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C Governmental and Non-Governmental Constraints

C.1 Introduction

State law requires that Housing Elements include an analysis of governmental and nongovernmental constraints that impinge on the maintenance, improvement, or development of housing for all income levels. Governmental constraints include land use controls, building codes and their enforcement, fees and exactions, and permitting procedures. Nongovernmental constraints are primarily market-driven factors that include land costs, construction costs and the availability of financing.

C.2 Governmental Constraints

STATE AND FEDERAL POLICY

Actions or policies of governmental agencies, whether involved directly or indirectly in the housing market, can impact the ability of the development community to provide adequate housing to meet consumer demands. For example, the impact of federal monetary policies and the budgeting and funding policies of a variety of departments can either stimulate or depress various aspects of the housing industry. Local or state government compliance or the enactment of sanctions (sewer connection or growth moratoriums) for noncompliance with the federal Clean Air and Water Pollution Control Acts can also affect all types of development.

State agencies and local government compliance with state statutes can complicate the development of housing. Statutes such as the California Environmental Quality Act and sections of the Government Code relating to rezoning and General Plan amendment procedures can also act to prolong the review and approval of development proposals by local governments. In many instances, compliance with these mandates establishes time constraints that cannot be altered by local governments.

LAND USE AND DEVELOPMENT REGULATIONS

The City of Belvedere regulates the type, location, density, and scale of residential development through the General Plan, Zoning Ordinance, Subdivision Ordinance, Specific Plans, and a variety of building and site development standards, all of which must be consistent with the General Plan. These requirements are intended to protect the health, safety, and general welfare of the

community, but such regulations, associated procedures and processing fees can also reduce the City's ability to meet its housing objectives by decreasing the feasibility and increasing the cost of developing housing. This part of the Housing Element discusses existing governmental constraints as well as policies and programs Belvedere could enact to overcome obstacles and promote needed housing development.

GENERAL PLAN LAND USE POLICIES

The *City of Belvedere General Plan 2030*, which the Council adopted on June 9, 2010, is the City's primary land use policy document affecting housing. The Plan's Land Use Element identifies permitted land uses and development intensities for all land within City boundaries. The Plan's overarching goal is to "preserve the special and unique sense of Belvedere while allowing changes that would enhance the community." To meet this goal, the Plan sets forth six guiding principles, all of which affect the City's capacity to accommodate residential development:

- Promote and continue sustainable land use patterns that offer a healthy balance and mix of land uses.
- Enhance community character through excellence in design standards.
- Ensure that development in existing neighborhoods is orderly and compatible with surroundings.
- Promote sustainable development practices that protect the natural environment and create quality neighborhoods.
- Promote a high quality of residential living through well-designed and walkable neighborhoods that have access to jobs, schools, shopping, transit, recreation and other community services.

The Land Use Element establishes a series of objective policies to promote the achievement of the Plan's vision regarding residential development including standards to control residential density through retention of current minimum lot sizes, maintaining privacy between neighboring homes through regulation of setbacks, and protecting views from public spaces. There are also policies to consider zoning amendments to increase side setbacks for privacy and to create fire safety defensible space zones as well as changes regarding the regulation of building heights related to FEMA requirements for flood plain management.

The policies also propose revisions to the Zoning Ordinance, some of which relate to housing development. These include modification to specific guidelines and criteria for granting floor area exceptions, and changes related to Belvedere Island to consider limitations on development of this area which comprises a single zone, including establishing a maximum house size. The Plan also includes a policy to ensure that land use designations and development standards can meet the goals, policies, and programs outlined in the Housing Element.

Table C-1: General Plan Land Use Designations

<i>Designation</i>	<i>Maximum Density</i>	<i>Acres</i>	<i>Percent total</i>
Low Density Single Family Residential	1.0-3.0 units/net acre	167.44	11.89%
Medium Density Single Family Residential	3.1-6.0 units/net acre	59.38	4.22%
High Density Single Family Residential	Over 6.0 units/net acre	4.72	0.34%
Medium Density Multi-Family Residential	5.0 to 20 units/net acre	13.41	0.95%
High Density Multi-Family Residential	Up to 35 units/net acre	0.84	0.06%
Commercial	No maximum	2.33	0.17%
Church/School	No maximum	0.99	0.07%
Park/Public Facility	No maximum	5.20	0.37%
Private Recreation	No maximum	24.10	1.71%
Open Space (Land)	No maximum	8.59	0.61%
Open Space (Water)	No maximum	1,120.88	79.61%
Total		1,407.88	100%

Source: City of Belvedere, General Plan 2030, Exhibit 3: General Plan Land Use Map

As Table C-1: General Plan Land Use Designations, shows, most of the area within Belvedere's city limits is water. The land area comprises only 287 acres, just over 20 percent of the city, and 80.7 percent of the land area is planned for single family residential use. Based on analysis in the 2015-2023 Housing Element, the General Plan identified three options for accommodating additional residential development:

- R-3 properties at 15 Cove Road Place (11,021 square feet) and 7 Beach Road (11,108 square feet), neither of which is vacant. The Cove Road Place property is occupied by the Belvedere Nursery School; the Beach Road parcel, adjacent to an existing three-story apartment project, is developed with a two-story mixed-use building with five residential units and offices.
- Redevelopment of the Belvedere Land Company's C-1-zoned property at 1520-1550 Tiburon Boulevard (the Boardwalk Shopping Center) with mixed-use development (though the property was not identified as an appropriate inventory site at the time)
- Promoting the development of second units (i.e., accessory dwelling units) by implementing programs in the 5th Cycle Housing Element proposed to increase the number of second units by removing some of the barriers to their construction. These programs included some changes that are now mandated by State law, such as increasing the maximum unit size to 850 square feet, and others, like reducing the minimum lot size from 10,000 to 8,000 square feet, which have been nullified by changes to the law. The General Plan also proposed to eliminate the planning application fee for second units, consider reducing the City's impact fees, and subsidize impact fees required by other agencies. As noted in discussion of Accessory Dwelling Units (ADUs) below, the city has eliminated the planning fee for ADUs and Junior ADUs.¹

¹ City of Belvedere, General Plan 2020, p. 30.

ZONING CODE

The City of Belvedere adopted its Zoning Ordinance (Title 19) in 1989. Consistent with the General Plan, most of Belvedere is zoned for single-family development at densities ranging from 1 to 6 units per acre. The R-2 Zoning District allows for two-family dwellings (defined as any building containing two apartments, or used or designed as a residence for two families living independently of each other with separate kitchen facilities) at a density of 5-20 units per acre. Multi-family housing of three or more units is only permitted in the R-3 and R-3C Zoning District at a density of 5-20 units per acre.

The City amended the Zoning Ordinance on July 11, 2022, to add Title 22: Objective Design and Development Standards, to meet the requirements of the Housing Accountability Act (HAA), Senate Bill 330 (Government Code Section 65589.5), and Senate Bill 35 (Government Code Section 65913.4) for eligible projects. The standards, which were developed by a consulting firm under contract to Marin County, create three ODDS Zones that function as overlay zones for development sites in the R-2, R-3, C-1 and PUD zones. The regulations for the ODDS zones, identified as T3 Suburban Neighborhood Small (T3SN.S), T4 Suburban Neighborhood Small (T4SNS), and T4 Suburban Main Street Small (T4SMS.S), prescribe detailed standards to regulate the design and development of building sites structures, as well as brief description of residential uses.²

Title 22 applies to projects subject to the HAA (Section 22.10.010, Purpose). As defined by Section 65589.5 (h), this means residential projects, mixed-use development in which two-thirds of the use is residential, and transitional and supportive housing. Based on a 2022 Appellate Court decision (*Reznitskiy v. County of Marin*, 79 Cal.App.5th 1016), the HAA does not apply to single-family homes.

