2%80%93-housing-accountability-and-affordability-act>

⁸ Senate Bill No.35, September 29, 2017.

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB35

While SB 35 construction projects would remain subject to certain objective zoning standards, they would not be subject to the California Environmental Quality Act and may not be subject to local parking requirements. Proposed developments that qualify for streamlining will be able to move through the local project approval process far more quickly and local governments will be restricted in their ability to reject or control such projects.

The provisions of SB 35 are triggered by either of two things: first, failure to complete annual housing element progress reports; or second, failure to issue enough building permits to satisfy a jurisdiction's allocations by income category. For example, unincorporated Marin County has not issued the required number of building permits during the current cycle and is therefore subject to SB 35. The Marin County Board of Supervisors recently adopted a county ordinance to implement the provisions of SB 35 on an interim basis until permanent regulations are adopted as part of the county's Housing Element to be updated early next year. To date, at least one project has been approved under SB 35's streamlined procedures – a five-story, 74-unit apartment complex in Marin City approved in December 2020. Other projects are on the drawing board.⁹

While increasing the stock of affordable housing is a laudable goal supported by most, SB 35 is controversial and opposed by many mainly because it threatens local control. The task is to build more affordable housing while retaining local control. The Grand Jury suggests a countywide, cooperative approach as the most effective means of meeting Marin's need for more affordable housing.

Benefits of a Countywide Approach

The current approach to housing in Marin is fragmented among the county and its municipalities. No single agency is tasked with the coordination and facilitation of solutions to housing related issues that affect the entire county. In order to realize the long sought-after benefits of increased affordable housing stock, local governments should re-examine the potential benefits of countywide collaboration.

Because the county and all of its municipalities face similar housing challenges, they can benefit from collaboration. Benefits from a countywide approach include:

- Cooperation and planning on a countywide basis
- Consideration of environmental issues that may cross jurisdictions
- Collaboration on housing element updates
- Collaboration with nonprofits and housing experts
- Coordination with state and regional agencies
- Delivery of more cost-effective services through consolidation
- Retention of local control over housing development
- Sharing expertise and resources needed to access funds for affordable housing development.

For example, some of the larger jurisdictions have staff with expertise in organizing community outreach programs to secure local support for achieving statutorily mandated affordable housing

⁹ Halstead, Richard, "Marin City housing complex gets fast-track approval", *Marin Independent Journal*, December 5, 2020. <https://www.marinij.com/2020/12/05/marin-city-housing-complex-gets-fast-track-approval/>

goals. Smaller jurisdictions may lack these resources. Those functions could be consolidated in a countywide authority, with resultant cost sharing and increased efficiency.

Funding of Affordable Housing

Perhaps the most important benefit of a countywide approach to affordable housing is the ability to pool the expertise and resources needed to access funding. With the high costs of land and construction in Marin, it is nearly impossible to build affordable housing without subsidies. A countywide approach would help jurisdictions navigate the complex landscape of accessing these subsidies.

Cities and counties do not build housing, developers do. Most developers typically build market-rate housing because it is more profitable. The risk of losing money is greater with lower cost units where the profit margin is smaller. As a result, almost all of the new affordable housing is built by specialized nonprofit organizations such as Eden Housing, EAH Housing, Homeward Bound, and Marin Community Housing – each of which have built housing projects in Marin. These organizations use grants and tax benefits to augment project funding, and often collaborate in these projects with other nonprofits. A good example of such a partnership is between Eden Housing and Vivalon to build affordable senior housing in San Rafael.

Under current requirements in most jurisdictions, larger housing developments must reserve a percentage of their units for low- and moderate-income housing.¹⁰ This requirement often makes the developments relatively unprofitable, and many developers seek to avoid this requirement through payment of an “in lieu” fee. In theory, the funds from this fee can be used to subsidize other low-income housing, but in practice this does not always occur. There is no countywide policy with respect to in lieu fees and this is an area where countywide coordination could be beneficial.

Another area where countywide cooperation would be beneficial relates to subsidies for affordable housing. Currently, there is no central repository of information on affordable housing subsidies in the county. Such a resource could help developers find subsidies for affordable housing. Financial support for affordable housing in Marin may include:

- The State Permanent Local Housing Allocation
- The County Affordable Housing Fund
- Local banks meeting Community Investment Act requirements
- Community Development Block Grants
- The Marin Community Foundation
- Low income housing tax benefits for joint venture partners
- Government land donations for affordable housing.

The state recently allocated \$7 billion for housing-related programs. There are other sources of funds for affordable housing, such as low-cost loans from financial institutions that are pass-throughs from the Federal Home Loan Bank of San Francisco’s Community Investment Fund. These low-cost loans are not widely known or used in Marin. Other funding sources such as special taxes or bonds could also provide the subsidies necessary to support affordable housing.

¹⁰ Cal. Gov. C. §65915(b)(1), https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV

Approaches to Countywide Coordination

Once the advantages of a countywide approach to Marin’s housing issues are recognized, the question becomes what is the best vehicle or mechanism to implement that approach. Several options are available.

Joint Powers Authorities (JPAs)

A widely used mechanism for intergovernmental cooperation is a joint powers authority, or JPA. The statutory authority for such a power sharing relationship is the Joint Exercise of Powers Act.¹¹ The scope of such shared powers can be extremely broad: “two or more public agencies by agreement may jointly exercise any power common to the contracting parties” to achieve a shared goal.¹² A countywide affordable housing JPA could perform a number of functions and exercise powers delegated to it by its various members, including site selection for satisfying RHNA allotments, land use planning, coordination of development for affordable housing, issuing bonds, and applying for funding grants, to name just a few.

Two of the most important advantages of JPAs are ease of formation and flexibility. JPAs are the only type of government entity formed by mutual agreement. JPAs have a proven track record. ABAG itself is a 107 member JPA for the nine-county San Francisco Bay Area. Over 1800 JPAs have been formed in California, including 19 in Marin County. Among these is the Marin General Services Authority, a JPA consisting of Marin County and each of the county’s municipalities. JPAs promote intergovernmental cooperation without requiring member agencies to surrender their local autonomy.

Subregions

The Association of Bay Area Governments allows for the creation of subregions, which are ad hoc joint powers authorities formed by two or more local jurisdictions to locally administer ABAG’s regional allocation of housing process. While Marin did not form a subregion for the current RHNA cycle, the concept was discussed at meetings of elected officials and county and municipal planners. This option will not be available again until planning begins for 2031-2039.

Other Successful Approaches

Other counties in the Bay Area have adopted programs of cooperation to deal with the housing needs of their various communities. Marin could draw from the experiences of these other counties.

Most prominently, San Mateo County contends with housing issues through a program called 21 Elements.¹³ The 21 Elements program has gained national recognition for the level of cooperation among the County of San Mateo and all twenty cities in the county. Significant benefits of this program include collaboration on housing element updates, shared research, joint work on best practices, collaboration with nonprofits and housing experts, and coordination with agencies like ABAG and the California Housing and Community Development Department. Utilizing the services of one central consultancy, San Mateo has been able to focus attention on

¹¹ Cal. Gov. C. §6500, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6500.

¹² Cal. Gov. C. §6502, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6502.

¹³ 21 Elements (San Mateo County), <http://www.21elements.com>

the important factors that will give the participants the best chances for successfully navigating the mandates of new housing legislation. These include establishing enough land zoned for housing to meet requirements, accessing funding with non-profits and others, respecting local control, and understanding the importance and availability of the subsidies necessary for affordable housing.

Solano County has addressed its housing challenges through a countywide organization known as the Solano City County Coordinating Council or CCCC.¹⁴ This group consists of the county board of supervisors and representatives from each municipality. This council was created to deal with, among other issues, the housing needs of the entire county and coordinate all matters related to ABAG requirements. Importantly, it has enabled planners from the county and each municipality to share data and resources. This allows Solano County to link land use with infrastructure and integrate affordable housing throughout the community.

A Model for Marin - History and Future of a Countywide Approach

Regardless of the specific mechanism utilized, Marin must establish a strong culture of inter-jurisdictional collaboration to address housing needs beyond basic planning issues. Today there is no effective way for the county, cities, and towns to come together to address housing issues of countywide significance, or for the public to add their voices. Such collaboration would allow agencies to work together to find solutions that each jurisdiction could not find alone.

The county and municipalities acknowledge the value of cooperation and are coordinating at a staff level to discuss policy and best practices related to affordable housing. This is a positive step but falls short of the cooperation necessary to address the current housing crisis. Marin needs to collaborate at the highest elected and staff levels to leverage its ability to secure funding and other benefits for affordable housing.

During this investigation, the Grand Jury heard that the county, cities, and towns of Marin have resisted working together on housing policy. However, this investigation also revealed that there is new and increasing support for countywide collaboration on housing issues. Moreover, there are notable examples of successful collaboration from the past.

Joint powers authorities have previously been used for countywide housing planning in Marin. The Marin Countywide Plan of 1973 was created by a JPA consisting of the county and its municipalities. In 1993, the Countywide Planning Agency, another JPA consisting of the county and its municipalities, was formed. Its duties included implementing countywide performance standards for housing.

The 1993 Countywide Planning Agency was also charged with congestion management and transportation planning. These functions were subsequently assumed by the Transportation Authority of Marin (TAM) in 2004. TAM's focus remains on transportation and not housing. In 2004, the county also considered a plan to expand the Countywide Planning Agency's functions to include developing standards for housing, coordinating with local jurisdictions, and reviewing and commenting on major housing projects. That plan was not implemented and the Countywide Planning Agency expired in 2011. Housing has continued to be without an effective mechanism for countywide coordination.

¹⁴ CCCC (Solano County), https://www.solanocounty.com/depts/bos/city_county_coordinating_council/default.asp

Proposal to Revive A Missed Opportunity

The effort to implement a countywide approach to housing in Marin continued in 2006. The late Marin County Supervisor Charles McGlashan headed a special committee of TAM to reevaluate the mission, goals, and priorities of the Countywide Planning Agency. The committee concluded that it was important to maintain countywide planning for housing: “The committee supports the functional continuation of the CWPA and preliminarily recommends the creation of a committee of TAM to assume the CWPA’s role, to be called the City County Planning Committee (CCPC),”¹⁵

The statement of purpose for the new City County Planning Committee was to provide a public forum to collaborate on housing, transportation, land use, and sustainability issues. The committee would evaluate and monitor the cumulative impacts of planned developments as well as share ideas, resources, and best practices. It would also be able to pursue grants and other funding opportunities for affordable housing.

The City County Planning Committee was intended to be a committee of TAM and governed by the Brown Act, which requires open public meetings.¹⁶ This committee would have consisted of elected leaders of the county, cities, and towns. The priorities of the proposed CCPC included the following:

- Pursue grants and other funding opportunities for eligible projects and other planning efforts
- Coordinate housing element updates to maximize efficient use of affordable housing efforts
- Negotiate with the Association of Bay Area Governments to achieve affordable housing goals
- Identify and assist in the planning of affordable housing in mixed use sites with the city-centered corridor
- Collaborate with Sonoma County on transportation and land use issues
- Improve coordination among the county, towns, and cities general plans
- Evaluate and monitor the cumulative impact of planning and development
- Share ideas, information, resources, and best practices.

