

Part 11. Public Works Policies & Procedures



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

POLICY 11.1
SIDEWALK MAINTENANCE POLICY

Adoption Date:	4/3/2006	Adopted by:	City Council motion
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

11.1.1 INTRODUCTION

The purpose of inspecting the City’s sidewalks is to report and schedule repairs for all hazardous conditions in order to minimize the possibility of injury to residents and visitors of the City. This program provides standard instructions for conducting sidewalk inspections and management of the records.

The City recognizes that it is not possible to maintain all sidewalks in perfect condition. The City also recognizes that certain user groups, primarily seniors and disabled individuals, are more sensitive to sidewalk problems than other users.

For State and City laws regarding sidewalk maintenance, please refer to Section 5600, et. seq., California Streets and Highways Code and Chapter 13.24, “Repair and Construction of Sidewalks,” Belvedere Municipal Code.

11.1.2 DEFINITION OF “SIDEWALK”

As contained in this policy, the term “sidewalk” shall apply to driveway approach and adjacent curb, or adjacent curb and gutter.

11.1.3 INSPECTION AND INVENTORY

An inventory of all sidewalks will be maintained by the City Public Works Department, which will include a history of inspections, construction, and maintenance information.

All sidewalks shall be inspected approximately once every 12 months. A Sidewalk Inspection Record, substantially in the format of Exhibit A attached, shall be used to record the inspector’s findings and subsequent actions taken to eliminate hazards. The Public Works Manager, or another designee of his, shall conduct the survey.

11.1.4 SPOT INSPECTIONS AND PUBLIC CONCERNS

Any City employee who observes a sidewalk defect shall enter it in the City's Hazard Log and report it to the Public Works Manager, who shall document it on a Sidewalk Inspection Record form. Citizen concerns related to sidewalks or curbs shall be referred to Public Works and documented in the same manner.

Safety related concerns will be investigated within one week. All concerns will be investigated in a timely manner considering manpower and workload. All Sidewalk Inspection Records shall be submitted to the City Manager for his review and action.

11.1.5 HAZARD IDENTIFICATION

All inspections shall document the following situations on the Sidewalk Inspection Record:

- A. Vertical displacement of ½ inch or greater.
- B. Cracks that have a gap of ½ inch or greater.
- C. Check for any damage around utility poles, ground utility boxes, street lights and regulatory sign posts.
- D. Any sidewalk damage around a construction site with heavy equipment (the construction company will be held responsible).
- E. Parking strips should be level to the sidewalk.
- F. Description of the damage should be noted with a possible suggestion of how to repair the damage.
- G. Inspect all street sidewalks, whether in the public right-of-way or on private property.
- H. Every street with a sidewalk shall be documented in the inspection. The condition of every stretch of sidewalk, whether it be in new condition or in a stage of deterioration or needing replacement, shall be noted on the Sidewalk Inspection Record.
- I. Any sidewalk damage that may not meet requirements for repair but which should be re-examined as part of the next annual inspection shall be noted.

11.1.6 ASSESSING SIDEWALK CONDITION

Any sidewalk section exhibiting one or more of the following defects shall be deemed a hazard which poses a danger to the community: vertical displacement of individual trip edges of 5/8 inches or greater; spalling over 50% or more of the surface; cracking of 80% or more of the panels between joints.

11.1.7 RESPONSIBILITY FOR REPAIRS

- A. It is the responsibility of the owner or owners of the property abutting any sidewalk area to repair and maintain the sidewalk, curb and gutter (§13.24.015 B.M.C.).
- B. If tree roots are the probable cause of sidewalk cracking or uplift, the owner of the

property that fronts the sidewalk is responsible for maintenance regardless of ownership of the tree whose roots may be causing the problem. The owner of the property fronting the sidewalk must effect the repair, then determine the cause of the sidewalk damage and seek remedy from the owner of the offending tree.

- C. If a City facility or City tree is the probable cause of sidewalk cracking or uplift, the City shall be responsible for the cost of repair.
- D. The driveway approach portion of any curb and gutter section is always the responsibility of the property owner whose driveway the approach serves.

11.1.8 EFFECTING REPAIRS

- A. City-Directed Sidewalk Repair Program. As a service to homeowners who are responsible for repairing the sidewalks abutting their properties, the City has established a sidewalk repair program. The Public Works Manager shall review all Sidewalk Inspection Records prepared during the Annual Sidewalk Inspection. If possible, he shall secure competitive bids for all of the work necessary to correct sidewalk conditions which are unsafe, as defined by Section 11.1.2 of this Policy, and shall follow the procedures established in Sections 13.24.030 et. seq. B.M.C. in interviewing the owners, preparing an estimate and report for the City Manager, and issuing Notices to Repair.

Property owners may complete the repairs themselves, hire a licensed contractor to perform the repairs, or join in the City-Directed Sidewalk Repair Program. Those property owners who make their own repair arrangements must first obtain a construction permit and encroachment permit and meet the deadlines set forth in §13.24.050 B.M.C.

- B. Repairs Required Due to Inspection. Unsafe sidewalk conditions, whether they are reported during an Annual Sidewalk Inspection or as a result of a spot inspection, shall be investigated by the Public Works Manager and followed up on with the property owner. The Public Works Manager may require that immediate repairs be conducted pursuant to Section 13.24.030 et. seq. B.M.C.
- C. All hazards shall be marked by the Public Works Manager, at the time of his inspection, with orange paint. Hazards may be posted with temporary barricades or closure of the sidewalk at the discretion of the Director. File photos shall be taken of hazards and any barricades erected; the location, date and time the photo was taken shall be recorded on the photograph.
- D. The Public Works Manager may order the temporary patching of defects until the permanent repairs are made, the cost of such patching to be included in the cost of repairs charged to the responsible property owner.