“Dwellings”, a term that includes duplexes, multiple dwellings with three or more units, and second units, are permitted by right in all three ODDS zones. Group Living (Assisted, General and Independent) is not permitted in the T3SN.S zone and is limited to a maximum of 1,500 square feet in the T4 SNS zone. (Ordinance 2022-05, Table 22.94.030. A: Uses) These restrictions are inconsistent with State law, which requires municipalities to regulate transitional and supportive housing in the same manner based on the development type (i.e., single-family, duplex, or multi-unit structure) rather than the use. State law also requires emergency shelters to be allowed in mixed-use and non-residential districts where housing is permitted. (See the discussion below for more detail on issues related to these housing types.)

Table C-2 lists the housing types the Belvedere Zoning Code allows by zoning district with the required entitlement. Table C-3, Residential Development Standards, summarizes the standards applicable to residential projects in each district. The Planning Commission may allow other residential uses on a conditional basis based on a determination that they are of the same general character as other uses the Code allows in the district. (Section 17.080.030 *et al.*)

² City of Belvedere, Ordinance 2022-05, Appendix A, p. 25.

Table C-2: Residential Use Types by ODDS Zone

Use Type	T3SN	T4SNS	T4SMS
Dwelling	P	P	P
Group Living-Assisted	X	P ^I	P
Group Living-General	X	P ^I	P
Group Living-Independent	X	P ^I	P
Live-Work	X	X	P

Note:

I. Maximum 1,500 sq. ft. per building.

Source: City of Belvedere, Ordinance 2022-05, Appendix A, Title 22: Objective Design and Development Standards, Table 22.94.030. A: Uses .

The Belvedere Zoning Ordinance regulates residential development, identifying appropriate residential development densities within three categories: Single-family Residential, Duplexes, and Multi-family Residential. Residential district R-15 allows low density (1.0 to 3.0 units per acre), R-1L and R-1W allow medium density (3.1 to 6.0 units per acre), and R-1C allows high density (over 6.0 units per acre) single-family residence development. Zoning district R-2 allows two-family dwellings along with all uses permitted in the R-1 and R-15 zones at densities from 5 to 20 units per acre. Zoning district R-3 allows density ranging from 5-20 units per acre, and R-3C has been designated as Multi-family Residential parcels with development density ranging from 5-35 units per acre. Additionally, replacing the C1 Zoning with a new mixed use zoning designation (Program 2-D) allows for commercial and mixed-use multi-family developments, including duplexes, apartments, condominiums, or townhomes, as well as transitional and supportive housing at 30-35 units per acre.

Table C-3: Existing Permitted Residential Use Types by Zoning District

Use Type	R-1C	R-1L	R-1W	R-15	R-2	R-3	R-3C	C-1
Single-Family	P	P	P	P	P	P	P	X
Accessory Dwelling Units & Junior Accessory Dwelling Units	P	P	P	P	P	P	P	X
Two-Family*	X	X	X	X	P	P	P	X
Apartment Courts**	X	X	X	X	X	P	P	C
Apartment Houses and Multiple Dwellings***	X	X	X	X	X	P	P	C
Congregate Housing	P	P	P	P	P	P	P	X
Emergency Shelter	X	X	X	X	X	X	X	X

Table C-3: Existing Permitted Residential Use Types by Zoning District

<i>Use Type</i>	<i>R-1C</i>	<i>R-1L</i>	<i>R-1W</i>	<i>R-1S</i>	<i>R-2</i>	<i>R-3</i>	<i>R-3C</i>	<i>C-1</i>
Residential / Community Care- Small ¹	P	P	P	P	P	P	P	X
Residential / Community Care -Large	C	C	C	C	C	C	C	X
Single-Room Occupancy ²	C	C	C	C	X	X	X	C
Manufactured Housing	P	P	P	P	P	P	P	X
Supportive Housing	P	P	P	P	P	P	P	C
Transitional Housing	P	P	P	P	P	P	P	C
Senior / Disabled Housing ³	X	X	X	X	X	P	X	X
Live-In Staff Quarters ⁴	P	P	P	P	P	P	P	X

Note:

P - Permitted

C - Conditional Use Permit

X - Not Permitted

1. Small residential or community care facilities serve six or fewer individuals; large facilities serve seven or more individuals.
2. Occupancy of single-family dwelling other than by a family, if there are special circumstances or conditions affecting the property so that deprivation of such use will cause unusual and extreme hardship, and when the granting of such use will not be detrimental to public welfare or injurious to other property in the neighborhood where the property is located.
3. Senior citizen-handicapped housing under SC-H overlay classification is only allowed on lands that Section 19.37 of the Zoning Ordinance classifies as R-3.
4. Live-In Staff quarters are a room or suite of rooms within or accessory to the main structure occupied by persons employed by the record owner to maintain the property or to care for the household or main dwelling, and which room(s) do not contain a kitchen. This use is permitted as an accessory use to single-family dwellings per Section 19.24.010.

* Two-family or two-unit development is a development that proposes no more than two new units or proposes to add one new unit to one existing unit and that meets all the applicable criteria and standards set forth in Section 65589.5 of the California Government Code and Zoning Chapter 19.77.

** Apartment court means two or more detached apartments or two-family dwellings or apartment houses, or any combination of any thereof, located on a single lot or on adjacent lots in a configuration that ignores lot lines and setback requirements under one ownership, together with all open spaces Title 19 requires.

*** Apartment house means a building containing three or more apartments, except that a motor court is not considered to be an apartment house.

Source: City of Belvedere Municipal Code, Title 19, Zoning <https://belvedere.municipal.codes/Code/19>

Development Standards

Table C-4 summarizes Belvedere's residential development standards, some of which are more restrictive than those established by municipalities with similar development conditions. As discussed above, Title 22, Appendix A, establishes design and development standards for residential projects subject to the ODDS. These are, for the most part, similar to the regulations in Title 19 but

provide a great deal of additional detail related to different building types and architectural styles. In some cases, specific rules for larger sites, such as limits on block size, requirements for new streets, and other standards could serve to deter development on larger parcels where affordable housing development could be most viable. To address this constraint, Program 2-D and 2-E create new development requirements for the new MU zone that supersede those in Title 22 unless an applicant requests and qualifies for ministerial review and commits to meeting the requirements for low-income housing and State labor standards. Program 2-B commits the City to evaluate and revise Title 22 for any other constraints, as appropriate.

Table C-4: Existing Residential Development Standards

Zoning	Minimum Lot			Setbacks (ft.)			Maximum Height	Maximum Floor Area/Lot Area Per Unit	Maximum Lot Coverage (%)
	Area (sq ft)	Width (average)	Frontage	Front	Side	Rear			
R-1C	7,500	65	65	0/5 ¹	5	10/20 ²	28 average maximum or 36 ft. if slope at footprint is over 30% ³	.50 to lot area for lots ≤7000 sq. ft. / 3500 sq.ft. for lots >7000 sq. ft.	40% for structures /50% w. uncovered decks
R-1L	7,500	65	65	5/10/15 ⁴	5/10 for second story	10/15/20 ⁵	See Note 6	.50 to lot area for lots ≤8000 sq. ft. /4000 sq.ft. for lots >8000 sq. ft.	40% for structures > 15 feet / 50% for structures ≤ 15 feet
R-1W	7,500	65	65	5/10/15 ⁴ ₇	5/10 for second story	10/15/20 ⁵	22 / 26 ⁸	.40 to lot area for lots ≤10600 sq. ft. / 4240 sq.ft. for lots >10600 sq. ft.	40% for structures > 15 ft. / 50% for structures ≤ 15 feet / 50% total including uncovered, outdoor decks
R-15	15,000	75	75	10/15 ⁹	10 ¹⁰	10/15/20 ⁵	28 average maximum or 36 ft. if slope at footprint is over 30% ³	.33 to lot area for lots ≤14700 sq. ft. / 4850 sq.ft. for lots >14700 sq. ft.	30% for structures / 50% total including uncovered, outdoor decks
R-2	6,000	60	60	5/10/15 ⁴ ₇	5/10/15 ¹¹	10/15/20 ⁵	See Note 6	4000 sq.ft. per unit for 3	40% (50% if adjacent to