At the May 26, 2006 TAM board meeting where this proposal was considered, a wide range of stakeholders weighed in, including representatives of the county, cities, and towns, housing advocates and environmental groups, as well as the general public. There was consensus that cooperation would be beneficial and the issues were of utmost importance. Nonetheless, the proposal was ultimately shelved because of concerns that it would divert staff and resources from TAM’s main objectives and because of a lack of the necessary resolve to make it happen. This was a critical missed opportunity.

Since 2006, Marin has not made any significant effort to address the housing crisis on a countywide basis, nor has it moved to take advantage of the natural link between housing and

¹⁵ See Appendix A, Marin County Supervisor McGlashan memo to the executive committee of the Transportation Authority of Marin, May 10, 2006.

¹⁶ Cal. Gov. C. §§54950 - 54963 (1961), https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.can&title=5.&part=1.&chapter=9.&article=

transportation. Marin has failed to explore the significant benefits of regional cooperation on housing accomplished by other counties. The resulting fragmented approach has contributed to Marin's current housing crisis.

Despite the numerous missed opportunities cited above, Marin-wide cooperation is still achievable and the vehicles used and proposed in the past are still viable. As stated in the proposal to establish the City County Planning Committee in 2006:

“The CCPC provides an opportunity for elected officials, planning staff, and members of the public to assemble under one venue to not only develop and find solutions to issues of concern, but to engage in creating a place that fulfills Marin residents' vision for the region as a whole.”¹⁷

Marin could realize this vision by creating a regional authority to coordinate and facilitate affordable housing policy on a countywide basis, or by tasking an existing authority, such as the Transportation Authority of Marin, with these duties. This can be accomplished by reviving the City County Planning Committee proposal or by the creation of a regional authority by the county and the city and town councils.

The new housing landscape described in this report should galvanize Marin's leaders to pursue effective countywide housing cooperation. Marin cannot afford to miss this opportunity again.

FINDINGS

- F1. Marin County lacks sufficient affordable and workforce housing.
- F2. Increasingly, individuals who work in Marin County cannot afford to live in the county, many of whom must commute from outside the county.
- F3. Recent California laws provide new incentives for local governments to collaborate in developing affordable housing.
- F4. The Regional Housing Needs Allocation allotments are widely viewed as unachievable for the county and many Marin municipalities.
- F5. Failure to achieve Regional Housing Needs Allocation allotments will trigger loss of local control over housing development.
- F6. There is new and increasing support and willingness to cooperate among elected officials for building affordable housing in Marin.
- F7. A countywide approach to housing development would enhance Marin's ability to meet affordable and workforce housing needs.
- F8. Large affordable housing developments in Marin require subsidies to be financially feasible.
- F9. Organizations with expertise and access to subsidies and other funding sources are successfully building new affordable and workforce housing developments in Marin.
- F10. A countywide approach to housing development would enhance Marin's ability to secure funding for affordable and workforce housing.

¹⁷ See Appendix A, p.4.

RECOMMENDATIONS

- R1. No later than December 31, 2022, the Marin County Board of Supervisors and Marin’s city and town councils should jointly create a regional authority, or empower an existing authority such as the Transportation Authority of Marin, to coordinate affordable and workforce housing policy on a countywide basis.

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-F10, R1)
- City of Larkspur (F1-F10, R1)
- City of Mill Valley (F1-F10, R1)
- City of Novato (F1-F10, R1)
- City of San Rafael (F1-F10, R1)
- City of Sausalito (F1-F10, R1)
- Marin County Board of Supervisors (F1-F10, R1)
- Town of Corte Madera (F1-F10, R1)
- Town of Fairfax (F1-F10, R1)
- Town of Ross (F1-F10, R1)
- Town of San Anselmo (F1-F10, R1)
- Town of Tiburon (F1-F10, R1)

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.

INVITATION FOR RESPONSES

The grand jury invites responses from the following governing body:

- Transportation Authority of Marin (F1-F10, R1)

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.

APPENDIX A: Supervisor Charles McGlashan Memo to the Executive Committee of The Transportation Authority of Marin, May 10th, 2006



May 10, 2006

TO: Executive Committee

FROM: Charles McGlashan, Supervisor

RE: Discussion of the TAM Countywide Planning Agency Special Committee, Agenda Item 5

Dear Commissioners:

Executive Summary

In November 2005 the Special Committee of the Transportation Authority of Marin (Committee) was established to reevaluate the mission, goals, and priorities of the Countywide Planning Agency (CWPA). The CWPA has not functioned as an agency since the Congestion Management Agency functions were designated to TAM in 2004. The Committee supports the functional continuation of the CWPA and preliminarily recommends the creation of a committee of TAM to assume the CWPA's role, to be called the City County Planning Committee (CCPC).

Draft Statement of Purpose:

The purpose of the CCPC is to provide a public forum on mutually agreed upon issues among elected representatives from the cities, towns, and the County to:

- Collaborate on housing, transportation, land use, and sustainability issues.
- Evaluate and monitor the cumulative impacts of planning and development.
- Provide a forum for sharing ideas, information, resources, and best approaches.
- Pursue funding opportunities for planning efforts on topics of mutual interest

Key Recommendations

In terms of the form and function, the Committee recommends that the CCPC should:

- Convene as a committee of TAM
- Consist of membership by elected leaders of all towns, cities, and the County
- Initially meet up to three times a year
- Encourage formal membership from the TAM representative
- Follow Brown Act protocol
- Staff by Marin County Community Development Agency
- Provide an annual progress report
- Bring action items to a TAM regular meeting

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Background

Multi-jurisdictional planning in Marin has traditionally been handled on a joint basis among its towns, cities and the County. One example was the City County Planning Council-established in the late 1960's to oversee the development of Marin's first Countywide Plan. This was followed by the Residential Development Review Board (RDRB), which was established in 1976 to consider development proposals within the Richardson Bay area, including Belvedere, Mill Valley, Sausalito, Tiburon, and portions of unincorporated Marin. The RDRB reviewed development proposals within this planning area by rating projects in categories such as Open Space, Environmental Impacts, Utilities and Public Services, and Project Facilities and Design. The RDRB was followed by the Countywide Plan Review Committee in 1983, which was formed to update the 1974 Countywide Plan.

The CWPA was created on October 16, 1990 when eleven cities and the Board of Supervisors adopted the Joint Powers Agreement to implement countywide performance standards for traffic, housing, water and sewer facilities, and environmental protection to ensure that residential growth did not exceed local water, sewer, and transportation capacities. Another reason was to support a countywide effort to adopt a transportation sales tax. In 1993 the JPA was amended to designate the CWPA as the agency responsible for developing, adopting, and annually updating the countywide Congestion Management Program required by the passage of Proposition 111 in June 1990.

Because attempts at passing a proposed transportation sales tax measure failed, funding for the CWPA never materialized. Nonetheless, for several years the CWPA served as the Congestion Management Agency (CMA) with limited staffing from the Community Development Agency. The CWPA continued to review general plans, general plan amendments, and other planning issues of interest to all jurisdictions. However, the primary function of the CWPA remained that of the CMA. When TAM was established in 2004, the congestion management duties were assigned to TAM, leaving the functions of the CWPA in flux. The CWPA has not been staffed the past two years.

Special Committee of the Transportation Authority of Marin

A Special Committee of the Transportation Authority of Marin (Committee) was formed in November 2005 to discuss the mission, goals, priorities, and form and function of the CWPA. The Committee, which has met semi-monthly through March 2006, consists of members from TAM, city and town council members and senior staff, along with representatives from a wide range of local and community organizations including:

- Chair, Charles McGlashan, Marin County Board of Supervisors
- Susan Adams, Marin County Board of Supervisors
- Amy Belser, City of Sausalito
- Sue Beittel, League of Women Voters
- Dave Coury, Housing Council
- Don Dickenson, Marin County Planning Commission
- Carole Dillon-Knutson, City of Novato
- Kristin Drumm, Planner, County of Marin
- John Eells, League of Women Voters
- Pat Eklund, City of Novato
- Alice Fredericks, Town of Tiburon
- Alex Hinds, Marin County Community Development Director

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- Linda Jackson, Principal Planner, City of San Rafael
- Margaret Jones, League of Women Voters
- Joan Lundstrom, City of Larkspur
- Marjorie Macris, Environmental Housing Collaborative
- Ed Mainland, Sustainable Novato and Sustainable Marin
- Karen Nygren, Sierra Club Marin Group
- Roger Roberts, Marin Conservation League
- Michele Rodriguez, Principal Planner, County of Marin Voters
- Annette Rose, Environmental Housing Collaborative
- Bob and Sue Spofford, Sustainable San Rafael
- Lew Tremaine, Town of Fairfax
- Patsy White, Marin Economic Commission

The Committee agreed early in the process that it was important to provide a forum among elected leaders and the community to foster dialogue and learning, but not create local mandates, wrest planning control from local jurisdictions, or create another layer of review. The recommended City County Planning Committee (CCPC) would provide recommendations only.

The Committee determined it was important to learn about the history of the CWPA in order to better understand its successes and challenges. Mark Reisenfeld, former Marin County Administrator and Planning Director, Carol Williams, former Marin County Assistant Planning Director, and Bob Pendoley, Corte Madera Assistant Town Manager and former San Rafael Planning Director, were invited to a Committee meeting to provide background information on the CWPA and insight on its successes and challenges. The Committee also reviewed and discussed the activities provided by Marin's various JPAs in order to ensure that the CCPC avoids providing duplicate services.

A key concern for the Committee was to seek input and buy in from city and town elected officials and senior planning staff. CDA staff attended a monthly meeting of the Marin Planning Directors in February 2006 while Charles McGlashan, Committee Chair, attended the April 2006 Marin County Council of Mayors and Councilmembers (MCCMC) meeting to provide status reports on the Committee's work and obtain feedback. The Committee members have also been providing regular updates to the TAM Executive Committee and Board throughout the process. The feedback from these meetings have been discussed and reviewed by the Committee and incorporated into the final recommendations.

Throughout the process, the Committee conducted several brainstorming sessions to identify possible value-added outcomes and potential responsibilities for the CCPC. A thorough list of possible program outcomes was initially created, resulting in the City County Planning Committee Prioritization Table. This table was further refined and condensed, from which four outcomes arose as a top priority and are expressed in the statement of purpose, including:

- Collaborate on housing, transportation, land use, and sustainability issues Evaluate and monitor the cumulative impacts of planning and development
- Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin, and
- Pursue funding opportunities for planning efforts on topics of mutual interest.