11.1.9 REPAIR OPTIONS

- A. Sidewalk replacement is the City's accepted standard. Repair options other than replacement may be used subject to prior approval by the City Manager.
- B. Crack Filling. Crack filling, when approved, is done primarily to prevent moisture intrusion and eliminate trip hazards.
- C. Concrete Planing. Concrete planing, when approved, may be used to plane up to 1 inch of concrete to flatten out trip edges.

11.1.10 RECORDS RETENTION

All documents, photographs, and other records relating to sidewalk maintenance and repair shall be retained in the City files for a minimum of five years, or such retention period as may be set by City Council resolution.

**EXHIBIT A
DEPARTMENT OF PUBLIC WORKS – SIDEWALK INSPECTION RECORD**

Annual Inspection
 Spot Inspection: Conditions reported by: _____ Date: _____ Address: _____ Phone: _____

STREET NAME	SIDE/LOCATION	DATE	CONDITION	REPAIRS NEEDED	ABUTTING PROPERTY OWNER NAME/ ADDRESS/PHONE	DATE NOTICE MAILED	WHO WILL MAKE REPAIRS	DATE REPAIR FINALED

NOTES:



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

**POLICY 11.2
SIGHT LINES**


Adoption Date:	2006	Adopted by:	Existing Public Works Policy
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

In an effort to provide safer roadways for both pedestrians and vehicles, the City of Belvedere is committed to retaining and creating adequate lines of sight at curves and intersections.

For purposes of this policy, a “sight line” or “line of sight” means the safe sight distance needed by a driver on a roadway, or a driver exiting a driveway or street, to verify that the road is clear and avoid conflicts with other vehicles or pedestrians, as determined by the Director of Public Works.

New or modified construction efforts that involve the placement of structures or landscape features in areas that may impact a sightline or line of sight shall be strictly reviewed by the Planning, Building, and Public Works Departments.

- The City will not approve fences, structures, planting or other landscape features which compromise a driver’s line of sight and ability to clearly see pedestrians or other vehicles on any public right-of-way.
- The City will not approve a design or layout that compromises a driver’s line of sight when approaching a private walkway or driveway from which pedestrians or vehicles may emerge.
- Property owners are responsible for maintaining all vegetation fronting a public right-of-way so that the vegetation does not interfere with line of sight or sight line for pedestrians and drivers.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 11.3 INTEGRATED PEST MANAGEMENT POLICY		
Adoption Date:	7/15/2002	Adopted by:	City Council Resolution No. 2002-20
Revised Date:	8/1/2005 6/9/2014 3/11/2019	Revised by:	City Council Resolution No. 2005-28 City Council Resolution No. 2014-19 City Council Resolution No. 2019-04
Authority:	City Council		

Purpose

- The Belvedere City Council desires to eliminate the use of herbicides, pesticides and landscape maintenance products that can adversely affect human and environmental health; and
- All reasonable steps should be taken to maintain the health of our community in a sustainable manner, to the benefit of all residents and future generations; and
- The City of Belvedere is committed to creating an example, not only for our own residents and visitors, but to neighboring cities and public agencies in Marin County and the State of California; and
- The City of Belvedere understands that the landscape infrastructure of the City can be maintained in a thriving and sustainable manner without causing environmental and human harm; and
- The City of Belvedere is covered by and must comply with the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Phase II Permit), which requires the adoption of an Integrated Pest Management (IPM) Policy applicable to all City operations and property (owned, leased or maintained) consistent with the *Urban Creek Diazinon and Pesticide Toxicity* Total Maximum Daily Load requirements be formally approved by the City Council.

Policy

1. City Council Resolutions Nos. 2002-20 and 2005-08 are hereby repealed.
2. In approaching a pest management issue, the following steps should be taken to ensure that pesticide use is reduced to the maximum extent practicable.

- a. Prohibit the use of pesticides by City staff and its landscape contractors on property owned or maintained by the City;
 - b. Ensure all City employees and hired contractors who apply or use pesticides within the scope of their duties on property owned or maintained by the City are trained in IPM practices and the City's IPM Policy. The IPM Policy and Practices must be rigorously adhered to by such employees and City contractors;
 - c. Identify pest problem(s) on property owned or maintained by the City, evaluate and minimize or eliminate conditions that encourage the problem(s), and conduct careful and efficient inspection, monitoring, and assessment of the problem(s) by designated personnel or contractor knowledgeable of IPM methods;
 - d. Consider taking a "no-action" approach to the pest problem(s), then review and consider available non-chemical options before using a chemical pesticide;
 - e. If a pesticide use is deemed necessary, identify least toxic method to control pests.
 - f. Maintain records of the City's and hired contractor's use of pesticides of concern¹ on property owned and maintained by the City;
 - g. Report on pesticide use when requested by the Regional Water Board and keep the County Agricultural Commissioners informed of water quality issues related to pesticides and of violations of pesticides regulation (e.g., illegal handling) associated with storm water management.
2. In order to facilitate and enhance protection of the health, safety, and welfare of its citizens and visitors, the City bans the use of pesticides that fall under the following categories:
- a. Pesticides on the California's Proposition 65 list;
 - b. Pesticides classified as Toxicity Category I and Category II by the United States Environmental Protection Agency (USEPA);
 - c. Pesticides on California's Department of Pesticide Regulation groundwater protection list;
 - d. A known, probable or possible carcinogen, as per the "List of Chemicals Evaluated for Carcinogenic Potential" by the USEPA;
 - e. Any known endocrine disruptors listed by the USEPA; and
 - f. Foggers, bombers, fumigants or sprays that contain pesticides identified by the State of California as potentially hazardous to human health (CFR 6198.5).
3. With the knowledge that a sustainable and healthful community depends upon a commitment of support by all members of that community, the City Council appeals to all Belvedere residents to consider the City's IPM policy in making choices for pesticide use on their own properties and refers residents to the Marin County Stormwater Pollution Prevention Program and the University of California Cooperative Extension for more information on less toxic methods of pest control.