Table C-4: Existing Residential Development Standards

Zoning	Minimum Lot			Setbacks (ft.)			Maximum Height	Maximum Floor Area/Lot Area Per Unit	Maximum Lot Coverage (%)
	Area (sq ft)	Width (average)	Frontage	Front	Side	Rear			
								or more bedrooms / 3000 sq.ft. per unit for 2 or fewer bedrooms ¹¹	open water) for structures excluding uncovered decks / 60% total coverage
R-3	6,000	60	60	5/10/15 ⁴	5/10/15 ¹³	10/15/20 ⁵	36 ft. above grade	3000 sq.ft. per unit for 3 or more bedrooms / 2500 sq.ft. per unit for 2 bedrooms / 2000 sq.ft. per unit for 1 bedroom ¹¹	40% (50% for multi-family housing adjacent to open water and/or adjacent to commercial zoned properties) / 60% total coverage
R-3C	6,000	60	60	5/10/15 ⁴	0/5 ¹⁴	10/15/20 ⁵	28 ft. measured from top of curb along frontage (not from grade)	3000 sq.ft. per unit for 3 or more bedrooms / 2500 sq.ft. per unit for 2 bedrooms / 2000 sq.ft. per unit for 1 bedroom ¹¹	40% for structures excluding uncovered decks (50%, if adjacent to open water) / 60% total coverage
SC-H							See Chapter 19.37		
C-I							See Section 19.40.040		

Note:

- 0 feet from the front property line, or 5 feet from the improved street line, whichever is more distant from the centerline of the paved street. See Section 19.24.040 for additional requirements.
- 10 feet abutting street or water, 20 feet abutting another lot. For conditional use, 10 feet or minimum for yard, whichever is greater.
- See Section 19.56.060 for requirements regarding 36- foot exception. Maximum heights only permitted if there is no significant view blockage.
- Building less than 15 feet high within first 40 feet of front property line - 5 feet
Building less than 25 feet high within first 40 feet of front property line - 10 feet
Building over 25 feet high within first 40 feet of front property line - 15 feet
- Abutting another lot—20 feet
For R-1L, abutting street or water; For R-1W, R-1S, R-2, R-3, R-3C, abutting a street—15 feet

Table C-4: Existing Residential Development Standards

Zoning	Minimum Lot			Setbacks (ft.)			Maximum Height	Maximum Floor Area/Lot Area Per Unit	Maximum Lot Coverage (%)
	Area (sq ft)	Width (average)	Frontage	Front	Side	Rear			

For R-1L, abutting alley or private way; For R-1W, R-1S, R-2, R-3, R-3C, abutting water, an alley, or private way — 10 feet

For conditional use, 10 feet or minimum for yard, whichever is greater.

5. If a structure constitutes a “substantial improvement” under FEMA regulations, the maximum height is 22 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard. If a structure does not constitute a “substantial improvement” under FEMA regulations, then the maximum height is 22 feet from Existing Grade. (See Section §19.56.040) A bonus of one foot of additional height may be allowed when an additional foot is added to the average second story setbacks to a maximum Height of 26 feet. If a structure constitutes a “substantial improvement” under FEMA regulations, then Height is measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus 1 foot of freeboard. (See Sec. 19.56.080). If a structure does not constitute a “substantial improvement” under FEMA regulations, height is measured from Existing Grade. In no event shall a structure be constructed to a Height above twenty-nine feet from Existing Grade as defined in Section 19.08.224.
6. For R-1W, see Section 19.48.010 for additional requirements.
For R-2, see Section 19.48.010, 19.48.060 and Chapter 19.56. Maximum height is only allowed if there is no significant view blockage. See Chapter 19.56.
7. One foot of additional side yard setback required for each additional foot of height up to maximum height of 26 feet.
8. Buildings less than 15 feet high within first 40 feet of front property line – 10 feet
Buildings over 15 feet high within first 40 feet of front property line – 15 feet
9. 10 feet of side yard setback or 10% of the average width of the lot, but. Not less than 5 feet
10. For R-2 side yard setback requirements, see 19.48.145 and Chapter 19.56.
For R-2 floor area, see Chapter 19.44 through 19.68.
11. Maximum height of 22 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard (See Section 19.56.040) or up to 26 feet
12. Buildings 15 feet high or less in height – 5 feet
Buildings 16 to 25 feet high – 10 feet
Buildings over 25 feet high – 15 feet
13. Buildings less than 15 feet high – 5 feet
For lot entirely abutting dedicated open space – 0 feet

Source: City of Belvedere Municipal Code, Title 19, Zoning, Section 19.24 <https://belvedere.municipal.codes/Code/19>

Lot and Floor Area Restrictions

The Belvedere Zoning Ordinance restricts floor area as well as building coverage. Residential development in the R-1 districts ranges from .50 times the lot size or 3500 square feet to .40 or 4,240 square feet on lots over 10,600 square feet in area. In the R-1S zone, floor area is limited to one third of the lot area for lots over 14,700 square feet and 4,850 square feet for smaller lots and lot coverage is 30 percent or 50 percent including uncovered outdoor decks. The maximum floor area allowed for duplexes in the R-2 is 4000 square feet for three or more bedrooms and 3000 for smaller buildings; multi-family projects in the R-3 and R-3C are limited to 3000 square feet and 2500 for two bedrooms or less. Lot coverage in all three zones is 40 percent or 50 percent for buildings adjacent to open water. . Program 2-C reduces the lot area per unit requirements in the R-2, R-3C, R-3 zones to encourage higher density projects. .

In the C-1 district, all multi-unit residential development including single room occupancy projects and transitional and supportive housing facilities require approval of a use permit by the Planning

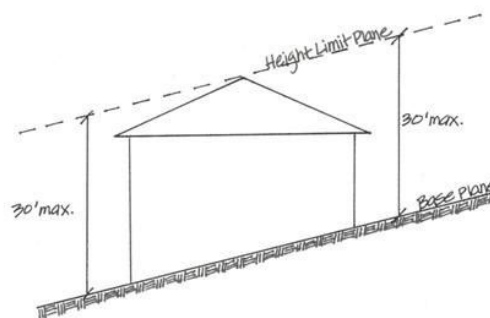
Commission; lot area, frontage, and width standards are determined by the Planning Commission as part of the conditional use permit and design review processes. Title 22, Objective Design and Development Standards (ODDS), is intended to guide the development review process for multi-family and mixed-use development projects. These standards establish three new ODDS zones, T3 Suburban Neighborhood Small (T3SN.S), T4 Suburban Neighborhood Small (T4SN.S) and T4 Suburban Main Street Small (T4SM.S), applicable to development sites of two acres or more. The standards prescribe building types including precise standards governing the design of building sites and structures.

Height

Height limits in Belvedere are similar to other Marin jurisdictions with comparable conditions and does not present a constraint. The base height on Belvedere lots with a slope of 30 percent or less, is 28 feet. For lots in the R-1L and R-2 zones subject to FEMA regulations, height when applied to a structure undergoing a “substantial improvement” means the vertical distance between the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard. For R1-W and R-3C zones, Belvedere measures height as the vertical distance from existing grade or from the curb at the front of the property to the highest point of the structure. “Height” when applied to a structure in all other Zones means the vertical distance from the highest point of the structure (excluding chimneys) to Existing Grade. In the R-15 district, the Belvedere Ordinance allows heights up to 36 feet on lots with slopes over 30 percent.

"Height of a structure" means the distance from a point on the base plane to the point on the structure the greatest vertical distance above it. Base plane is an imaginary plane created at the perimeter of the structure at the finished grade. Maximum height is measured from the base plane to a second imaginary plane located parallel to the base plane and at the maximum height above it. (See Figure C-1.) (Ord. 785 § 3(b) (part), 1994).