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While a number of important outcomes were discussed, the Committee decided the CCPC should initially focus on the outcomes defined in the statement of purpose. With limited funding and staffing resources, the consensus was for the CCPC to start small, build trust and teamwork, and grow as successes are achieved. Moreover, the Committee acknowledges that other issues may arise that the CCPC may desire to address. The attached Prioritization Table could be a useful reference to guide decision-makers, but by no means is intended to limit the priorities of the CCPC.

Why Establish the City County Planning Committee?

Historically there has been a strong culture of inter-jurisdictional collaboration and communication at both elected and staff levels that focused on a broad spectrum of topics beyond typical planning issues. Today there is not a similar venue for the cities, towns, and the County to come together to discuss planning issues of mutual inter-city and countywide significance, or for the public to address representatives of all the jurisdictions on these issues. While there are several JPAs that convene staff and elected leaders, there is no current venue at which elected leaders can discuss land use, cumulative impacts from our individual decisions, nor the nexus between land use and transportation policy. Meanwhile, transportation, housing, and traffic congestion issues continue to challenge Marin's local jurisdictions.

A forum like the CCPC could enable all of Marin's jurisdictions to find solutions on issues affecting them. A recent, successful past example of countywide collaboration on planning related issues was the Housing Workbook and Housing Element process. The Workbook is a "kit of parts" collaboratively developed and available to each jurisdiction to use as appropriate to prepare their individual Housing Element based on their own needs, size, and resources.

The CCPC provides an opportunity for elected officials, planning staff, and members of the public to assemble under one venue to not only develop and find solutions to issues of concern, but to engage in creating a place that fulfills Marin residents' vision for the region as a whole.

Draft Statement of Purpose

The Committee developed a draft statement of purpose for the CCPC that includes key recommendations on the proposed committee's form and function and four priority areas it should focus on in the short term. The purpose of the CCPC is to provide a public forum on mutually agreed upon issues among elected representatives from the cities, towns, and the County to:

- Collaborate on housing, transportation, land use, and sustainability issues,
- Evaluate and monitor the cumulative impacts of planning and development
- Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin, and
- Pursue funding opportunities for planning efforts on topics of mutual interest.

Key Recommendations

The Committee preliminarily recommends that, based on the highest priorities and funding limitations, the City County Planning Committee (CCPC) initially meet three times a year as a committee of TAM. It is further recommended that an annual progress report be presented at a meeting of the full TAM Board and forwarded to the city and town managers and planning

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directors of participating cities and towns. The CCPC Chair at each TAM Board meeting will also offer regular monthly committee reports. In terms of the form and function, the Committee recommends that the CCPC should:

- Convene as a committee of TAM and be known as the "City County Planning Committee (CCPC)
- Solicit active membership and participation by the elected leaders of all the towns, cities, and the County
- Encourage formal membership from the TAM member, their alternate, or another designee appointed by the town or city council (or senior planning staff).
- Initially meet up to three times a year. Additional meetings may be considered only if supplementary funding or grants are provided
- Be open to all interested members of the public
- Follow Brown Act protocol so all TAM members or their alternates can attend.
- Initially be funded through in-kind staff support for meeting preparation, content development, data collection and research, and presentations for up to three meetings per year, along with the preparation and presentation of an annual progress report to the TAM Board.
- Pursue grants for applicable projects.
- Provide minutes to all TAM members, city and town managers, planning directors, and designated members of the CCPC.
- Provide an annual progress report to TAM, city and town managers and planning directors, along with periodic updates, and
- Bring action items to a TAM regular meeting if a vote or formal recommendation is needed,

Initially, the Marin County Community Development Agency (CDA) will provide in-kind staff support for meeting preparation, content development, data collection, research, and presentations for up to three committee meetings per year, along with the preparation and presentation of an annual progress report to the TAM Board. The progress reports will also be distributed to the city and town managers and planning directors of each local jurisdiction and agency.

Priorities of the CCPC

Priorities of the CCPC include the following:

1. Collaborative Planning: Housing, Transportation, Land Use, and Sustainability.

Coordinate housing element updates in order to maximize efficient use of affordable housing resources.

- Negotiate with the Association of Bay Area Governments to achieve affordable housing goals.
- Identify and assist in the planning of affordable housing in mixed use sites within the City Centered Corridor.
- Pursue grant funding for eligible projects.
- Collaborate with Sonoma County on transportation and land use issues, and discuss impacts on Highway 101, and
- Improve coordination among the 12 city, town, and County general plans.

2. Evaluate and Monitor the Cumulative Impacts of Planning and Development.

- Evaluate and monitor the countywide cumulative impacts of planning and development on:

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- Housing needs
 - Economic vitality
 - Social equity
 - Traffic congestion
 - The environment
-
- Conduct an analysis of the countywide cumulative impacts of commercial buildout on housing, transportation, and the public infrastructure.
 - Identify indicators and benchmarks to track cumulative land use decisions, and
 - Evaluate carrying capacity and ultimate buildout to achieve a reduced ecological footprint in Marin.

3. Sharing of Ideas, Information, Resources, and Best Approaches for Marin

- Review model ordinances and programs.
- Encourage consistent standards and regulations where feasible and desired.
- Promote more efficient resource use to reduce Marin's ecological footprint, and
- Establish a system for the prioritization and ranking of issues.

4. Pursue funding opportunities for planning efforts on topics of mutual interest

Next Steps

The draft statement of purpose will be revised based on comments received at the Executive Committee meetings and will be taken to the May 25, 2006 TAM Board for comments and input.

Staff is in the process of reviewing the existing CWPA JPA to determine its status. Pending this outcome and input received from the TAM Board, the Committee Chair and CDA staff may need to either modify or potentially dissolve the JPA document to reflect the new form and function of the CCPC. This outcome will be brought to TAM for consideration at the September 2006 TAM Board meeting. The first meeting of the CCPC is preliminarily scheduled for fall 2006.

Recommendation:

Staff recommends:

1. Review and discuss establishing the proposed City County Planning Committee

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 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-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;

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; now, therefore be it; 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 September 12, 2022, by the following vote:

AYES:

NOES:

ABSENT:

RECUSED:

APPROVED: _____
Sally Wilkinson, Mayor

ATTEST: _____
Beth Haener, City Clerk

**INDIVIDUAL
CONSENT CALENDAR**

**BELVEDERE CITY COUNCIL
September 12, 2022**

To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Reviewed by: Robert Zadnik, City Manager

Subject: Approve revocable licenses for proposed private improvements in the City street right-of-way along Eucalyptus Avenue for the property at 19 Eucalyptus Avenue & 137 Golden Gate Avenue

Recommended Motion/Item Description

1. That Mayor Sally Wilkinson and Council Member Peter Mark state for the record that their residences are within 500 feet of both subject properties and therefore must be recused from item 15 and item 16.
2. That the City Council approve separate revocable license agreements; one for 19 Eucalyptus Avenue for improvements in the Eucalyptus Avenue right-of-way, and one for the property at 137 Golden Gate for the Eucalyptus Avenue right-of-way, explained in more detail below.

Background and Findings

At the August meeting of the Planning Commission, the Commission reviewed and approved a project for three retaining walls and landscaping for the property at 19 Eucalyptus Avenue. The proposed walls are to address a slide that occurred on the property. Additionally, a set of stairs were proposed to replace a set of stairs on the neighboring property at 137 Golden Gate Avenue that sustained damage due to the slide that started on the adjacent property of 19 Eucalyptus Avenue. Revocable licenses are required for improvements in the city right-of-way. Public Works is requiring separate revocable licenses for each property. Both 19 Eucalyptus and 137 Golden Gate are considered double frontage lots; they have frontage along Eucalyptus Avenue and Golden Gate Avenue.

Project Description

The slide demolished several retaining walls; new walls are necessary to prevent further erosion and a larger slide from occurring. The proposed three retaining walls will be a reinforced block style wall, specifically a versa-lok standard wall in a weathered Sierra color. The wall will be tiered (stepped back) with landscaping in between each of the walls to provide screening and softening of the walls. The walls will vary in height and the top retaining wall will include a safety railing (hogwire mesh & wood posts) as required by the building code. *Portions* of the lower

retaining wall & landscaping would be in the Eucalyptus Road right-of-way; therefore, a Revocable License is required.

The proposal includes landscaping to help screen and soften the proposed retaining walls. The landscaping includes a combination of Ficus plants that will climb the walls and a mixture of grasses and shrubs to provide some additional screening and aesthetic interest to the area.

Additionally, the slide demolished a set of existing stairs in the city right-of-way behind the neighboring (adjacent) property at 137 Golden Gate Avenue. These stairs provided pedestrian access for the property owners at 137 Golden Gate Avenue to Eucalyptus Avenue. The project proposal included replacing the stairs to allow for the property owner's continued access.

The commission approved the proposed project with conditions and recommended City Council approve the required revocable license for both property owners.

Compliance with Administrative Policy Manual Section 272.05, Revocable Licenses

In accordance with Section 272.05 of the City's Administrative Policy Manual, a revocable license for private use of excess street right-of-way may be granted at the discretion of the City Council when there is some benefit to the public, provided that any proposed encroachment into the right-of-way complies with the design review requirements of Title 20 of the Belvedere Municipal Code. The existing & proposed improvements conform to the Administrative Policy Manual for revocable licenses.

The Belvedere Administrative Policy Manual provides that the City Council may grant a revocable license for the private use of excess right-of-way if there is some public benefit and based on a list of factors. (Administrative Policy No. 11.7.)

Public Works is requiring a Revocable License for each property for improvements in the Eucalyptus Avenue right-of-way. 19 Eucalyptus requires a Revocable License for portions of the proposed retaining walls and landscaping in the right-of-way, and 137 Golden Gate Avenue requires a Revocable License for the access stairs behind their property located in the Eucalyptus right-of-way.

After reviewing city records, it appears that 19 Eucalyptus Avenue has an existing revocable license (RL No. 00-21) for improvements in the city right-of-way along Golden Gate Avenue for stairs, landscaping and all private improvements. The property at 19 Eucalyptus is a double frontage lot and has frontage along Golden Gate Avenue and Eucalyptus Avenue. There appears to be no revocable license for Eucalyptus Avenue.

The current request for a Revocable License includes the following improvements in the Eucalyptus Avenue right-of-way: portions of the new retaining walls, landscaping, and the new stairs to replace the ones demolished behind the property at 137 Golden Gate. It should be noted that in reviewing the records, the adjacent property at 137 Golden Gate Avenue has a Revocable License for improvements in the Golden Gate Avenue right-of-way. Additionally, the property at 137 Golden Gate Avenue has a Revocable License (RL No. 99-13) for a deer fence, gate, and landscaping. This revocable license did not include a reference to stairs.

For 19 Eucalyptus Road, Staff suggests that the portions of the wall encroachment are necessary to repair the slide in an appropriate manner and to design a series of walls that are stepped backed

to provide for landscaping areas that will screen and soften the walls from public view. Rather than constructing one large/tall wall which would be unattractive and detract from the area, a series of lower walls, as presented, is preferred.