¹ Pesticides of concern include: organophosphorous pesticides (chlorpyrifos, diazinon, and malathion); pyrethroids (bifenthrin, cyfluthrin, beta-cyfluthrin, cypermethrin, delamethrin, esfenvalerate, lambda-cyhalothrin, permethrin, and tralomethrin); carbamates (e.g. carbaryl); and fipronil.

4. An exception to this pesticide policy will be made in order to control the proliferation of biting or stinging insects such as yellow jackets, wasps, mosquitoes, and other similar pests. As control of these pests on City property is normally performed by the Marin-Sonoma Mosquito and Vector Control District, the City authorizes pesticide use, but will advocate for the use of the least toxic product on a case by case basis. In addition, the City will exempt any governmental entity from the provisions of this Resolution whose authority pre-empts that of the City.



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL
POLICY 11.4
HAZARDOUS TREE MANAGEMENT

Adoption Date:	2006	Adopted by:	Existing Public Works Policy
Revised Date:	5/11/2009 3/11/2019	Revised by:	City Council Motion City Council Resolution No. 2019-04
Authority:	City Council		

The Department of Public Works understands the aesthetic and physical benefit to the community afforded by its trees. This great asset can, however, become a serious liability in the absence of a professional and systematic hazard tree management program. In Belvedere, the proximity of trees to homes and the public right-of-way creates clear liability exposure.


Although the safety of all trees—private trees and City trees—is the concern of the City, the Department of Public Works focuses on the safety of City trees through a quarterly inspection of all trees that could potentially affect the safety of the public right-of-way and other public areas and buildings. Traditionally, hazardous conditions of trees on private property are brought to the attention of the City by adjacent property owners, or incidentally through right-of-way inspection, and dealt with through the provisions of the Belvedere Municipal Code.

Four times per year, the City’s Certified Arborist performs an inspection of all trees that can affect public areas. The most thorough inspection is made during the months of September-October, in an effort to identify tree hazards that must be corrected before the winter storm season. Tree hazards are mitigated as soon as practicable.

Hazards that come to the attention of the City’s Certified Arborist outside of these quarterly inspections or that are observed by other City employees, or reported by members of the public shall be entered into the City’s Hazard Log and are mitigated as soon as practicable.

In addition, the City is committed to an on-going program of removing large, senescent trees on City property. Typically, these trees include Monterey pine, Eucalyptus globulus, Monterey cypress, & etc. Before removing such trees, adjacent property owners are contacted and given adequate time to comment about the impact of such removals on their property, usually a privacy issue.

Written documentation is made of inspections, conditions requiring action, and corrective actions taken. This documentation is retained in the office of the Public Works Manager for a period of not less than five years.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 11.5 DRAINAGE MAINTENANCE		
	Adoption Date:	2006	Adopted by:
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

11.5.1 STORM DRAIN SYSTEM VIDEO INSPECTION

Each spring (April-May) a portion of the storm drain system is televised. The results of this inspection are utilized to formulate the next year’s annual budget for storm drain repairs. Usually, a budget figure of \$10,000 is more than sufficient and should cover several days of inspection work, performed by Roto Rooter or Roy’s.

DPW Activities prior to storm season (October-November)

11.5.2 CONTRACT DREDGING OF SILT BASINS

The basin behind the Reed School is dredged by Fahy Crane, usually on a Saturday to avoid parking problems with Reed School. The basin at 50 Lagoon Road is best done during the work week so the City can set up and monitor the pedestrian traffic control necessary to dredge this basin. The City establishes the pedestrian/Lagoon Road traffic control and monitors its effectiveness. Prior to the dredging of either basin, the City notifies Tiburon DPW.

11.5.3 IN-HOUSE CLEANING OF STORM DRAIN INLETS AND STRUCTURES

Usually in October, the DPW crew uses the street sweeper to clean out all the storm drain inlets and turning structures that are not affected by standing Lagoon water. During the course of this cleaning, all inlets and structures are inspected for defects. All inlet and outlet lines are inspected for accumulations of debris and scheduled for cleaning by contract in November.

11.5.4 CONTRACT CLEANING OF CITY STORM DRAINS

Roy’s Sewer Service hydro-vacs the drain lines around the Lagoon (on the flats) when the lagoon is lowered for the season. This usually happens at the beginning of November. The entire process usually takes three to four days. In addition, any drains identified during the in-house storm drain inlet cleaning in October may be flushed at this time.

11.5.5 PRE-STORM PROCEDURES

When a significant storm is predicted, at least an entire day is involved in preparing for the event. This preparation includes inspection of all drainage inlets, the Reed Drainage diversion structure, and miscellaneous waterways. As much debris as possible is removed prior to the storm to ensure initial drainage function. In some circumstances, the street sweeper is employed on key streets to aid in preparation.

11.5.6 STORM PATROL

During a storm, all personnel are involved in monitoring the function of drainage facilities. Debris that accumulates on drainage inlets is removed, regardless of whether it is currently causing a problem. When the storm is over, all effort is made to return all inlets and gutters to normal function. In some cases, the street sweeper is used to aid in this.