Figure C-1: Building Height



In areas subject to the standards in Title 22, the maximum height of primary buildings is 26 feet to the highest eave or parapet with an overall height of 29 feet and a maximum of 2.5 stories. When a project is eligible for a density bonus, the maximum height is increased to 32 feet with an overall height of 36 feet and 3 stories. Appendix A includes rules for height measurement on a sloping design site (Section 22.11.030.f.4) that are similar to the requirements in the existing Zoning

Ordinance and require measurement vertically from ground level at the front setback line, or if no setback is required, from the center of the site.

Coverage

The Zoning Code limits structural coverage to 30 to 50 percent, with the highest coverage allowance associated with smaller lots located adjacent to open water or commercial zoned properties. Single-family homes located in R-15 zoning districts are limited to a 30 percent footprint. This is mainly due to the unusual shape and steep slopes of parcels located within R-15 zoning districts.

The maximum structural lot coverage for duplexes and multi-family development zoning districts R-2, R-3, and R-3C is 40 percent. However, lot coverage increases to 50 percent in cases of duplexes in R-2 and multiple family housing in R-3 that is adjacent to open water and/or adjacent to commercial zoned properties. Multi-family and duplex development zoning district lot area coverage is dependent on the total number of bedrooms per unit. In R-2 zoning districts, the maximum lot coverage is 4,000 sq. ft. for structures with three or more bedrooms and 3,000 sq. ft. for units with two or fewer bedrooms. Maximum structural coverage in R-3 and R-3C zoning districts is 3,000 sq. ft. for three- bedroom units, 2,500 sq. ft. for two-bedroom units, and 2,000 sq. ft for one-bedroom units. In R-3 zoning districts the total lot coverage per unit decreases for parcels adjacent to commercial zoned properties to 2,000 sq. ft. for three-bedroom units and 1,250 sq. ft. for units with one to two bedrooms. Structural coverage may be increased subject to a conditional use permit.

Parking

Belvedere's residential parking requirements are based on the number of bedrooms. (See Table C-5: Off-Street Parking Requirements for Residential Uses). Studio units, without a separate bedroom, are required to have one parking space. Units with one or more bedrooms are required to have two parking spaces. One parking space for guests is required when a legal on-street parking space is not available. One of the required parking spaces must be covered in all cases except on lots with a slope greater than 15 percent where uncovered parking may be on a parking deck or in the front setback if not within a side yard. Guest parking spaces may be in tandem with required parking for a principal residence.

Table C-5: Existing Off-Street Parking Requirements for Residential Uses

Use Type	Spaces per Unit Required	Additional Regulations
Single family	2.0	Off-street parking spaces may not be located on any lot in the R-3C zone, but rather must be provided on private property in an abutting zone within three hundred feet of the building or structure for which such spaces are required.
Duplex	2.0	Required parking must be in a garage or carport subject to Planning Commission approval and located within 300 feet of the housing served. Off-street parking spaces shall not be located on any lot in the R-3C zone, but rather must be provided on private property in an abutting zone within three hundred feet of the building or structure for which such spaces are required.
Apartment houses or courts	1.25 for each unit with 2 or less bedrooms, 2 for 3 + bedrooms	
ADU/JADU	1.0	Required parking may be tandem in existing driveway or on contiguous lot owned by record owner of ADU. Exempt from the parking requirements if unit is: <ol style="list-style-type: none"> 1. Located within one-half mile walking distance of a public transit stop; 2. Located within an historic district, as may be designated by the City Council from time to time; 3. Located within one block of a car share vehicle pick-up or drop-off location as defined in the California Vehicle Code; 4. The accessory dwelling unit is built within a legally existing primary residence or legally existing accessory structure; 5. Attached or detached accessory dwelling unit that is no more than eight hundred fifty square feet in floor area, up to 16 feet and one story; if 50% or more of ADU is above an existing garage, the total combined structure up to 25 feet., with minimum four-foot side and rear yard setbacks; 6. In an area where on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
Homeless Shelter	1.0 per bed	

Source: City of Belvedere, Zoning Code, Chapters 19.68, 19.79 and Section 19.20.035.

Most of Belvedere's parking requirements are less stringent than some other Marin communities because of provisions allowing parking off-site in some zones and the lack of a guest parking requirement. Nevertheless, parking standards remain a constraint to development due to the small size of many lots. Mill Valley, for example, requires a minimum of two spaces for all single or multi-family units; Ross requires three to four spaces in low and very low-density residential districts, and San Anselmo requires three spaces for single family dwellings located above 150 mean sea level elevation but only one and a half spaces for two-bedroom multi-family. The 2015-2023 Housing Element included Program 4.8 to revise the development standards for emergency housing to modify the parking requirement of one space for every bed to facilitate the development of shelters.

However, this parking standard remains unchanged and remains a constraint to providing emergency housing. Program 2-C addresses this constraint.

Belvedere allows parking spaces to be a minimum of eight feet wide and 18 feet long, which is less than the minimum dimensions of nine feet wide and 19 feet long that many municipalities require. Where more than ten total parking spaces are required, the applicant may propose allowing up to 25 percent of the spaces to be designated for small or compact cars. Such spaces shall not be less than 16 feet in length and seven and one-half feet in width subject to the approval of the Planning Commission as to their location and distribution in the project. (Section 19.68.070, Compact spaces permitted)

AB 2097 (Friedman), signed into law in September 2022, prohibits cities from imposing any minimum parking requirements on residential, commercial, or other development if the project is within one-half mile of a major transit stop unless it makes certain findings supported by evidence in the record. A major transit stop, as defined by Public Resources Code Section 21064.3, is an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and evening peak periods. Marin Transit provides service along Tiburon Boulevard every 45 minutes. The Golden Gate Bridge Highway and Transportation District provides ferry service between Tiburon and San Francisco but the Tiburon ferry landing is more than a half mile from most of Belvedere, and there are seven round trip ferries each weekday from Tiburon to San Francisco. The service interval during peak times is over an hour³.⁴ Because of the extent to which parking requirements affect the cost and feasibility of housing, in lieu of allowing exemptions, the Code could be revised to provide alternatives such as shared parking or participation in a shuttle program. AB 2097 is the most recent of several State laws that eliminate or limit minimum parking requirements including SB 35 (2017), AB 744 (2015) and AB 1763 (2019).

Definitions

Belvedere's current Zoning Ordinance definition does not clearly comply with applicable federal and State requirements because the Ordinance does not include a definition of the term "single housekeeping unit". A more informative and compliant definition that would be easier to understand and administer would use the term "household" rather than "family" and distinguish households from a group of persons living in a boarding house or in a larger group living situations such as a dormitory, fraternity, etc. Program 2-C revises the existing ordinance to refer to "household" and define the term as "one or more persons living together as a single housekeeping unit in a dwelling unit who live together and share household activities and responsibilities and activities, which may include sharing expenses, chores, and eating meals together."⁵

³ Marin Transit Services and Schedules, accessed September 25, 2023. <https://Marintransit.org>

⁴ Golden Gate Bridge Highway & Transportation District, accessed September 25, 2023 <https://www.golden-gate.org/ferry/route-schedule/tiburon-san-francisco/?backurl=%2Fferry%2Fschedules-maps%2F>

⁵ "Fair Housing Issues in Land Use and Zoning: Definitions of Family and Occupancy Standards", <http://www.21elements.com/documents-mainmenu-3/housing-elements/archiving-including-rhna-4/rhna-4-2007-2014/special-topics-best-practices/definition-of-family/441-definition-of-family-supplemental-resource/file>

SUBDIVISION ORDINANCE

The Subdivision Ordinance, Title 18 of the Belvedere Municipal Code, establishes the procedures and standards for approving and amending subdivisions in compliance with the State Subdivision Map Act (California Government Code, Section 66410 *et seq.*). Title 18 includes procedures and standards to implement the requirements of Government Code Sections 65852.21 and 66411.7 (SB 9).