For the stairs at 137 Golden Gate Avenue, staff suggests that the new stairs will help to provide stabilization of the hillside along Eucalyptus Avenue.

Separate revocable license exhibits for each property are attached.

Factors the City Council considers when determining whether to grant a Revocable License for the private use of excess street right-of-way include, but are not limited to, the following items listed below. Staff suggests the factors are satisfied, as explained in the italicized language, and that Revocable Licenses are appropriate.

- a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;

The project proposes a stairway behind the property at 137 Golden Gate Avenue to allow for pedestrian access from private property to the adjacent street. The new stairway is to replace an existing stairway that was demolished from a slide that was started on the neighboring property at 19 Eucalyptus Avenue. The improvements are necessary to provide access that existed prior to the slide and as designed, the new stairs will help to stabilize the hillside.

- 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;

The proposed new vegetation helps to soften and screen the three-tiered retaining walls along the street and improves the aesthetic qualities of the streetscape to harmonize with area. The retaining walls are necessary to prevent further erosion and slides from the property. Said landscaping will not significantly impede public views from what currently exists or infringe on the privacy of neighboring properties.

- 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;

Not applicable to the project as no off-street parking area is proposed.

- 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;

Portions of the retaining walls are proposed in the right-of-way and are necessary to protect the street below as well as other properties in the area. The walls are necessary to repair a slide that occurred on the property and to prevent further erosion and or another slide from occurring.

- e. Where appropriate to validate already existing private improvements in the public right-of-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;

The proposed new improvements included: are portions of a retaining wall, landscaping and a stairway; the stairway would be on the adjacent property behind 137 Golden Gate. A new Revocable License and separate Revocable Licenses are required to shift potential liability for injury and damages to the private property owners for the new improvements in the right-of-way.

- f. Where necessary to protect or enhance public safety;

The retaining walls are necessary to protect the public from further erosion and or slides from the property and to repair the previous slide that occurred. Further erosion and or another slide could damage the roadway as well as other properties in the area. The proposed landscaping will enhance the walls are provide for screening and softening of the walls. The stairs provided pedestrian access from private property to the street. The stairs also as designed help to provide stabilization of the hillside that was damaged from the slide that started on the neighboring property and damaged the hillside behind 137 Golden Gate.

- 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.

Additionally, the Administrative Policy further states that "Where fencing is proposed on City property, with the exception of where said fencing would be located on a very steep slope and would serve as a safety measure for vehicles and pedestrians said fencing should normally be avoided as this effectively turns public property into private property and potentially creates the unwanted image of a "tunnel effect" along our city streets. Fences and other similar barriers, including landscaping, that enclose public property for private use should be avoided."

No new fencing is proposed in the right-of-way. Portions of retaining walls are proposed but are necessary to protect the public from further erosion and or slides from the property and to repair the previous slide that occurred. Further erosion and or another slide could damage the roadway as well as other properties in the area.

Public Benefit

The project benefits the public, as these proposed improvements will protect the public from further erosion and or slides from the property and repair the slide that occurred. Further erosion and or another slide could damage the roadway as well as other properties in the area. The landscaping will enhance the aesthetic appeal of the property frontage and will provide screening and softening of the necessary retaining walls to blend in with the existing area. The stairs provide safer pedestrian access from private property to the street and as designed help to stabilize the hillside that was damaged from the slide.

Future improvements

The license covers any future improvements within the revocable license area which 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 272.05, 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, maintained in the Planning Department file for this address, will always be available to show exactly what structures have been approved within the license area. This will save considerable staff time in issuing, recording, and archiving a new license agreement, that would otherwise be devoted to bringing a revised license and staff report to the City Council.

Recommended Action

That the City Council approve new revocable license agreements for existing & proposed improvements for 19 Eucalyptus Avenue and 137 Golden Gate as part of the Consent Calendar.

Attachments

1. Draft license agreement with attached exhibit for 19 Eucalyptus Avenue
2. Draft License agreement with attached exhibit for 137 Golden Gate Avenue

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. 2022.05

ASSESSOR'S PARCEL NO.: **060-162030**
ADDRESS: **19 Eucalyptus Avenue, Belvedere, California 94920**
OWNER: **Gary Friedman**
DATE ISSUED: **September 12, 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 its 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:

Landscaping and retaining wall improvements.

The above-described improvements received City design review approval. This license shall cover any future improvements within the revocable license area which receive design review approval and which meet one or more of the criteria adopted by City Council resolution for the granting of revocable licenses. Any future revocable license application which does not meet the criteria must be approved by the City Council.

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

1. Licensee 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 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. 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 of the City of Belvedere and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.
3. 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"), Licensee agrees to construct and maintain those improvements in full compliance with the requirements of the Act.
4. If Licensee 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

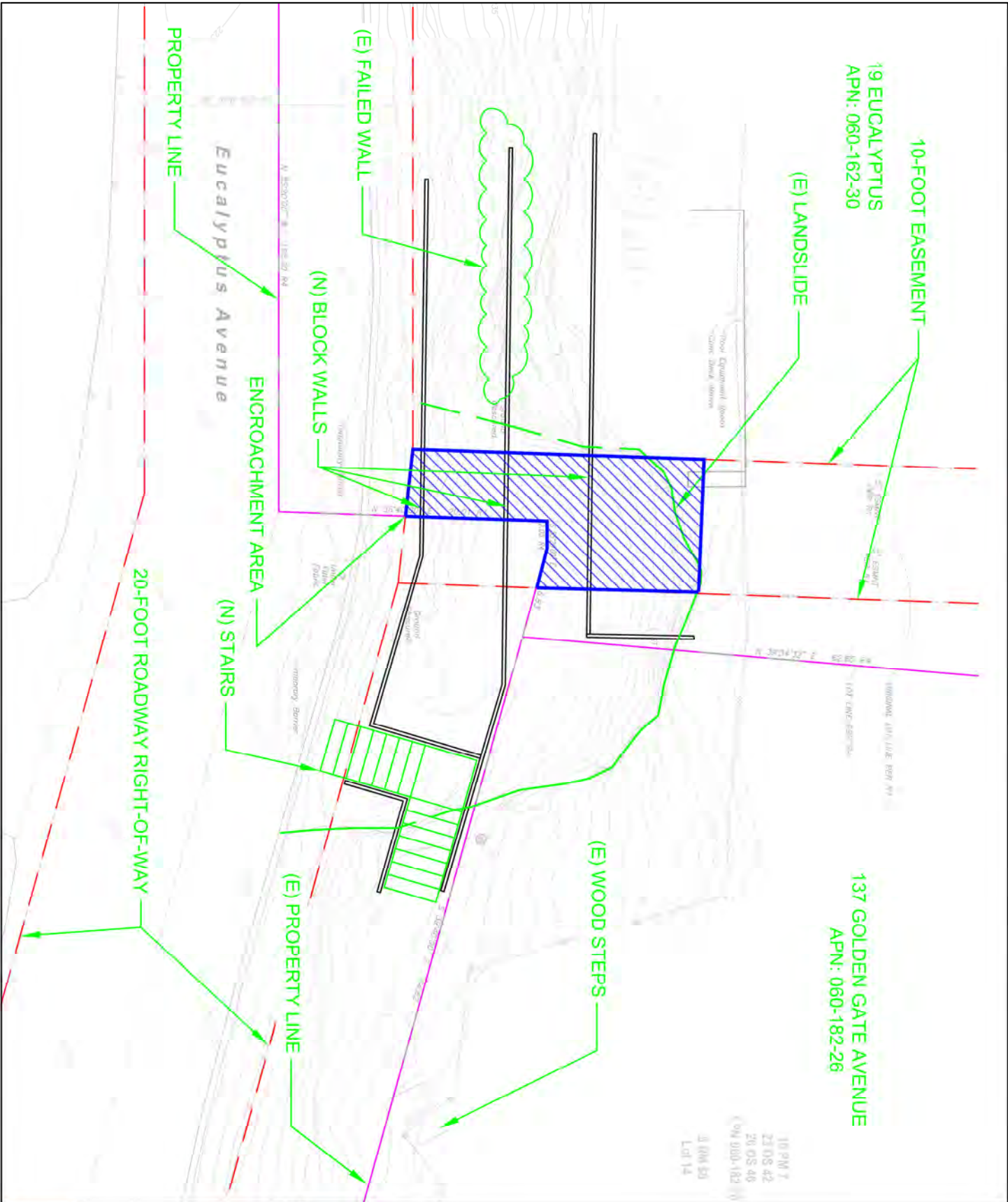
- to Licensee at the address hereinabove stated. Licensee shall not restrict access by the public and/or by adjacent property owners to the licensed area.
5. Licensee shall execute this License by: signing the License; making an acknowledgement of the License before a notary public or an officer specified 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.
 6. 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 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.
 7. That 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.
 8. 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.
 9. The Licensee shall deliver this license to any successor in interest to the above-described land.
 10. 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.
 11. The Licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
 12. 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 September 12, 2022.

Robert Zadnik, City Manager

The foregoing License is accepted and its terms and conditions are agreed to:

Gary Friedman, Licensee



10 PM 7
23 OS 42
20 OS 40
09 100-182
3 6M 50
Lot 14



504 Redwood Blvd.
Suite 220
Novato, CA 94947
T 415 / 382-3444
F 415 / 382-3450
www.millerpac.com

REVOCABLE LICENSE EXHIBIT "A"

Proposed Retaining Wall
19 Eucalyptus Road
Belvedere, California

Drawn NGK
Checked

A
FIGURE

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. 2022.06

ASSESSOR'S PARCEL NO.: **060-182-36**
ADDRESS: **137 Golden Gate Avenue, Belvedere, California 94920**
OWNER: **Justin M. Faggioli & Sandra Donnell – 1995 Family Trust**
DATE ISSUED: **September 12, 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 its 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:

Stair & landscaping improvements.

The above-described improvements received City design review approval. This license shall cover any future improvements within the revocable license area which receive design review approval, and which meet one or more of the criteria adopted by City Council resolution for the granting of revocable licenses. Any future revocable license application which does not meet the criteria must be approved by the City Council.

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

1. Licensee 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 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. 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 of the City of Belvedere and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.
3. 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"), Licensee agrees to construct and maintain those improvements in full compliance with the requirements of the Act.
4. If Licensee 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 Licensee at the address hereinabove stated. Licensee shall not restrict access by the public and/or by adjacent property owners to the licensed area.
5. 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.
 6. 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 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.
 7. That 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.
 8. 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.
 9. The Licensee shall deliver this license to any successor in interest to the above-described land.
 10. 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.
 11. The Licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
 12. 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 September 12, 2022.