11.5.7 EMERGENCY RESPONSE TO DRAINAGE/FLOODING EVENTS

In the event of a drainage failure resulting in local flooding, the DPW crew may employ the use of sandbags to contain water. Sandbags are stockpiled at the Corporation Yard, and in boxes of 100 at several locations throughout the city (Lagoon Road, San Rafael Avenue, Community Road, West Shore Road). In more acute flooding situations, the DPW crew may employ two 3-inch “trash pumps” stored at the Corp Yard. Suction and discharge hose is stored with the pumps.

Roy’s Sewer Service and Roto Rooter Sewer Service are available in emergencies (pump truck, vactor, hydroflusher).



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

POLICY 11.6
PLAYGROUND & PARK SAFETY

Adoption Date:	2006	Adopted by:	Existing Public Works Policy
Revised Date:	5/11/2009 3/11/2019	Revised by:	City Council Motion City Council Resolution No. 2019-04
Authority:	City Council		

Because the playground in Community Park presents a clear potential for liability exposure, monthly inspections are performed by Department of Public Works (DPW) employees and recorded on the Playground Safety Inspection Report form (attached).

DPW employees conducting inspections are directed to note all safety deficiencies and immediately correct hazards that can be handled at the time. Hazards that cannot be corrected immediately are removed from access by the public (barricades, safety cones, etc.), until a repair can be made.

All hazards are immediately brought to the attention of the DPW Manager for action. Inspection reports are kept on file at the Corporation Yard office for a period of not less than three years.

Community Park and Tom Price Park are inspected monthly by the DPW Manager. This inspection is conducted to identify safety deficiencies as well as to monitor the performance of the City's landscape contractor.

Deficiencies noted by non-Public Works staff or the reported by the public shall be entered in the City's Hazard Log and referred to the DPW Manager immediately.


PLAYGROUND SAFETY INSPECTION REPORT

Date _____ Time _____

	Yes	No
Trash and recycling receptacles functioning properly	_____	_____
All litter and debris removed	_____	_____
Perimeter fence in good condition and hazard-free (no missing pickets, splintered surfaces or sharp edges, etc).	_____	_____
All gates operating as designed and without hazard.	_____	_____
Benches stable, splinter and hazard free	_____	_____
All play structure components in good condition, without sharp points, damaged features or hazardous conditions	_____	_____
All S hooks and pivot connections in safe condition	_____	_____
Engineered wood fiber level sufficient in all impact areas (swings, slides, play structures, etc). Rubber impact surfaces in good condition	_____	_____
All equipment anchored and footings covered with Sufficient engineered wood fiber or sand.	_____	_____
All walking surfaces hazard free	_____	_____

Recommended repairs, modifications or replacements _____

Playground inspected by _____

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 11.7 REVOCABLE LICENSES		
Adoption Date:	8/13/2001	Adopted by:	City Council Resolution No. 2001-20
Revised Date:	12/14/2015 5/14/2018 3/11/2019	Revised by:	City Council Resolution No. 2015-35 City Council Resolution No. 2018-11 City Council Resolution No. 2019-04
Authority:	City Council		

11.7.1 POLICY REGARDING PRIVATE USE OF EXCESS CITY RIGHTS-OF-WAY AND PUBLIC LANDS

Purpose

1. The City of Belvedere owns, or has public access easements over, several lanes that are not actively being used for public purposes; and
2. Due to location or width, portions of the City’s public street rights-of-way are not being actively used for public pedestrian or vehicular access; and
3. Historically such vacant City lands and/or public street rights-of-way have been used by abutting private property owners for uses including ingress to and egress from private property, landscape improvements, and the placement of private structures or portions thereof, where harmonious and appropriate to the site; and
4. For many years past, the City of Belvedere has been issuing revocable licenses to validate existing, or to permit new, encroachments onto City lands and/or excess public street rights-of-way; and
5. Revocable licenses do not grant the exclusive use of land, and the City may revoke such licenses at any time for any reason in its discretion and require the property owner to remove all improvements within the license area at the owner’s expense; and
6. Revocable licenses should be granted when there is a public benefit as determined in the City Council’s discretion; the City generally discourages the private use of public property; and
7. The City Council wishes to establish formal guidelines for the issuance of such revocable licenses in the future, so as to maximize the benefits accruing to the City and its residents by virtue of allowing private uses of public property; and
8. The City Council also wishes to establish formal guidelines for the consideration of requests by City residents for the vacation of excess public street rights-of-way and/or sale of, vacant public lands.

In consideration of the foregoing reasons, the following policy is intended to provide some guidelines to assist in the determination whether a license for the private use of excess street right-of-way may be granted, or whether excess public rights-of-way and vacant public lands shall be vacated and/or sold.

Policy

1. A revocable license for private use of excess street right-of-way may be granted in the discretion of the City Council when there is some benefit to the public, provided any proposed encroachment into the right-of-way complies with the design review requirements of Title 20 of the Belvedere Municipal Code. Factors to consider when determining whether to grant a revocable license for private use of excess street right-of-way include, but are not limited to, the following:

- a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;
- b. Where use of the public right-of-way will permit landscaping and/or related improvements to be installed that the City Council determines will enhance the aesthetic qualities of the streetscape. Any such landscaping and/or related improvements should not significantly impede public views or views from neighboring properties, or infringe on the privacy of neighboring properties;
- 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;
- 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;
- 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.
- f. Where necessary to protect or enhance public safety; and/or
- 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.

2. 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 encloses public property for private use should be avoided.

3. Where a property has multiple frontages on City rights-of-way, the City may require multiple revocable licenses when private improvements encroach and/or are proposed to encroach, into more than one right-of-way.