Design and Development Requirements

Belvedere has adopted improvement standards, which are generally similar to those of other Marin County jurisdictions, but also address some local conditions. These include a dedication of rights-of-way or easements for storm drainage that substantially conform to the lines of watercourses, channels, streams and creeks cross the property as follows:

- Commercial Street. 80-foot right-of-way, including sidewalks; 54- foot street paving;
- Residential Street. 50-foot right-of-way, including sidewalks and planting strips each side; 28-foot street paving;
- Residential Hillside Street. In areas of subdivisions where the average slope is greater than 25 percent, 22- foot street paving;
- Sidewalks, curbs and gutters shall be constructed to the specifications of the City Engineer.

Alleys 20-feet in width may be required to the rear of properties used for commercial purposes unless precluded by topography. Grades may not exceed ten percent on major residential streets, or 15 percent on any street, unless the topography shall necessitate steeper grades.

None of the Subdivision standards or requirements are excessive.

BUILDING CODE

Belvedere has adopted Title 24 of the California Code of Regulations Building Standards Code, 2022 Edition, as the construction code for Belvedere with some modifications based on local conditions and concerns. These include provisions regarding exterior fire retardant construction, automatic fire sprinkler systems, fire extinguishers and smoke alarms that were approved pursuant to Sections 17958.5 and 17958.7(al) of the State Health and Safety Code after being determined “reasonably necessary because of the local climatic, geological and/or topographical conditions” in the city. These conditions include:

- Belvedere is densely populated with most structures being of wood frame construction, most having combustible exterior materials.
- Many buildings were erected prior to the enforcement of zoning and building laws, with the result that many are located extremely close to each other with no provisions for fire protection.
- The hilly topography of much of the City, often combined with narrow roads, reduces the fire department’s ability to respond to emergency situations.

- Much of the city contains heavy vegetation, including groves of eucalyptus and pine trees with interconnecting canopies.
- The city is located in an area of high seismic activities as indicated by the U.S. Geological Survey and California Geological Survey.
- The general marine environment within the city is conducive to organisms which produce dry rot conditions in wood structures.
- The hillside topography in much of the city results in the susceptibility to earth sliding due to uncontrolled stormwater drainage. (Ord. 2023-01 Sections 2, 3, 2023.)

FIRE CODE

The City of Belvedere has adopted by reference the 2022 California Code, the International Fire Code (2021 Edition) and Appendix A of the 2021 edition of the International Wildland-Urban Interface Code as Chapter 16.12 of the Belvedere Municipal Code (Ordinance No. 2019-12).⁶ Belvedere contracts with the Tiburon Fire Protection District for fire protection services, and enforcement of these codes and the City's Fire Code Official, is the District's Fire Chief or Fire Marshal.

The City has also ratified the more stringent requirements adopted by the District. These modifications to the 2022 State Fire Code and Appendix A of the 2021 International Wildland-Urban Interface Code include additional regulations governing conditions hazardous to life and property from fire or explosion. The District's Board deemed that the requirements were necessary to provide "a reasonable degree of property security and fire and life safety in the District because of a combination of local conditions including climate, winds, and geography." (See discussion of Environmental Constraints below for additional information on this issue.)

Among the additional requirements the Fire Code imposes are Aerial Fire Apparatus access roads with a minimum width of 26 feet for buildings or facilities exceeding 30 feet or three stories located 15 to 30 feet from the building. Vehicles may not be parked along these access roads. The Fire Code also prohibits parking along private access ways and requires installation of new or upgraded fire hydrants to serve new construction or building additions, in addition to allowing only two dwelling units per driveway. The Code requires the installation of an automatic sprinkler system in all new structures and "substantial remodels". A substantial remodel is defined as "the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds 50 percent of the existing floor area of the structure, within any 36-month period." Sprinklers are also required when buildings are converted to any residential use in a more hazardous occupancy classification. The Fire Chief may grant an exception to some requirements when an alternate means of protection is installed or when other conditions exist to permit an exception.

These additional Code requirements may preclude housing development in areas with inadequate access to accommodate fire apparatus or require smaller structures. Although these costs are

⁶ Emily Longfellow, City Attorney, Introduction and first reading of an ordinance adopting by reference the most recent State fire codes and resolution ratifying fire codes of the Tiburon Fire Protection District <https://ca-belvedere2.civicplus.com/DocumentCenter/View/6519/Item-16---Fire-Code?bidId=>

typically a small proportion of the area's already high construction costs, they do create an additional constraint to residential development.

ZONING FOR A VARIETY OF HOUSING TYPES

Multi-Family Housing

Multi-family and duplex housing units constitute approximately 11 percent of Belvedere's housing stock. "Multi-family dwelling" means a structure with two or more attached dwellings on a single lot. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings.

"Two-family dwelling" or "duplex" (allowed in the R-2 and R-3 zones) means any building containing two apartments, or used or designed as a residence for two families living independently of each other with separate kitchen facilities.

Multiple dwellings (allowed in the R-3 zones) are defined as any building containing three or more apartments, or used or designed as a residence for three or more families living independently from each other with separate kitchen facilities.

"Apartment court" (allowed in the R-3 zone) means two or more detached apartments or two-family dwellings or apartment houses, or any combination of any thereof, located on a single lot or on adjacent lots in a configuration which ignores lot lines and setback requirements under one ownership.

As shown in Table C-3 above, multiple dwellings or apartment courts are a permitted use in the R-3 zoning districts and with a Conditional Use Permit in the C-1 zoning district as part of a mixed-use building.

The city's capacity to meet its housing needs is constrained by the fact that 80.7 percent of the land area (231.5 acres) is planned for single family residential use. The Housing Action Plan includes a program that incentivizes provision of affordable units in exchange for increased density and other relaxed development requirements in the R-3 Zone for projects that meet specified criteria.

Accessory Dwelling Units (ADUs)

The City of Belvedere codified its regulations for Accessory Dwelling Units as an urgency ordinance on October 21, 2021 (Ordinance No. 2021-03) and has since amended Chapter 19.79, Accessory Dwelling Units and Junior Accessory Dwelling Units several times to ensure that the Zoning Ordinance complies with State law governing the development of accessory dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs).

These revisions allow an ADU located within a half-mile of a major transit stop or high quality transit corridor (fixed route bus service with service intervals no longer than 15 minutes during peak commute hours on a lot with a single-family or multifamily dwelling to be up to 18 feet in height by right and up to two feet taller (for a maximum of 20 feet) if necessary to match the roof pitch of the ADU to that of the main house. An attached ADU may be up to 25 feet high or as high

as a primary dwelling may be under the underlying zone, whichever is lower. Outside this radius the Code restricts the height of single-story attached or detached ADUs to 16 feet above grade measured to the peak of the structure and prohibits detached ADUs from exceeding one story.

The maximum permitted size of an attached or detached ADU is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. An accessory dwelling unit is required to comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by State law. Lot coverage or floor area ratio limits do not apply for either an attached or detached accessory dwelling unit that does not permit at least an eight-hundred-square-foot accessory dwelling unit with minimum four-foot side and rear yard setbacks. For the purposes of determining maximum lot coverage and floor area ratio requirements, residential second unit square footage shall be calculated as part of the primary living unit. Section 19.79.070 imposes five objective architectural standards on ADUs.

According to Belvedere's records, the city has approved 20 ADU applications since 2019 and has 12 ADU/JADU project applications under review.

The city implemented a proposal in the previous Housing Element to eliminate the need for a separate ADU application in residential and mixed-use zones, but projects remain subject to other construction-related permit requirements and fees. With an estimated construction cost of \$336,000⁷, the building permit and plan check fees would be \$1658.17.⁸

The Housing Action Plan includes several programs intended to promote the development of ADUs including pre-approved architectural plans, technical assistance, and advice on sources for lower-cost finance (see Program 1-C, 1-D, and 1-E).

Affordable Housing Density Bonus

Section 19.52.160 of the Belvedere Zoning Ordinance cross-references the State density bonus law (California Government Code Section 65915) and doesn't include any additional provisions or requirements for density bonus projects in the city. There are no existing density bonus projects in Belvedere, but the city has received an application for a development on a 2.8 acre site at Mallard Pointe with 22 existing market-rate units. The application was submitted under SB 330 and would include 40 units, including four deed-restricted units. Program 2-L ensures City procedures address the streamlining requirements of SB 35 and objective design requirements of SB 330.