Robert Zadnik, City Manager

The foregoing License is accepted and its terms and conditions are agreed to:

Justin Faggioli & Sandra Donnell, Licensees

To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Subject: **Consider recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to designate 206 Bayview Avenue a City of Belvedere Historic Property, pursuant to Title 21 of the Belvedere Municipal Code**

Recommended Motion/Item Description

1. That Council Member James Campbell 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 conduct the public hearing; and
3. That the City Council adopt the resolution approving the designation of the property at 206 Bayview Avenue as a City of Belvedere Historic Property.

Background

The homeowners request Historic Designation, pursuant to Title 21 of the Belvedere Municipal Code, Historic Preservation for the property at 206 Bayview Avenue.

On July 12, 2022, the Belvedere Historic Preservation Committee voted to recommend designation of the home at 206 Bayview Avenue as a City of Belvedere Historically Designated Property.

At the August 16, 2022, 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 206 Bayview Avenue as a City of Belvedere Historic Property.

Analysis

Under Chapter 21.20 of the Belvedere Municipal Code, a property owner may initiate the process to apply for the Historical Designation of his or her home. After a complete application is received, the Historical Preservation Committee holds a public hearing to consider the Historical Designation application and makes a recommendation to the Planning Commission. Subsequently, the Planning Commission reviews the application and makes its recommendation

to the City Council. Only the City Council can designate a residence as a Belvedere Historically Designated Property.

This single-family home built in 1892 is located at 206 Bayview Avenue. The home has four bedrooms, 3 bathrooms and is approximately 3,093 SF. The property has a lot size of 6,656 SF. The home is built into a steep terraced hillside, with large outdoor terraces and porches.

This Victorian house, built by D.A. McLean, was one of the first homes on Belvedere Island. The house has been restored with care and consideration over the years, maintaining its romantic character, with hardwood floors, crown molding, and period detailing throughout. The property includes a hillside elevator connecting Bayview Avenue to the entry level of the house. The property is also connected to Beach Road via the adjacent pagoda lane stairs.

The property is positioned directly above the San Francisco Yacht Club harbor. The home enjoys the views of the Belvedere Cove, Corinthian Island, the Tiburon Hills, Angel Island, the San Francisco Bay, and the city skyline including the San Francisco Oakland Bay Bridge.

Pursuant to Title 21 of the Belvedere Municipal Code, the Landmarks Preservation Ordinance lists the following criteria for designation of a structure as a landmark.

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

The house is a modest example of American Queen Anne Style built on Belvedere Island in the 1890's. "Contrary to what might be expected, there were few houses built in the late Victorian (Queen Anne) style. The few Queen Annes built here (in Belvedere) were stripped-down versions, having only the most characteristic elements, round towers with witch's cap roofs rather than the exuberant excesses of San Francisco's Victorians". This Queen Anne style of the house can be identified by its polygonal turret with a conical tower roof visible from both land and water.

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

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

206 Bayview is outstanding because of age, being one of Belvedere's first homes constructed November 1891 – 1892 soon after the Belvedere Land Company subdivided Belvedere Island.

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

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

A Pictorial History of Belvedere 1890 – 1990 includes D. A. McLean as one of the early Belvedere merchants showing an advertisement for D. A. McLean Dealer in Lumber,

Wood, Coal, Coal Oil and Kindling as well as being the agent for Consumer's Ice, Shasta and other Mineral Waters.

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

Built in 1892, soon after the Belvedere Land Company subdivided the Island, it is one of the first residences and one of the first houses built in the American Queen Anne style.

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

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

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

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

The house was built for Captain Robert B. Phillips and his wife. The original deed lists their names and also the Dunham, C. & H. Co. There are records from the Sausalito News (cited in "Life in Belvedere and Tiburon 1890 – 1900") "Among this week's arrivals are...Mr. and Mrs. Phillips and family. 6.22.1895.

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

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

Another citation in the Sausalito News states that The Phillips house is for rent. 3.11.1899. However, Mr. Phillips was recorded in the 1905 Marin County Directory as living in Belvedere but provides no further information.

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

206 Bayview is in Belvedere's Historic Resource Sensitivity Map as a parcel of high historic sensitivity. Perched over Beach Road, near the middle of the Island, 206 Bayview Avenue is visible from Belvedere Cove as well as from Corinthian Island and

the Bay. Although not highly visible from Bayview Avenue, the water side visibility of the house, perched directly above the San Francisco Yacht Club Marina, is a contributing piece of architecture in this historic neighborhood. The house with its typical Queen Anne polygonal turret with a conical roof contributes to the unity and diversity of the island.

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

As we noted in Item 5 Design: The American Queen Anne style of the original mass of the building of the house has been altered by the addition of two modern greenhouse glass Bay windows (sunrooms). We don't know when this was added but, the addition of sunrooms was popular in the 1970s and modern residential design.

As we also noted the architectural additions of the house are pleasing and do no harm but from a long distance are noticeable. Several of the terraces and handrails have been added and it appears all of the windows have been replaced. The original Queen Anne style has been compromised to some extent.

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

206 Bayview is not on the National Register of Historic Places in Marin County.

A structure and site being proposed for historic designation must satisfy at least three of the above-listed criteria. As discussed by the committee and as detailed in the attached report form, it was concluded that the property at 206 Bayview Avenue satisfies criteria 2, 3, and 7. Once designated, modifications to a historic property are subject to the regulations of the Historic Preservation Ordinance. Pursuant to Section 21.20.090, the Historic Preservation Committee must review the application and make a recommendation to the Planning Commission on the merits of the application. The Planning Commission then makes a recommendation to the Council. Only the City Council can designate a residence as a Belvedere Historically Designated Property.

If designated, the property would become eligible for local and county tax reductions under the Mills Act program. Additionally, once designated, modifications to a historic property are subject to the local Belvedere regulations under the Historic Preservation Ordinance and the State Secretary of Interior Standards for the Treatment of Historic Properties. Finally, a designated historic property will constitute a "historic resource" under CEQA and be subject to additional environmental review and potential developmental constraints.

Recommendation

1. That the City Council conduct the public hearing; and
2. That the City Council adopt the resolution approving the designation of the property at 206 Bayview Avenue as a City of Belvedere Historic Property.

Attachments

1. Resolution approving the designation of the property located at 206 Avenue as a City of Belvedere Historic Property.
2. Application for Historic Designation.
3. Belvedere Historic Designation Survey Form prepared by subcommittee of the Historic Preservation Committee.

CITY OF BELVEDERE

RESOLUTION NO. 2022 - XX

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

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

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

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

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

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

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

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

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

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

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

Anne style of the house can be identified by its polygonal turret with a conical tower roof visible from both land and water.

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

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

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

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

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

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

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

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

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

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

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

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

The property does not meet this standard. The house was built for Captain Robert B. Phillips and his wife. We have little information about the Phillips family. The original deed lists their names and also the Dunham, C. & H. Co. There are records from the Sausalito News (cited in “Life in Belvedere and Tiburon 1890 – 1900”) “Among this week’s arrivals are...Mr. and Mrs. Phillips and family. 6.22.1895. In 1896, Mr. Phillips signs a petition seeking the Incorporation of Belvedere: Notice.

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

Another citation in the Sausalito News states that The Phillips house is for rent. 3.11.1899. However, Mr. Phillips was recorded in the 1905 Marin County Directory as living in Belvedere but provides no further information.

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Sally Wilkinson, Mayor

ATTEST: _____
Beth Haener, City Clerk

SCANNED



Property/Structure Address: _____

APPLICATION FOR HISTORIC DESIGNATION

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

RECEIVED

MAR 10 2009

FOR STAFF USE ONLY

Date: City of Belvedere Rec'd. by: _____
Amount: 853- Receipt No.: _____
Parcel No.: _____ Zone: RD

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 206 BAYVIEW AVE, BELVEDERE, CA 94920

Historical Name of Property, If Known: _____

Record Owner of Property: Grim Solomon & Ariane Mahler

Mailing 206 Bayview Ave Daytime Phone: 646 872 8708

Address: Belvedere, CA Fax: _____

94920 Email: grim.solomon@gmail.com

Owner's Representative: _____

Mailing _____ Daytime Phone: _____

Address: _____ Fax: _____

_____ Email: _____

Description and History of Property/Structure: _____

Property/Structure Address: _____

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

All property owners must complete this Section.

Street address of subject property: 206 BAYVIEW AVE, BELVEDERE, CA 94920

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

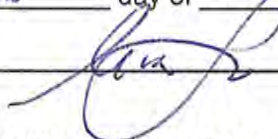
➤ **Properties Owned by Individuals**

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

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

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

Signed this 15 day of FEB, 2022 at Belvedere, California.

Signature 

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

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

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

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

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

Signed this _____ day of _____, 20____, at Belvedere, California.

Signature _____ Signature _____

Title(s) _____ Title(s) _____

Trustee(s) Partners: Limited or General Corporation Other _____

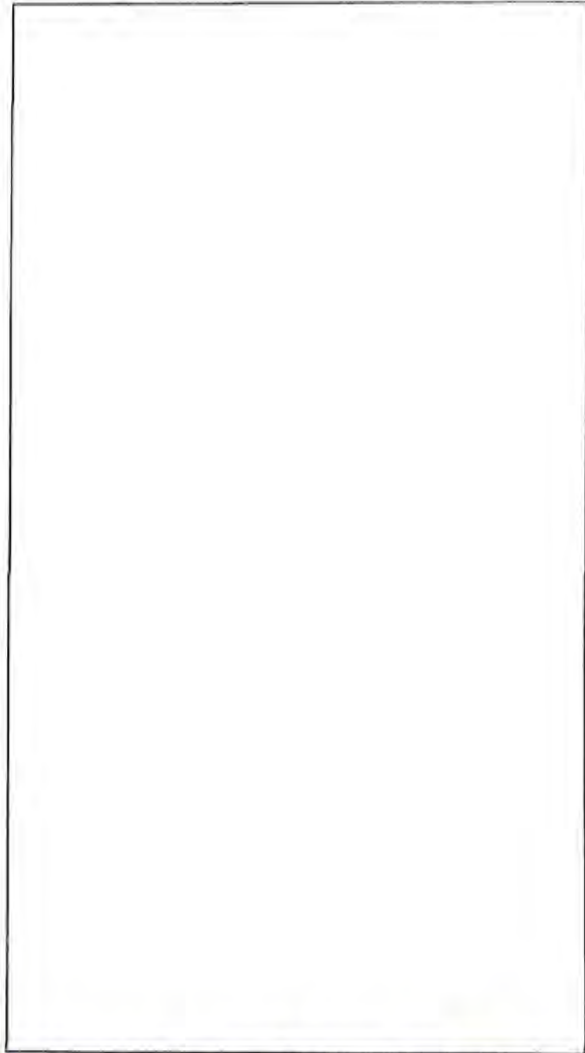
Name of trust, LLC, corporation, or other entity: _____

CITY OF BELVEDERE

BELVEDERE HISTORIC DESIGNATION SURVEY FORM

The following criteria shall be used when considering structures or sites for historic designation:

1. Architecture It is an outstanding example of a particular style, construction method or material.
2. Architecture It is outstanding because of age.
3. Architecture It is outstanding because it is the work of a significant architect or builder.
4. Architecture It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.
5. Design It has a unique or original design or demonstrates outstanding craftsmanship.
6. History It is associated with a person, group or event significant to the city, state or nation, or shows broad cultural, political, social or economic patterns, or embodies and expresses the history of the city
7. Environment It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location.
8. Integrity It retains most of its original materials and design features.
9. National Register of Historic Places It is a site or structure listed on the National Register of Historic Places.