4. As a condition of a building permit and/or Design Review approval, the City may require a revocable license to cover existing private improvements in the City's right-of-way, regardless of whether or not the application contains a proposal to add or modify private improvements in said right-of-way.

5. As part of any application for a revocable license for private use of the street right-of-way, the applicant shall provide, at his or her sole expense, a site-plan based upon a property line survey of the applicant's property. The survey may be limited in scope by the City to those portions of the property boundaries affected by the subject application. The site-plan shall meet criteria, established by the City, required for filing with the Marin County Recorder. It shall show the property line(s) and all proposed and /or existing improvements within and adjacent to the public land in question.

6. The City Council shall not consider proposals to vacate or sell street rights-of-way or vacant public lands, except under unusual circumstances as recommended by City staff.

11.7.2 PROCESSING OF REVOCABLE LICENSES

This policy is adopted to ensure that revocable licenses are executed in a timely fashion when they are granted by the City Council.

- The City Clerk sends the original of the license with a letter of instruction to the property owner on the day the agenda is posted.
- The letter explains to the owners how to execute the license, get it notarized, calculate the recording fee, and return it to city hall. The letter prominently notifies the owners that failure to submit the paperwork, completed in a satisfactory manner, before the City Council meeting will result in the license being pulled from the agenda.
- If the license has not been submitted by the Wednesday before the meeting, the City Clerk phones the property owner with a friendly reminder of the deadline.
- If the license is not submitted by the meeting, but the City Clerk has spoken to the owner and has good reason to believe they will be submit it within the 30-day limit stated in the license, she may at her discretion leave the license on the agenda for approval.
- The City Clerk keeps a detailed, up-to-the-minute log on the server of revocable licenses being processed. Licenses that have not been submitted are highlighted in yellow at the end of this list.
- The following letter shall be sent to those owners who have not responded to the City's requests that they execute and return the license document.

The Building and Planning Secretaries are to refer to the log and are not to issue any construction permit for a property which has a revocable license that has not been executed. If they receive any questions regarding the status of a revocable license or the approval process, they are to immediately refer the person to the City Clerk.

Sample Letter to Unresponsive Property Owners

Date

Property Owner Name

Mailing Address

Dear :

As you will recall, on *date*, the Belvedere City Council approved your application for a Revocable License to permit *description of encroachments* at *location of encroachments*. The original of the license document was mailed to you approximately a week before the Council meeting with instructions for executing it and returning it to the City before the meeting.


A check of our records shows that the executed Revocable License document was never received in our office. In accordance with Section 4 of the License, the City is authorized to immediately terminate the License if it has not been executed within thirty days of the date of issuance. Revocation of this Revocable License could result in the improvements within the City right-of-way being declared a public nuisance and subject to nuisance abatement proceedings.

A copy of the Revocable License is attached. Please sign it, have it acknowledged by a notary public, and return it to the City with a check for *amount of recording fee* made out to the Marin County Recorder. If you wish, you may call me to make an appointment to perform the acknowledgement.

You are urged to take care of this matter at your earliest opportunity. If the executed license is not received in our office by *30 days from date of mailing*, the City will issue a notice of termination and revocation.

Sincerely,

City Clerk

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 11.8 DOCK LEASES		
Adoption Date:	1989	Adopted by:	<i>See Section 11.8.3</i>
Revised Date:	5/11/2009 3/11/2019	Revised by:	City Council Motion City Council Resolution No. 2019-04
Authority:	City Council		

11.8.1 OVERVIEW

There are three locations in Belvedere where private residences back up onto City-owned tidelands and docks or floats extend onto those tidelands: a portion of the easterly shore of Belvedere Cove along upper Bellevue Avenue; the westerly shore of Belvedere Cove from the first house on Beach Road (Number 172) to the tip of Belvedere Point; and West Shore Road. (See the diagram in Appendix Section 11.8-A.)

The tidelands below middle and upper Belvedere Avenue and Cliff Road, stretching to Belvedere Point, are within the City limits but are owned by the County of Marin and the State of California; docks located there, while subject to design review, are not subject to Belvedere dock leases.

The tide lots surrounding Corinthian Island are primarily privately owned and only a few docks stretch far enough to cross into City waters.

11.8.2 THE LAND COMPANY CONVEYANCE ALONG BEACH ROAD

On September 14, 1896, the directors of the Belvedere Land Company (BLC) voted to convey to the Town of Belvedere, when incorporated, a strip of shoreline along the westerly side of Belvedere Cove.

The non-parallel lines of The Strip zig-zag up present-day Beach Road from the intersection at San Rafael Avenue to the property line of 172 Beach Road, then veer off below the residential parcels up to and including 340 Beach. The width of The Strip varies from 55' to 135'. Note, The Strip has in modern times been divided into five parcels bearing the following Assessor's Parcel Numbers: 060-173-36, 060-19-24, 060-213-11, 060-225-06, and 060-233-06.

The deeds of September 14, 1896, June 27, 1986, and July 7, 1986, together have placed restrictions on the use of the five tide lot parcels:

- No private structures other than private wharves, boat houses or bathing houses shall ever be permitted and none shall be added to those pre-existing. If any of the residences standing on the beach is destroyed by fire or other mishap, it shall not be rebuilt. (The restriction does not extend to replacing docks.)

- The Strip shall be improved, preserved and maintained perpetually by the town as a public park and water front for all the people of the town and no structure thereon shall impede the free passage of pedestrians from one end of The Strip to the other.
- The rents charged by the City for boat houses and boat docks shall be used for public purposes.

The City has held to this agreement: since 1986, no new docks have been built on The Strip.