SB 35 Streamlining

Belvedere is among the 263 California municipalities subject to the streamlining provisions of Government Code Section 65913.4 (SB 35) for development projects with at least 10 percent affordable housing units of a 5th Cycle RHNA shortfall (2015 – 2023). The city enacted Title 22 to meet the requirements of SB 35 and other State regulations requiring municipalities to establish objective design and development standards and regulations for qualified projects. Figures 22.10.020.1 and

⁷ Accessory Dwelling Unit Calculator <https://calculator.adumarin.org/>

⁸ City of Belvedere, Master Schedule of Fees, Charges & Application Fees, Effective May 12, 2023.

22.10.020.1 of Appendix A outline the procedure Belvedere will use to process applications under SB 35. However, the Zoning Ordinance does not incorporate or cross-reference Title 22 or the procedures it outlines. The Action Plan proposes to amend the Zoning Code to cross-reference the regulations in Appendix A for processing eligible applications under SB 35. Associated programs would develop public information materials such as the diagrams outlining the procedures.

SB9 California Housing Opportunity and More Efficiency (HOME) Act

SB9, also known as the California Housing Opportunity and More Efficiency (HOME) Act, requires cities to allow one additional residential unit onto parcels zoned for single-dwelling units. The City adopted Ordinance 2-10 amending the Title 19, Zoning, to add Chapter 19.77, Two-Unit Developments and Title 18, Subdivisions, enacting regulations to allow two-unit development and subdivision of qualifying lots (Belvedere Municipal Code, Chapter 18.27, Urban Lot Splits) ministerially pursuant to SB9. The provisions apply to the R-1L, R-1W, R-1C, and R-15 zones. According to Belvedere's most recent Housing Progress Report, the city has approved one application to split a parcel with two existing units in the R-15 zone and has received one additional application.⁹ The Action Plan includes a program to provide information to familiarize owners with the SB 9 program and the City's requirements for implementing the State law.

Employee and Work Force Housing

The State Employee Housing Act (Health and Safety Code Section 17000 *et seq.*) and associated regulations govern the requirements for construction, maintenance, use, and occupancy of privately-operated housing for five or more employees including living quarters provided in connection with any work, whether rent is involved or not, and housing in rural areas provided for agricultural workers. State law generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. This provision applies not only to farmworkers but also to non-agricultural household employees, including those working for religious, educational, and other establishments.

The 2017 US Department of Agriculture Census reported that 1,274 persons were employed as farmworkers, accounting for about 0.9 percent of the Marin County workforce. According to the U.S. Department of Agriculture Census of Farmworkers, the number of permanent farm workers in Marin County increased between 2002 and 2017 to a total of 697 and the number of seasonal farm workers increased during the same period to 577.¹⁰ The housing needs analysis for this housing element found that there are no farmworkers or other agricultural employees in Belvedere. Therefore, the city has no need for farmworker housing as defined by State law.¹¹

The Belvedere Zoning Ordinance permits live-in or household staff by right within the primary residence or in an accessory structure on the property, but these accommodations do not include a separate kitchen. The Ordinance does not include any provisions specifically related to other types of employees. Like most other municipalities in Marin County, it is unlikely that Belvedere has

⁹ Source: <https://data.ca.gov/dataset/housing-element-annual-progress-report-apr-data-by-jurisdiction>

¹⁰ ABAG/MTC Staff and Baird + Driskell Community Planning, Belvedere Housing Needs Data Report, pp. 59-60.

¹¹ City of Belvedere, Housing Needs Analysis,

housing affordable to persons making lower incomes who work in the community. Workforce housing (sometimes referred to as middle-income or moderate-income housing) is housing for individuals and families typically earning between 60 percent and 120 percent of the Areawide Median Income (AMI). Housing for those earning more than 80 percent of the AMI is not eligible for tax credits, private activity bonds or most other federal, state or local government subsidies.

The CSCDA Community Improvement Authority (CSCDA CIA), an affiliate joint powers authority that acquires public benefit-oriented capital projects through the issuance of tax-exempt governmental purpose bonds, is taking steps to fill this gap.¹² Through CSCDA CIA's Workforce Housing Program, government bonds are issued to acquire market-rate apartment buildings for conversion to income and rent-restricted units for moderate/middle income households. These units are targeted to households earning 80% to 120% of AMI. Annual rent increases are capped at no more than 4%, which is significantly less than the rent limits under AB 1482, the recently adopted State tenant protection legislation. CSCDA CIA now operates the largest workforce housing program in California and has acquired and converted more than 7,700 units for low- and middle-income tenants.

The Housing Action Program commits the City to exploring funding options that support workforce housing for employees who commute to jobs in Belvedere but are unable to find affordable units in Belvedere. The city will also amend the Zoning Ordinance by adding a definition for Employee housing as any single-family dwelling for six or fewer employees and to include a definition for Workforce housing.

Manufactured Housing and Mobile Homes

State law requires that mobile homes (or manufactured homes) on permanent foundations be permitted by right in residential zones, subject to the same development standards and processes as single-family homes but does not require municipalities to permit mobile home parks. Section 19.08.324 of the Belvedere Zoning Ordinance defines manufactured housing as a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or when erected on site is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term includes modular homes, mobile homes and other structures that meet the requirements of the definition.

Title 22, Appendix A defines mobile home as "A vehicle, other than a motor vehicle, designed and equipped to contain one or more dwelling units to be used without a permanent foundation, and which is in excess of 8 feet in width and in excess of 40 feet in length" and defines Mobile Home Park. Title 22 does not include any regulations regarding manufactured housing or mobile homes on permanent foundations.

¹² California Statewide Communities Development Authority (CSCDA), <https://cscda.org/workforce-housing-program/>

Single Room Occupancy (SROs)

Single-room occupancy (SRO) units are small, one-room units occupied by a single individual or couple that may have either shared or private bathroom and kitchen facilities. This type of housing is an alternative housing typology that is affordable to extremely-low-income households. The Belvedere Ordinance incorporated the definition of SRO housing from the previous Marin County-wide Housing Element as “a residential facility where individual secure rooms, which may or may not include cooking facilities, are rented to one- or two-person households for a weekly or monthly period of time. (Section 19.08.481).

The City’s Zoning Ordinance allows SROs as a conditionally permitted use within the C-1 (Commercial) Zoning District. As a type of dwelling, SROs should be allowed by right in the three zones established under Title 22, Objective Development Standards. However, Title 22 classifies single-room occupancy facilities as a type of transitional housing. The Action Plan includes a program to reclassify SROs as this type of use.

HOUSING FOR PERSONS WITH SPECIAL NEEDS

Persons with Disabilities

The Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act all require municipalities to enact regulations allowing modifications to development regulations to ensure that people with disabilities have equal access to housing. Many cities have met these mandates by adopting specific regulations allowing eligible applicants to request a modification or exception to any provision in the zoning or subdivision laws that create an obstacle to providing such access.

Belvedere has adopted Title 24 of the 2022 California Building Code, which includes comprehensive standards covering most important areas of accessibility for persons with physical and sensory disabilities. California's Building Standards Codes (Physical Access Regulations) are found in Title 24 of the California Code of Regulations (CCR) and are designed to comply with the requirements of the Americans with Disabilities Act (ADA) and State statutes. Belvedere has also enacted regulations establishing procedures for persons with disabilities seeking “reasonable accommodation” involving changes, exceptions, or adjustments to regulations that are necessary to provide equal access to housing.