Street Address: 206 BAYVIEW AVE, BELVEDERE, CA 94920

Assessor's Parcel Number: 060-173-40

Common Name of Property: _____

Historic Name of Property: _____

Owner: Gian Solomon & ARIANE MAHLER

Owner's Address: 206 BAYVIEW AVE, BELVEDERE, CA 94920

Description:

450 San Rafael Avenue Belvedere CA 94920 TEL 415/435-3838 FAX 415/435-0430

Property Chronology:

SIGNIFICANCE AND EVALUATION

The _____ property at 206 BAYVIEW AVE, known as
450 San Rafael Avenue Belvedere CA 94920 TEL 415/435-3838 FAX 415/435-0430

_____, meets the following criteria for Historic Designation:

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

AMERICAN QUEEN ANNE STYLE ARCHITECTURE

2. Architecture: It is outstanding because of age.

CONSTRUCTED ~ 1900

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

D.A. McLean architect

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

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

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

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

VISIBLE FROM BEACH ROAD, CORINTHIAN ISLAND, BELVEDERE COVE
AND RACCOON STRAIT

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

ORIGINAL FRONT/SIDE DOORS
WITCH'S CAP ROOF
INTERIOR MOULDING

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

Historical Information:

Construction year: ~ 1900

Significant Builder: D.A. McLean

Recommendation:

Date of Survey: _____

Prepared by: _____

Organization: Historic Preservation Committee, City of Belvedere

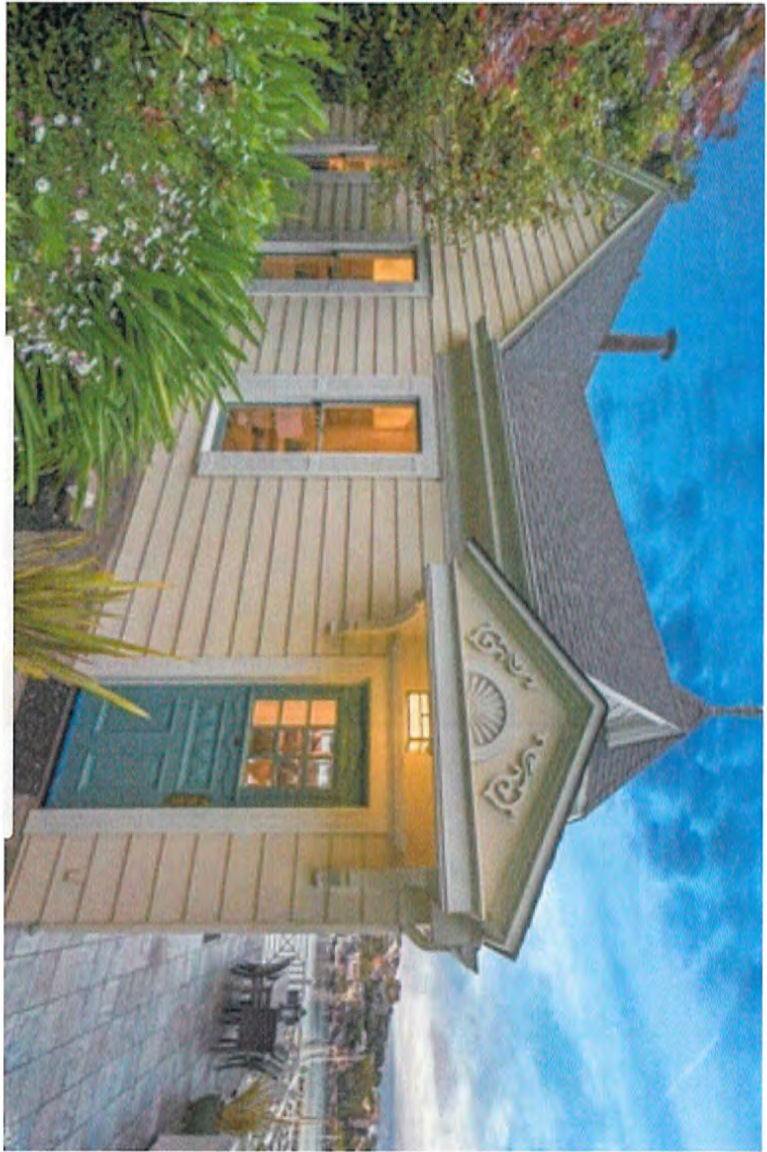
REFERENCES



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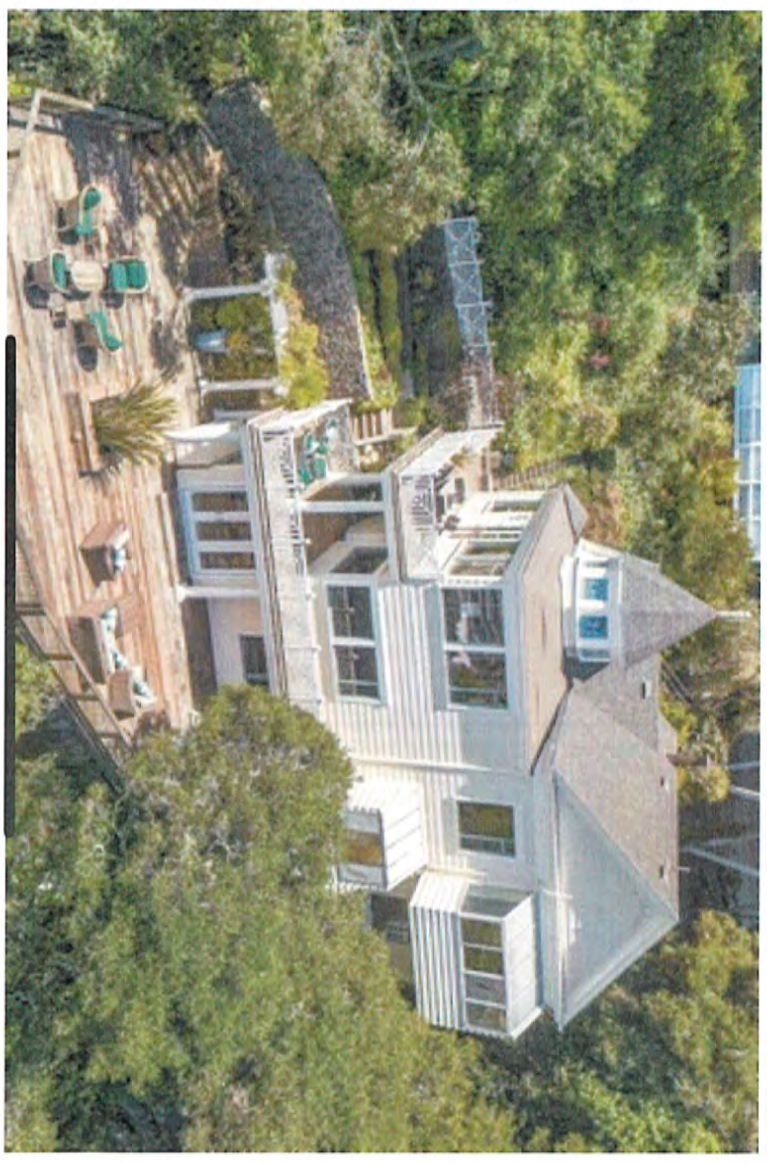


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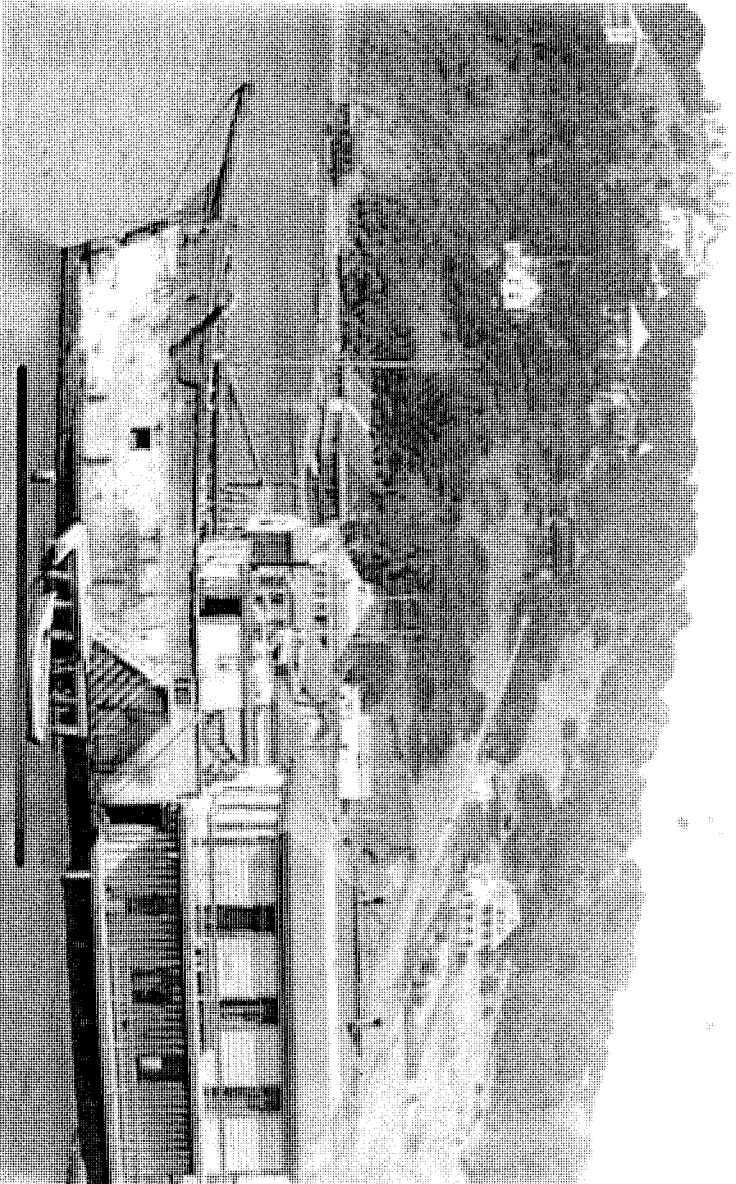