11.8.3 DEVELOPMENT OF THE DOCK LEASE POLICY

Between 1957 and 1979, 13 revocable licenses were issued for docks to property owners on Beach, West Shore, and Bellevue for docks.

In July of 1980, the legal department of the Bay Conservation and Development Commission (BCDC) decided that Belvedere's revocable licenses were not adequate to grant title for the Commission's purposes and, on those grounds, it refused a permit to repair one of the existing docks along Beach Road. BCDC wanted the City to issue a lease.

In September, 1980, the City Council held the first public hearing to establish a policy regarding leases for dock structures on City tidelands. It took the Council 24 public hearings, over a period of five years, to resolve all the issues and concerns that were raised by the dock owners, City Attorney, and other members of the City staff.

On October 21, 1989, the City Council met for its 24th and final public hearing on dock leases and approved Resolution 89-44. Owners are to be offered the choice of a lease or a revocable license written especially for docks, which carries the same yearly fee as a lease. If dock owners opt for the revocable license and BCDC later requires them to get a lease, they can exchange the revocable license for a lease. Official formats for the revocable license and dock lease were attached. (See Appendix 11.8-B and C.)

By the end of 1990, new dock lease forms had been executed for the 31 existing docks.

11.8.4 DOCK LEASE TERMS

- Lease term: The leases granted in 1990 run for 50 years and expire on June 30, 2039. The City's policy is that any leases issued thereafter run to the same date so that all leases will be renegotiated at the same time.
- The two properties which have beach houses as well as a dock (222 and 210 Beach Road) paid in 2007-08 \$1493 and \$2377 respectively.
- Rent is adjusted every 5 years based on the change in the Consumer Price Index.
- Dock use is strictly limited.
- Lessor assumes maintenance and liability responsibility and holds City harmless.
- Owner pays Possessory Interest Tax as calculated by the County of Marin.
- Lease runs with the property.

Special Cases

The last dock on Beach Road at Number 344, owned by Smith Ketchum, stretches into City-owned waters but is outside of The Strip. The docks at 5 and 8 Blanding Lane have deeded easements for their docks.

Numbers 3, 5, 7, and 9 West Shore Road had deeded easements for docks, which were part of the grant of the land to the City from Reedport Properties, Inc., on June 21, 1954. Numbers 5 and 7 West Shore quitclaimed their original deeded easements and were deeded dock easements in a different location by the City. Number 5 West Shore Road later gave up its easement entirely in favor of a dock lease for a different location in a Quitclaim deed executed on April 20, 2009.

The properties at 222 and 210 Beach Road have beach houses as well as a dock, for which they pay extra rent.

No new leases are to be issued for docks along Beach Road where no dock heretofore existed.

11.8.5 APPROVAL AND PREPARATION OF NEW DOCK LEASES

Brand New Dock

A property owner wishing to build a dock on City tidelands must receive design review approval and a recommendation from the Planning Commission that a dock lease be issued by the City.¹ Dock leases are issued administratively and do not receive City Council review.

Note: A dock lease is not needed where there is a deeded dock easement.

Replacing an Existing Dock

Dock replacements that require design review also require a recommendation from the Planning Commission that the new configuration or location of the dock be approved by the City. Design review application fees are charged but there is no additional fee for applying to amend the lease. The existing lease remains in effect, with a new plot plan appended to it.

Note: If a deeded easement exists and the replacement dock is to be located off that easement, the owner must pay for applying for a dock lease. The owner must quitclaim the existing easement to the City and may opt to receive a new deeded easement from the City or a lease. The quitclaim deed is processed separately (see Policy 11.9, Acceptance of Grant Deeds, of this Manual for instructions on processing) and a copy of the executed deed is made the fourth attachment to the lease.

¹ Planning Staff notices the public hearing for new docks to include review of a revocable license application because the Belvedere Municipal Code requires a "revocable license or equivalent." However, no revocable license application is required, and the property owner is apprised that they will receive a dock lease, not a revocable license.

Buoys receive a use permit but no document is signed ascribing maintenance and liability to the buoy owner.

Inserting the Rental Formula

New leases start out with a base level of the current lease amount.

7/1/1989 – 6/30/1994	\$200.00
7/1/1994 – 6/30/1999	\$232.00
7/1/1999 – 6/30/2004	\$269.00
7/1/2004 – 6/30/2009	\$315.00
7/1/2009 – 6/30/2014	

The original dock lease formula was as follows:

$$\text{Rental} = \frac{\text{June Index in the Year of Increase}}{\text{June 1989 Index}} \times \$200.00$$

To make it easier to figure the cost when drafting a lease, use the CPI from the year of the most recent increase instead of the CPI from 1989:

$$\text{Rental} = \frac{\text{June Index for Year of Next 5-Year Increase}}{\text{June Index for Year of Most Recent Increase}} \times \text{Current lease amount}$$

Example from a lease entered into in 2008:


$$\text{Rental} = \frac{\text{June 2009 Index}}{\text{June 2004 Index}} \times \$315.00$$

The two properties which have beach houses as well as a dock (222 and 210 Beach Road) paid in 2009-10 \$1,687 and \$2,686 respectively.