Chapter 19.74, Reasonable Accommodation, to the Zoning Ordinance complies with the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) and the California Fair Employment and Housing Act (California Government Code, Title 2, Division 3, Part 2.8). The regulations authorize the Director of Planning and Building to grant or deny requests for reasonable accommodation when the request is not part of an application requiring a discretionary permit subject to appeal to the Planning Commission. The Director may impose conditions to ensure the accommodation would comply with the applicable laws and may condition the approval or conditional approval to provide for rescission or automatic expiration as appropriate due to a change in occupancy or similar circumstances.

Requests for reasonable accommodation require documentation of disability status, the specific accommodation request, and the necessity of the accommodation to ensure equal opportunity to use and enjoy the residence. The Director's decision requires consideration of findings consistent with the federal and State laws including whether:

1. The housing, which is the subject of the request, will be used by an individual who is disabled under the Acts;
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. The requested accommodation would impose an undue financial or administrative burden on the City;
4. The requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program;
5. The requested reasonable accommodation would adversely impact surrounding properties or uses;
6. There are reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards, and practices; or
7. The accommodation would alter the significance of a historic structure.

The Director is required to mail notice of a request for reasonable accommodation to contiguous property owners and may include notice to other owners at the Director's discretion. The decision is subject to appeal to the Planning Commission or to the City Council if the Commission is the responsible authority. Reasonable Accommodation is addressed in Program 3-G of the Housing Action Plan.

Transitional and Supportive Housing

Supportive housing is generally defined as permanent, affordable housing with on-site or off-site services that help residents who fall within the "target population" under state law improve their health status and maximize their ability to live and, when possible, work in the community. Services may include case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. Supportive housing is further defined as "housing with no limit on length of stay and that is occupied by a target population as defined in the Government Code and subdivision (d) of Section 53260 of the California Health and Safety Code, that provides, directly or indirectly, a significant level of on-site or off-site services to help residents retain housing, improve their health status, and maximize their ability to live and, when possible, work in the residents' community." (California Health and Safety Code Section 50675.14 (b))

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 [commencing with Section 4500] of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly

persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Transitional housing units are “residential units operated under program requirements that call for (1) the termination of any assistance to an existing program recipient and (2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future.”

State law requires that transitional and supportive housing be treated as a residential use and be subject only to those restrictions that apply to other residential uses of the same development type in the same zone. This housing can take several forms, including group housing or multi-family units, and typically includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. For example, if the transitional housing is a multi-family use proposed in a multi-family zone, then zoning should treat the transitional housing the same as other multifamily uses in the proposed zone.

The State has enacted additional requirements that jurisdictions must address in their regulation of supportive housing. These include:

- Allowing supportive housing as a use by-right in all zones where multi-family and mixed-uses are permitted, including non-residential zones permitting multi-family uses, if the proposed development meets specified criteria in State law;
- Approval of an application for supportive housing that meets these criteria within specified periods; and,
- Eliminating parking requirements for supportive housing located within ½ mile of public transit.

“Transitional housing” (California Health and Safety Code Section 50675.2 (h)) means buildings configured as rental housing but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

SB 2, which amended the State housing law effective January 1, 2008, clarified that transitional and supportive housing types must be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. Title 19, the Belvedere Zoning Ordinance permits transitional and supportive housing "by right" in all residential zones and, along with all other residential use types, require a CUP in the C-1 zone. As such, transitional and supportive housing is subject to the same restrictions that apply to other residential uses of the same development type in the same zone. It is unclear, however, how Belvedere would process an application to convert an existing structure to transitional or supportive housing. Although requiring building alterations to conform to applicable requirements, the occupancy itself should be permitted by right.

As discussed above, “dwellings”, a term that includes duplexes, multi-unit buildings with three or more units, and second units, are permitted by right in all three ODDS zones. However, Group Living (Assisted, General and Independent) is not permitted in the T3SN zone and is limited to a

maximum of 1,500 square feet in the T4 SNS zone. (Ordinance 2022-05, Table 22.94.030. A: Uses) These restrictions are inconsistent with State law, which requires municipalities to regulate transitional and supportive housing in the same manner based on the development type (i.e., single-family, duplex, or multi-unit structure) rather than the use. State law also requires emergency shelters to be allowed in mixed-use and non-residential districts where housing is permitted. (See the discussion above for more detail on issues related to these housing types.)¹³ Moreover, Title 22 defines transitional and supportive housing as “Rental housing operated in compliance with program standards that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.” This definition is inconsistent with State law, which defines “supportive housing” as “housing with no limit on length of stay...that is linked to an onsite or offsite service that assists the supportive housing resident”. (Government Code Section 65582)

Residential Care Facilities and Group Homes

State law requires that local jurisdictions allow small residential care facilities and group homes by right and under the same standards as apply to a single-family home in the residential district. Large facilities may be subject to discretionary review if they are subject to objective requirements based on the size of the building, the number of employees per shift, and other quantifiable characteristics. The current Zoning Code allows small facilities by right in all residential districts but facilities with seven or more residents require a CUP. Section 19.08.455 of the Zoning defines “Residential or community care facility-Large” but the Ordinance does not include any standards for this use.

The State Department of Social Services website does not list any licensed residential care facilities or group homes in Belvedere.¹⁴

The Housing Action Plan includes a program that will bring the Zoning Code into compliance with State law by establishing provisions that include a definition for residential care facility consistent with applicable State requirements.

Individuals Experiencing Homelessness

Homelessness in Marin County increased from 1,117 people in 2019 to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census. There were no homeless persons enumerated in Belvedere/Tiburon in any of the counts Marin County conducted from 2017 to 2022 but the total count for southern Marin increased by almost 39 percent, from 147 to 239, during this period. The homeless persons in southern Marin included 12 individuals in Strawberry, an unincorporated area with a population of more than 5,000 that is within the Town of Tiburon’s Sphere of Influence. All 239 homeless persons identified in southern Marin were

¹³ City of Belvedere, Ordinance 2022-05, Title 22, Appendix A, p. 25.

¹⁴ California Department of Social Services, Community Care Licensing Division <https://www.cdld.dss.ca.gov/carefacilitysearch/Search/>

unsheltered (i.e., living on the streets, in abandoned buildings, vehicles, encampments, or places other than an emergency shelter or transitional housing.)¹⁵

Based on the Marin County Homeless Count, the homeless problem in the County worsened between 2019 and 2022 and southern Marin showed the steepest increase during that period (p. 12). The Homeless Survey found that more than three-quarters (78 percent) of the respondents were living in Marin County when they became homeless and economic issues were the most frequently cited reason for their homelessness (31 percent). The Homeless Count survey also reported:

- An 8 percent increase in homeless persons between 2019 and 2022 while the proportion of unsheltered homeless persons increased by 17 percent;
- First time homelessness increased from 30% in 2019 to 41% in 2022; and
- Black or African American residents make up only 2% of the general population in Marin County, but 22% of the overall homeless population.¹⁶

State law requires the Housing Element to address planning and approval requirements for emergency shelters. Jurisdictions with an unmet need for emergency shelters for persons experiencing homelessness are required to identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters. Based on the County's most recent homeless census, there were no homeless persons in Belvedere, Tiburon, and Ross when the survey was conducted in February 2022. The census does not indicate whether any of the County's homeless persons previously lived in those communities.

Belvedere amended its Zoning Ordinance in 2011 to permit emergency shelters with up to three beds in the R (Recreation) zone along with parks, playgrounds, piers, wharfs and other recreation facilities and all uses allowed in the O (Open Space Scenic) Zone. The Ordinance allows emergency housing on 6,000 square foot lot in buildings with conforming setbacks (Section 19.20.035). The Ordinance requires one parking space per bed and 300 to 450 square feet of usable open space depending on the number of sleeping rooms in the facility. New structures and exterior alterations and additions including walls and fences are subject to design review except for additions less than 250 square feet of new floor area or upper-level additions less than 100 square feet. It is unclear from the language of the Ordinance whether the emergency shelter use itself is permitted by right but projects not eligible for a Design Review Exception under Section 20.04.015.C would require discretionary review by the Planning Commission.