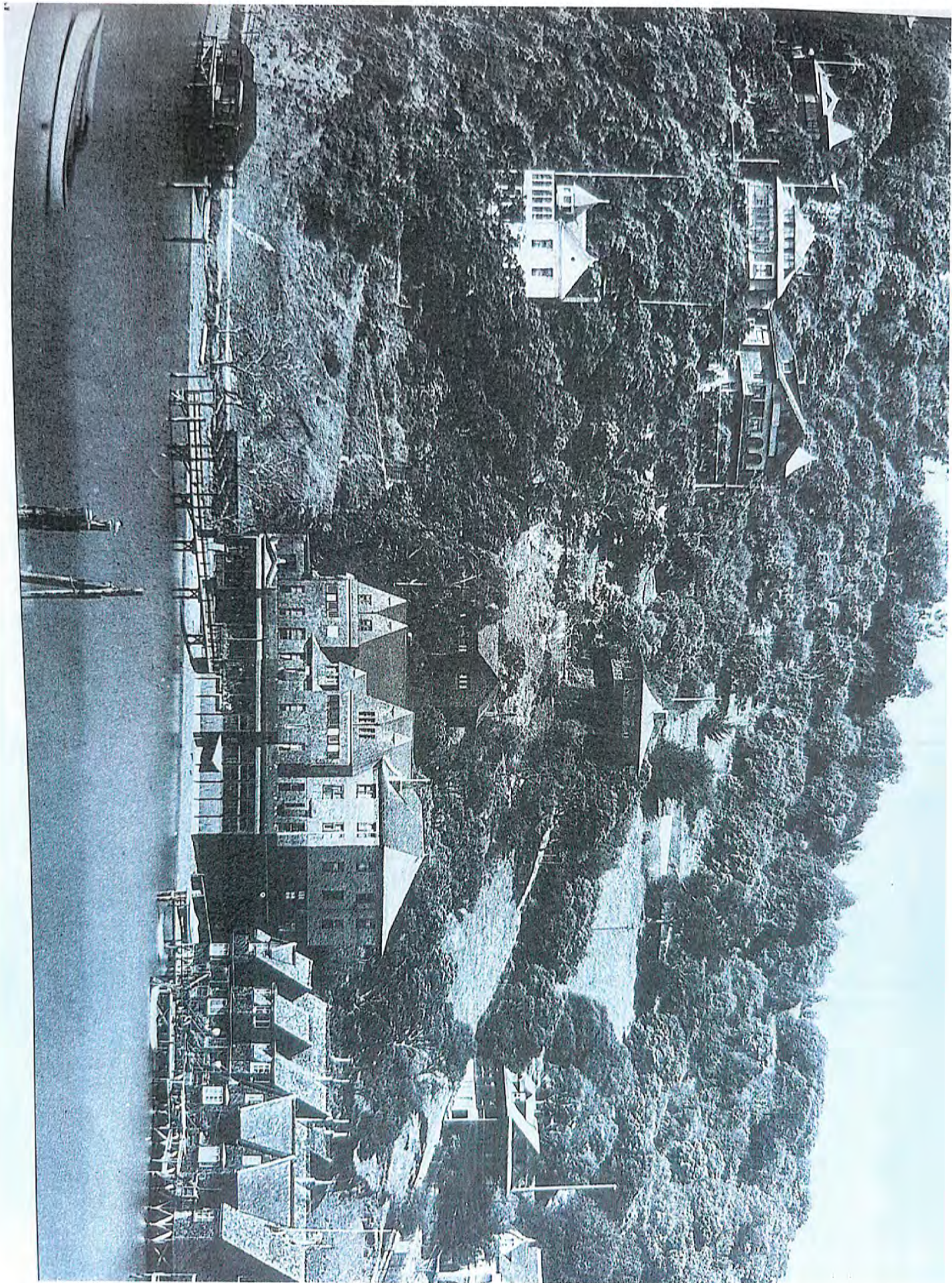
 [realtor.com](https://www.realtor.com)





ap.rdcpix.com







CITY OF BELVEDERE

BELVEDERE HISTORIC DESIGNATION SURVEY FORM

The following criteria shall be used when considering structures or sites for historic designation:

1. Architecture It is an outstanding example of a particular style, construction method or material.
2. Architecture It is outstanding because of age.
3. Architecture It is outstanding because it is the work of a significant architect or builder.
4. Architecture It is outstanding because it is the first, last, only or most significant architectural property of its type in the city.
5. Design It has a unique or original design or demonstrates outstanding craftsmanship.
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7. Environment It contributes to the character of the street or neighborhood area or has significance as a visual landmark owing to its unique location.
8. Integrity It retains most of its original materials and design features.
9. National Register of Historic Places It is a site or structure listed on the National Register of Historic Places.



Street Address: 206 Bayview Avenue Belvedere, CA 94920

Assessor's Parcel Number: 060-173-40 Block 7 Lot 25

Common Name of Property: 206 Bayview Avenue

Historic Name of Property: 206 Bayview Avenue

Owner: Gian Solomon & Ariane Mahler

Owner's Address: 206 Bayview Avenue, Belvedere California 94920

206 Bayview Avenue Belvedere, California 94920 TEL 646-872-8708

Description:



This single-family home built in 1892 is located at 206 Bayview Ave, Belvedere, CA. 206 Bayview Avenue in ZIP code 94920. The home has 4 bedrooms, 3 bathrooms and approximately 3,093 sq. ft. of floor space. This property has a lot size of 6,656 sq. ft. The home is built into a steep terraced hillside which takes advantage of it by large outdoor terraces and porches that make for outstanding out-of-doors and indoor living experiences.

This Victorian house, built by D. A. McLean, was one of the first homes on Belvedere Island. The house has been restored with care and consideration over the years, maintaining its romantic character, with hardwood floors, crown molding, and period detailing throughout. The property includes a hillside elevator connecting Bayview Avenue to the house entry level. The property is also connected to Beach Road via the adjacent Pagoda Lane stairs.

206 Bayview Avenue is perched directly above The San Francisco Yacht Club harbor. The home enjoys views of the Belvedere Cove, Corinthian Island, the Tiburon hills, Angel Island, the San Francisco Bay and the city skyline including the San Francisco Oakland Bay Bridge.

Property Chronology:

Assessor records indicate a residence had been built on the property in 1892.

206 Bayview Avenue Belvedere, California 94920

Block 7, Lot 25 Parcel number: 060-173-40 ZONE: RIL

Date:	Owner:	Notes
1892	Captain R.B. Philipps	Original House Built
1908	Captain R. B. Philipps	House Improvements
1972-1993	Sandra H. York	
1997	Alfred Vincelette & Sandra H. York	
1998	Sandra H. York	
2000	Sandra York Fisher	
2001	William W. Wheeler IV & Ingrid Wheeler Trust	
2018	Gian Solomon & Ariane Mahler	



SIGNIFICANCE AND EVALUATION

The Marin County Parcel 060-173-40 property at 206 Bayview Avenue is evaluated on the following criteria for Historic Designation:

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

The house is a modest example of American Queen Anne Style built on Belvedere Island in the 1890's. "Contrary to what might be expected, there were few houses built in the late Victorian (Queen Anne) style. The few Queen Anne's built here (in Belvedere) were stripped-down versions, having only the most characteristic elements, round towers with witch's cap roofs rather than the exuberant excesses of San Francisco's Victorians". This Queen Anne style of the house can be identified by its polygonal turret with a conical tower roof visible from both land and water.

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

206 Bayview Avenue Belvedere, California 94920 TEL 646-872-8708

2. Architecture: It is outstanding because of age.

206 Bayview Avenue is outstanding because of age, being one of Belvedere's first homes constructed 11.15.1891- 1892 soon after the Belvedere Land Company subdivided Belvedere Island.

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

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

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

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

Built in 1892, soon after the Belvedere Land Company subdivided the Island, it is one of the first residences and one of the first houses built in the American Queen Ann style.

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

The American Queen Ann style of the original mass of the building of the house has been altered by the addition of 2 modern greenhouse glass bay windows that doubles as a source of additional daylighting. We don't know when this was added but, the addition of sun rooms was popular in the 1970's in modern residential design.

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

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

The house was built for Captain Robert B. Phillips and his wife. The original deed lists their names and also the Dunham, C. & H. Co. There are records from the Sausalito News (cited in "Life in Belvedere and Tiburon 1890 – 1900") "Among this week's arrivals are...Mr. and Mrs. Phillips and family. 6.22.1895.

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

Notice.

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

Another citation in the Sausalito News states that The Phillips house is for rent. 3.11.1899. However, Mr. Phillips was recorded in the 1905 Marin County Directory as living in Belvedere, but provides no further information.

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

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

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

As we noted in Item 5 Design: The American Queen Ann style of the original mass of the building of the house has been altered by the addition of 2 modern greenhouse glass bay windows (sun rooms). We don't know when this was added but, the addition of sun rooms was popular in the 1970's in modern residential design.

As we also noted the architecture additions of the house are pleasing and do no harm but from a long distance are noticeable. Several of the terraces and handrails have been added and it appears all of the windows have been replaced. The original Queen Ann style has been compromised to some extent.