Preparing the Attachments

Three documents are required as attachments to the lease:

- A legal description of the boundaries of the City tide lot, in its entirety (not just the portion over which the dock will sit).
- A vicinity map showing the property, dock, a few neighboring parcels on each side, and the street.
- A site plan of the dock, boat lift, and gangway as they will be built, according to the Planning Commission approval, and showing the private property line and the City tide lot line.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 11.9 ACCEPTANCE OF GRANT DEEDS		
	Adoption Date: 7/7/2003	Adopted by:	City Council Resolution No. 2003-14
Revised Date: 5/11/2009 3/11/2019	Revised by:	City Council Motion City Council Resolution No. 2019-04	
Authority:	City Council		

CITY OF BELVEDERE

RESOLUTION NO. 2003-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE CITY MANAGER/CITY CLERK AND THE
CITY ENGINEER/ASSISTANT CITY MANAGER TO ACCEPT AND CONSENT TO
DEEDS OR GRANTS CONVEYING ANY INTEREST IN
OR EASEMENT UPON REAL ESTATE FOR PUBLIC PURPOSES**

WHEREAS, from time to time the City receives deeds or grants conveying interest in or an easement upon real estate for public purposes; and

WHEREAS, Section 27281 of the California Government Code requires that deeds or grants conveying any interest in or easement upon real estate to a governmental agency for public purposes shall not be accepted for recordation without the consent of the City Council evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant; and

WHEREAS, Section 27281 allows the City Council, by general resolution, to authorize one or more officers of the City to accept and consent to such deeds or grants on behalf of the City Council; and

WHEREAS, adopting this procedure will reduce the amount of paperwork and streamline the process of accepting such grants and deeds, thereby saving the tax payer’s money.


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

- 1. Authorization.** In consultation with the City Attorney, the City Manager/City Clerk or the City Engineer/Assistant City Manager is hereby authorized to accept and consent to deeds or grants conveying any interest in or easement upon real estate to the City of Belvedere for public purposes.

2. Certificate of Acceptance. The officer shall prepare a certificate of acceptance, to be attached to the deed or grant, in substantially the following form, or in such revised form as shall hereafter be adopted by Statute:

This is to certify that the interest in real property conveyed by the deed (or grant) dated _____ from (name of grantor) to the City of Belvedere, a governmental agency, is hereby accepted by the undersigned officer on behalf of the Belvedere City Council pursuant to authority conferred by resolution of the Belvedere City Council adopted on (date of adoption of this resolution), and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____ By (Name, City Manager or City Engineer)

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 11.10 EASEMENT APPLICATION PROCESS		
	Adoption Date:	3/11/2013	Adopted by:
Revised Date:	6/9/2014 3/11/2019	Revised by:	City Council Resolution No. 2014-20 City Council Resolution No. 2019-04
Authority:	City Council		

Obtaining an easement requires the assistance of a licensed Land Surveyor. In the case of a drainage easement, the City will also require a drainage plan which must be designed by a Civil Engineer. Some firms are licensed for both civil and survey work, or have a relationship with another firm allowing them to provide both services. It may be advisable to work with one of these firms. Preparation and related costs are the applicant’s responsibility.

In addition to the standard plan submittal process, the following is an outline of the necessary steps for obtaining an easement:

1. The applicant needs to hire a surveyor and have them prepare a topographic map. This map should show the parcels where the proposed improvements will be located and where the easement(s) will be needed. (If the easement is not for drainage purposes, skip to Item 3.)
2. The applicant needs to hire a Civil Engineer and have them prepare a drainage plan. The plan should show all current surface and underground drainage, and should also show all proposed drainage improvements, along with hydrologic and hydraulic calculations. Depending on the drainage being improved, this will likely also incorporate the topographic survey as part of the information needed to complete the plan. This plan should also show the parcels where the proposed improvements will be located and where the easement(s) will be needed.
3. The applicant should then submit the plan to the City for preliminary review.
4. After the City’s preliminary review is complete, the applicant should take the plan and meet with the owners of any adjacent parcels where the easement is needed and get their preliminary approval for the proposed improvements and easement. The surveyor should be able to provide ownership information for the related parcels.
5. After all of the interested parties agree on the preliminary improvement design and alignment for the easement, the applicant should again employ the services of a surveyor to create/provide the required easement documents. These documents should include the following:

- a. A Title Report for each parcel involved, which will identify any conflicts with other easements or ownership.
 - b. A legal description for the easement (a separate one for each parcel that the easement crosses).
 - c. A plat (map) illustrating the legal description.
 - d. An easement deed with recital that indicates that the easement will be extinguished if the improvements are no longer in use. [See Appendix 11.10-A, “Specimen Easement Agreement.”]
 - e. Depending on the quality and number of survey monuments the surveyor finds in the area, a Record of Survey may be needed for the surveyor to accurately tie the easement to the property lines and define the easement location.
6. Submit all of these documents to the City for review and approval. The City will need to sign off on the improvements and easement.
7. Once all the documents are correct and approved, the following will be done:
- a. For easements being granted by the City over City property, the City will prepare a resolution for the City Council to grant the easement. Once approved by the Council, the documents will be recorded. After being recorded, the easement will be official and the applicant can begin construction of the improvements through the easement.
 - b. For easements being granted by a private property owner to the City, the City will prepare an agreement and certificate of acceptance. The City Manager or City Engineer will accept the easement. [See Policy 11.9, “Acceptance of Grant Deeds.”]
 The pages which must be included in the document presented for recording are as follows:
 - Cover sheet for recording
 - Agreement (City seal beside City Manager signature)
 - Exhibits to agreement (if any)
 - Certificate of Acceptance (by City Manager – no seal)
 - Acknowledgement of Certificate of Acceptance
 - Acknowledgement of agreement signatures of Grantors
 After being recorded, the easement will be official.
 - c. If a Grant Deed of Easement is also prepared, it is recorded separately, with the following pages:
 - Grant Deed of Easement and 2-3 attachments.
 - Legal description (photocopy okay).
 - Plat.
 - Easement Agreement (optional; photocopy okay).



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL


POLICY 11.11
ENCROACHMENT PERMITS

Adoption Date:	8/13/2001	Adopted by:	City Council Resolution No. 2001-31 ¹
Revised Date:	5/11/2009 3/11/2019	Revised by:	City Council Motion City Council Resolution No. 2019-04
Authority:	City Council		

1. Pursuant to §13.04.020 et seq. of the Belvedere Municipal Code, encroachment permits shall be obtained in advance by any individual seeking to do any type of work in the rights-of-way of the City.
2. Encroachment permits issued for road closures shall be limited to occur between 9:00AM and 4:30 PM, Monday through Friday, City holidays excepted.
3. Daily fees for road closure encroachment permits for 4 hours or less, and for closures exceeding 4 hours in duration, up to a maximum of 8 hours, shall be as hereafter set by City Council resolution.
4. A fee, as shall hereafter be set by City Council resolution, shall be charged for each city-provided road-closure sign. Approval for non-city-provided road-closure signs must be obtained from the City at the time the permit application is filed. All required road closure signs shall be posted at least two working days (minimum 48-hours) prior to the scheduled closure; provided however, that the signs shall not be erected earlier than 96 hours prior to the closure.
5. A refundable deposit per road closure sign, in an amount as shall hereafter be set by City Council resolution, shall be collected by the City, which amount shall be refunded when the applicant verifies removal of the posted sign(s) within a specified period of time after the closure is completed. If the sign(s) are not removed and verified by City Hall by the time stipulated on each permit, the applicant shall forfeit the deposit.
6. Encroachment permit applications for road closures shall be applied for at least three working days prior to the date for which a road closure is being sought. Faxed applications will not be accepted.
7. A re-noticing fee, in an amount as shall hereafter be set by City Council resolution, will be charged when an applicant changes the road closure date prior to the original date for which any encroachment permit was issued.
8. An encroachment permit for a road closure may be issued for a maximum of two (2) consecutive working days at any one location.

¹ See also §19.48.100 BMC.

9. Encroachment permits for road closures may be granted and shall be scheduled in order to maintain reasonable traffic circulation throughout the City. For example, two main arterial streets shall not both be closed on the same day (e.g. upper Beach Road and Belvedere Avenue) and two contiguous or adjacent streets shall not be closed at the same time (e.g. Bella Vista Avenue and Bayview Avenue).
10. For public safety reasons, encroachment permits for road closures of dead-end streets (e.g. Eucalyptus Road, the 400 block of Golden Gate Avenue, Peninsula Road, etc.) shall not be permitted unless extreme conditions warrant it and prior approval of the City Manager is obtained. In the event a road closure is permitted on a dead-end street, the City may require the permit holder to provide reasonable accommodation to residents who may otherwise not be able to access or egress their property and to take whatever measures the City determines to be necessary to protect the public's health and safety. Such reasonable accommodation and public health and safety measures shall be dictated by the City as a condition of permit approval.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 11.12 HAZARD LOG		
Adoption Date:	5/11/2009	Adopted by:	City Council Motion
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

11.12.1 PURPOSE

A log for City staff use has been established to document the frequency of service requests made to the City for correction of potentially hazardous conditions and the investigation and correction of potentially hazardous conditions reported by City workers.

11.12.2 RESPONSIBILITY OF ALL CITY EMPLOYEES

The City’s compact size and limited number of employees creates a unique situation in which hazards can immediately be reported directly to the responsible department head and corrected in a time frame appropriate to their severity. All City employees are responsible for identifying and reporting hazards to the head of the department responsible for correcting them. In addition, all employees are responsible for receiving from the public and relaying reports of hazardous and potentially hazardous conditions.

When an employee relays a request for inspection or correction to the department head, he/she shall simultaneously complete the first half of an entry in the electronic hazard log. Entries are made for problems both in the field and within City owned facilities. The service request shall be relayed to the department head in the most efficient method available, whether verbally, in person or on the phone, by email, or by a written note.

The department head who ultimately resolves the problem shall complete the log entry.

11.12.3 LOGGING GUIDELINES

Public Works

- Public Works Manager and maintenance crew to log problem reports received by phone or from persons encountered in the field, as well as problem conditions personally observed in the course of work.
- For conditions observed and corrected on-the-spot, a notation in the crew’s daily activity log is sufficient.

General Administration

- Log all hazard reports received by phone, over the counter, etc., and all conditions personally observed.

Police Department

- For hazardous conditions reported by residents and which the Police Department takes care of on its own, the required entry in the duty officer log and/or police report are sufficient.
- For hazardous conditions which require follow-up by another City department, make an entry in the Hazard Log and notify the department head who needs to follow through.

Examples of conditions which should be entered in the Hazard Log

- Tree limb broken or tree ready to fall.
- Vegetation impeding a site line or blocking a lane.
- Sign down or needing maintenance.
- Clogged storm drain.
- Sidewalk needing repair.
- Pothole in street.
- Playground maintenance needed.
- Break in park irrigation system.
- City facility or building needs repair, plumbing backup, hazardous condition found in City Hall, etc.
- Street light out.

Examples of conditions which are not to be entered in the Hazard Log

- Complaints when the caller is advised to call another agency directly for a response.
- Animal complaints which are referred to our Police Department or for which there is no agency response (e.g., complaint of vegetation destruction by deer).
- Reports of violations of the City Code or laws which are referred to the Police Department for investigation (e.g., gas-powered leaf blowers, noisy party, parking violation, vandalism).
- Complaints about building activity (noise, parking, working without a permit), whether or not the complaint is referred to the building inspector or the Police Department for investigation.
- Complaints regarding City policies or procedures or about conduct of City employees.

11.12.4 RETENTION PERIOD

Entries in the Hazard Log shall be retained for a period of at least three years.