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

260 Bay View Avenue, Belvedere is not on the National Register of Historic Places in Marin County.





206 Bayview Avenue Belvedere, California 94920 TEL 646-872-8708



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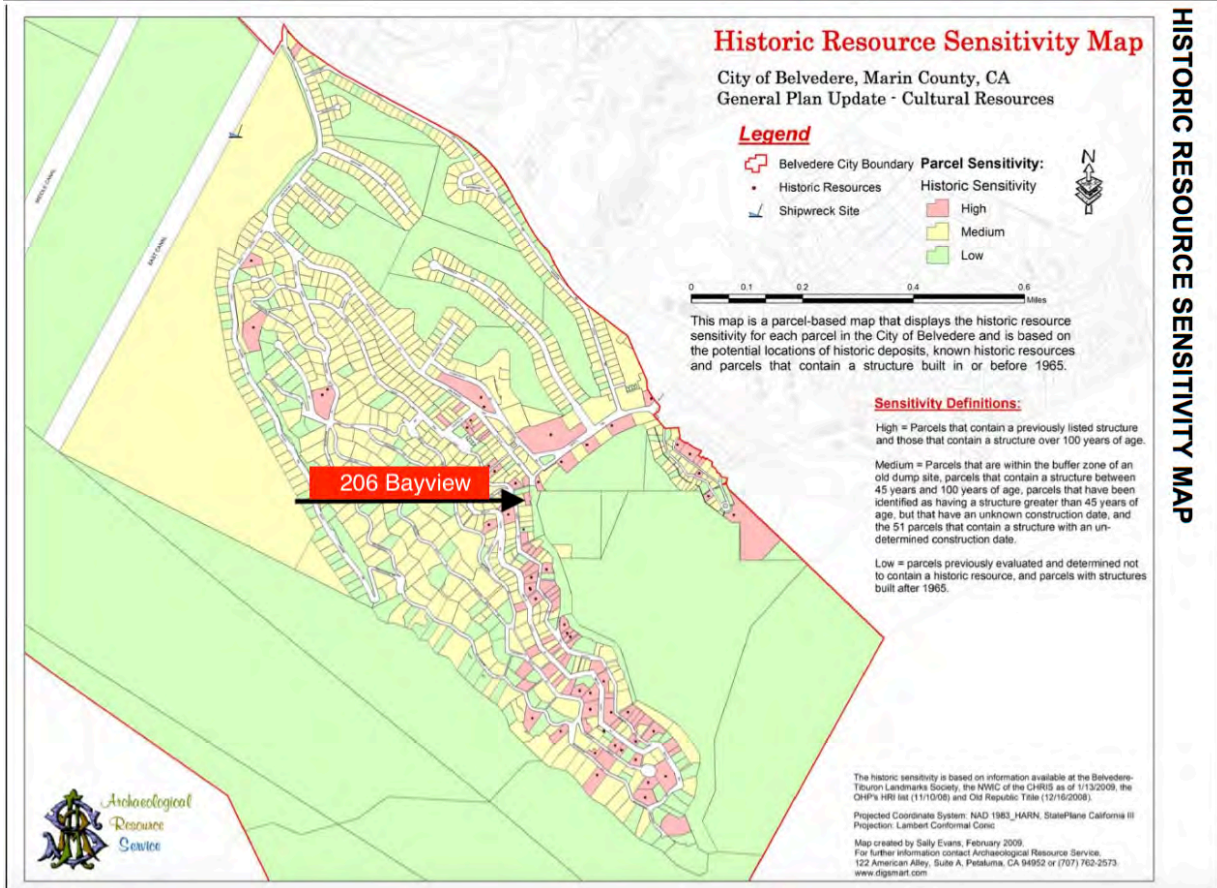
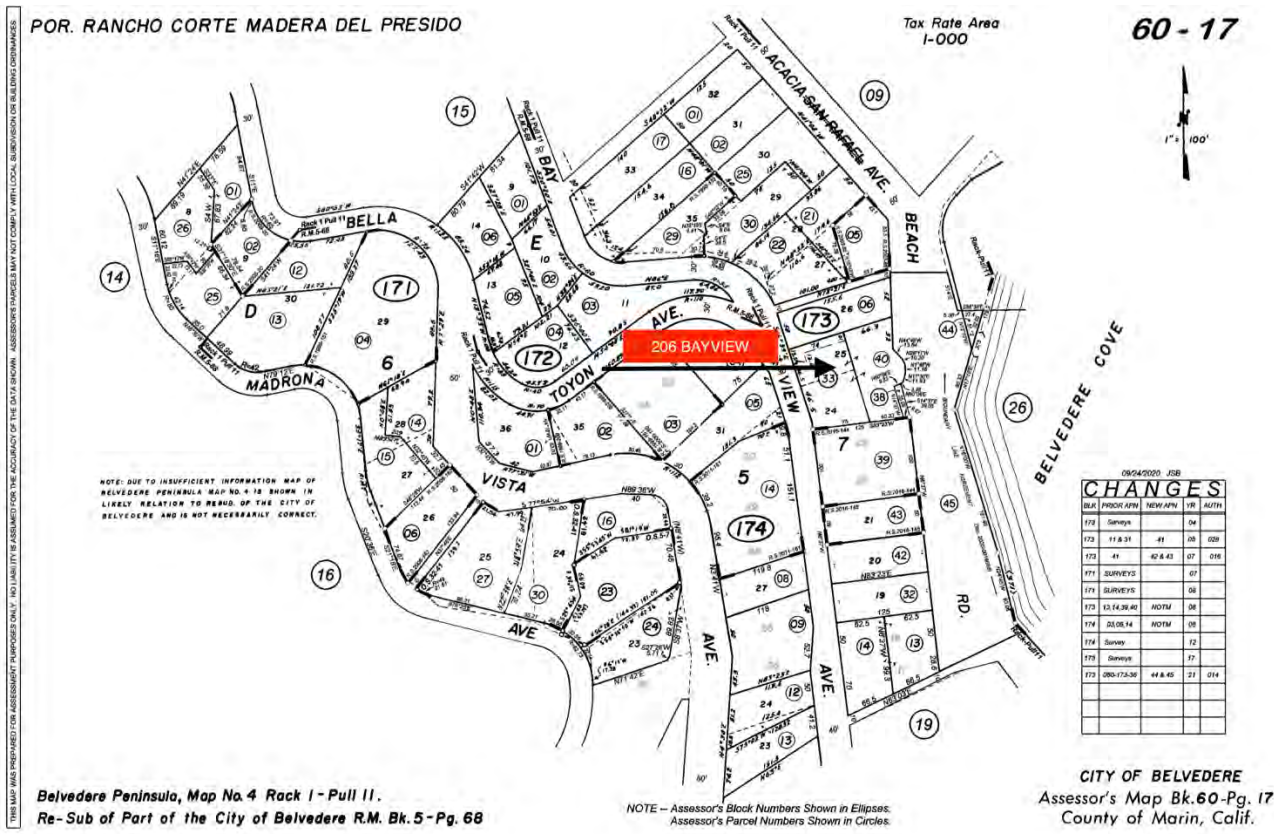
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206 Bayview Avenue Belvedere, California 94920 TEL 646-872-8708



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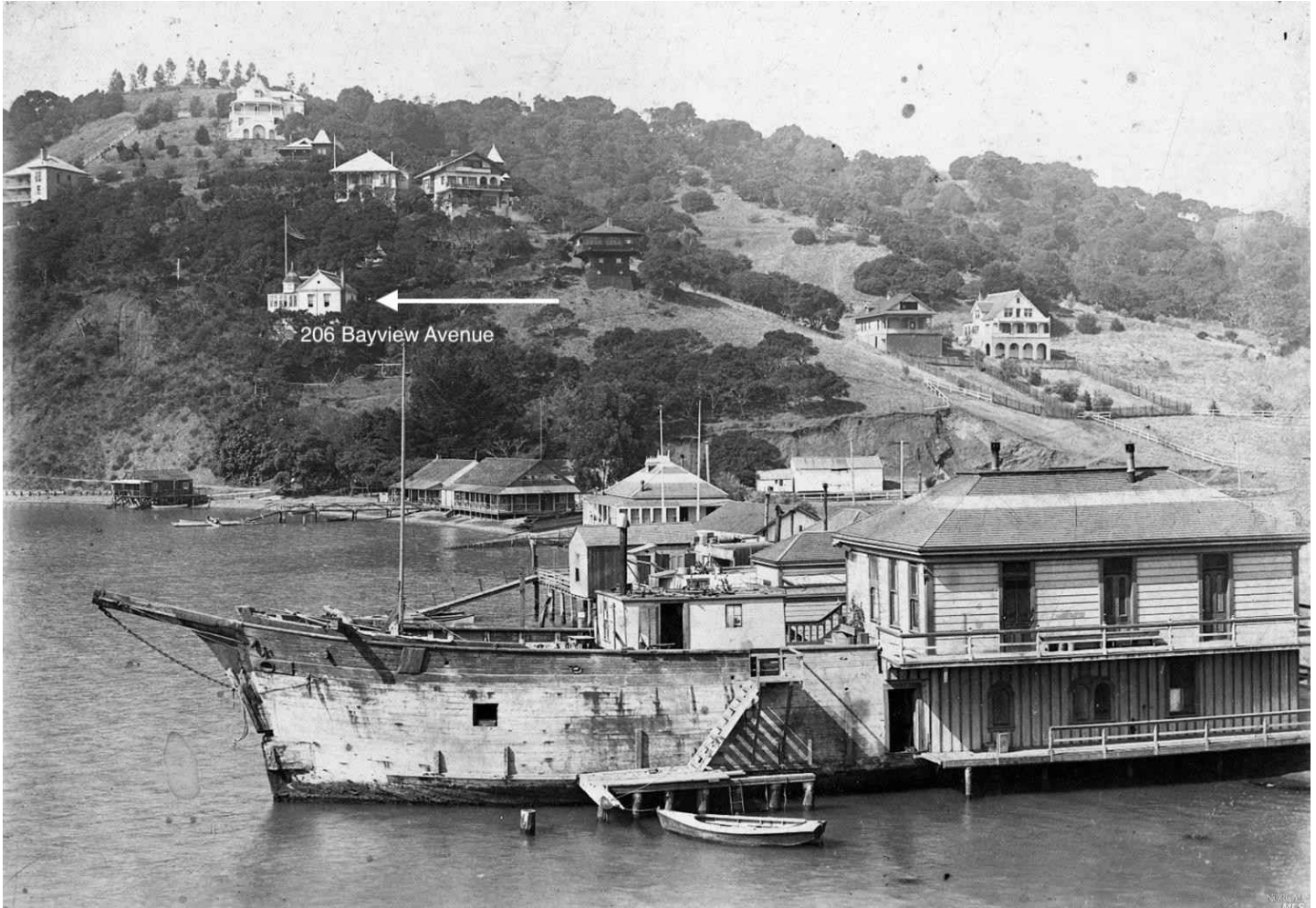
Historical Information:

Construction year: 1892

Significant Builder: Danial M. McLean



260 Bayview Avenue shows up in some of Belvedere's earliest photos, the house sits jutting out on the hill, one third of the way up on the island surrounded only by trees and a few other homes. It was built for Captain R. B. Philipps by Daniel McLean, (D.H McLean) who built many early homes on Belvedere Island. The Queen Anne style of the house can be identified by the polygonal turret with a conical tower roof.



Recommendation:

The House at 206 Bayview Avenue now the home of Gian Solomon & Ariane Mahler meets the criteria for categories 2, 3, and 7 as per this survey. However, The Historic Preservation Committee will consider and discuss each of the nine categories for historic designation.

Date of Survey: June 21, 2022

Prepared by: George Gnos, John P. Sheehy, FAIA, RIBA & Marshall J. Butler

Organization: Historic Preservation Committee, City of Belvedere

REFERENCES:

A Pictorial History of Belvedere 1890-1990. The Landmarks Society. Edited by Beverly W. Bastion & Barbara B. Gnos. The Landmarks Society, Belvedere -Tiburon Marin County, California.

A. Carlisle & Co. San Francisco: A. Carlisle & Co., 1953.

Hool & Lockett "Topography of Lot 7- Block 3, Map # 4 of Belvedere," May 1958 blueprint in owner's possession

Both Sides of the Track A Collection of Oral Histories from Belvedere and Tiburon. The Landmarks Society. Edited by James Heig and Shirley Mitchell. Scottwall Associates. San Francisco, 1985

American Homes An Illustrated Encyclopedia of Domestic Architecture. Lester Walker. Black Dog & Leventhal Publishers, New York, 2009. Cape Cod p. 88.

The Atlas of American Architecture. Tom Martinson. Rizzoli International, New York 2009. p 109.

Dave Gotz, Archivist of the Belvedere Landmarks History Collection.

Marin County Recorder Office.