¹⁵ Marin County Department of Health and Human Services, 2022 County of Marin Point-in-Time Report on Homelessness: Census and Survey Results. https://www.marinhhs.org/sites/default/files/files/ser-vicepages/2022_11/2022_marin_county_point_in_time_census_and_survey_-_full_report.pdf

¹⁶ Ibid., pp. 43-44.

As of this writing, there are no emergency shelters in Belvedere. The closest shelter is in San Rafael's Canal District. Municipal Code Section 10.36.200 prohibits parking on any public street for more than a consecutive period of 72 hours except for residents who obtain a temporary residential parking permit.

In 2019, the State enacted Assembly Bill 101, which amended the Government Code Section 65660 to require municipalities to permit a Low Barrier Navigation Center (LNBC) to be permitted by right in mixed-use districts and nonresidential zones that permit multifamily development. A LNBC is defined as a "housing-first, low-barrier, temporary, services-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing." Belvedere has not amended its Zoning Ordinance to include a definition or standards for the approval of LNBCs and no such facilities have been established to date in Belvedere. It is unclear whether Title 22, Appendix A, classifies emergency shelters and navigation centers as a "dwelling" or a type of group living. If the latter, shelters and navigation centers would only be allowed in two of the three ODDS zones and limited to a maximum of 1,500 square feet per building in the T4SNS zone.¹⁷

Marin Continuum of Care's Homeless Policy Steering Committee is working with Ecumenical Association for Housing (EAH,) the primary provider of Emergency Shelter in the County, to implement a safe, low-barrier, housing-focused shelter model.¹⁸ EAH partners with Homeward Bound of Marin and other organizations providing programs for households experiencing homelessness.¹⁹ This collaboration might offer a medium for devising an interim approach to accommodating Marin County's homeless until a more permanent solution is available.

A program has been included in the Housing Action Plan of this Housing Element that would commit Belvedere to undertaking several actions that would bring the City into compliance with State law and could help to reduce the growing homeless problem in Marin County. These actions include amending the Zoning Code to include procedures for processing low-barrier navigation centers including identification of the districts where they would be allowed, revising the current provisions for emergency shelters to include objective standards that comply with State law and allow approval of compliant facilities by right in the R (Recreation) or C-1 (Commercial) district.

As described in Program 3-H of the Action Plan, Belvedere will actively participate in the Marin Homeless Continuum of Care, which operates programs to assist Marin residents experiencing homelessness, and other initiatives. These include the Marin Housing Authority's (MHA) program to help relocate individuals living on boats in Richardson Bay into stable, long-term housing. Under this program, the MHA will provide a local subsidized housing program with a scattered site component for individuals currently living on the water. MHA will also administer housing assistance payments to local landlords to create new affordable housing opportunities for up to 17 households per year under this three-year contract. Additionally, MHA will provide housing navigation services to support families and individuals in locating housing using a voucher.

¹⁷ City of Belvedere, Ordinance 2022-05, Title 22, Appendix A, p. 25.

¹⁸ Marin County Continuum of Care, "A Response to Homelessness I Marin County: Assessing the Need & Taking Action" https://www.marinhhs.org/sites/default/files/boards/general/marin_homelessness_plan.pdf

¹⁹ EAH Housing, Supportive Housing, <https://www.eahhousing.org/real-estate/management-expertise/supportive-housing/>

Single Room Occupancy (SRO)

Single-room occupancy (SRO) units are small, one-room units occupied by a single individual or couple that may have either shared or private bathroom and kitchen facilities. This type of housing is an alternative housing that is affordable to extremely-low-income households. The Belvedere Zoning Ordinance defines this type of housing as “a residential facility where individual secure rooms, which may or may not include cooking facilities, are rented to one- or two-person households for a weekly or monthly period of time.” (Belvedere Zoning Code Section 19.08.481).

Because of the potential SROs offer as an accommodation for very low-income individuals or couples, the Housing Action Plan includes a program to amend the Zoning Ordinance and Title 22, Appendix A, to include standards for developing SRO housing, especially to meet the City’s need to accommodate very low-income persons and households. SRO housing is allowed in the C-1 (Commercial) zone subject to approval of a conditional use permit. It is not clear, however, how the Title 22, Objective Development Standards, classify SRO projects and where they would be permitted.

PROCESSING AND PERMIT PROCEDURES

Part of the cost associated with developing residential units is related to the fees or other exactions required of developers but also the length of time needed to conduct project review and issue land use entitlements. Lengthy review periods increase financial and carrying costs and fees and exactions add to expenses. These costs are in part passed onto the prospective homebuyer in the form of higher purchase prices or rents, and can, therefore, affect affordability.

Generally, the time taken to review and approve a proposal is directly proportional to the magnitude and complexity of the project, but the time needed for review is also determined by whether the zoning regulations provide clear and objective standards that reduce the need for discretionary review and whether decisions require a public hearing before decision-making bodies, including the Planning Commission. Belvedere allows new single-family units and accessory dwelling units by right in all residential districts when projects conform to all applicable standards. Duplex units are allowed by right in the R-2, R-3, and R-3C zones. Apartment courts and other types of multiple dwelling projects are permitted by right in the R-3 and R-3C. However, all new single-family units require design review by the Planning Commission.

It is difficult to estimate the time required to process applications for residential development because there have been so few application files during the past few years. A sample of recent ADU applications including 15 completed and under construction projects showed that the average time from planning approval to building permit issuance was 12 months. The following table shows estimated processing times when the 2030 General Plan was being prepared. The City’s most recent and only subdivision application, the Mallard Pointe project, represents a processing timeline outlier; changes to the original application filing have included resolution of incompleteness, inconsistencies with City standards, changing concession requests, rounds of environmental analysis, and a last-minute presentation of alternative designs. [The latest amendments since application filing are detailed in the City’s November 14th staff report, p. 7.](#)

Table C-6: Estimated Time for Processing Residential Projects

<i>Action</i>	<i>Approximate Processing Timeline</i>
Conditional Use Permit	3-4 months
Zoning Clearance	1-2 days
Minor Development Review	3-4 months
Major Development Review	6-12 months
Specific Plan	6-12 months
Tentative Tract Map/Parcel Map/Subdivision	6-12 months
Variance	3-4 months
Zone Change	3-6 months
General Plan Amendment	3-6 months
Environmental Review	6-12 months

Notes: Processing time is estimate of approximate length of time from submittal of complete application to public hearing.

Source: City of Belvedere, 2010-2030 General Plan

On average, applications for single-family custom homes without any site constraints are found to be complete within 30 days of submission as required by State law. When proposed single-family development is not subject to special environmental constraints because of its location and the project meets all applicable zoning requirements, it is possible to process the required building permits in approximately three to four months. Multiple-family projects usually require environmental review, public hearings, and design review, which is clearly a constraint to affordable housing development. Environmental studies add 6 to 12 months to a project's approval. If an EIR is not required, City permit processing could be accomplished in three to four months. Belvedere staff say that the City's typical processing procedures and time frames do not pose undue constraints to the ability of project applicants to develop lower-income housing projects.

Length of Time between Application Approval and Building Permit Issuance

The Housing Element law was amended in September 2022 by the passage of AB 2234 (Rivas) to require examination of the length of time between receiving approval for a housing development and submittal of an application for building permits. The law amended the housing element requirements to add Section 65913.3 mandating that cities and counties compile a list of information needed to approve or deny a post-entitlement phase permit, post an example of a complete, approved application and an example of a complete set of post-entitlement phase permits for at least five types of housing development projects, as defined, and to make those items available to all applicants for these permits. Once the applicant submits the required plans and other information, the law will allow 15 business days to review the submittal and notify the applicant in writing whether it includes all the required items. If the application is complete, the law gives the agency an additional 30 days to review the materials and either provide the applicant with a full set of

comments with a request for revisions or issue the required approval. The law allows 60 days for review of applications for housing projects with 26 or more units.

The time between application approval and building permit issuance is influenced by several factors, some of which are not within a city's control. These include the time the applicant needs to produce required technical or engineering studies; complete construction drawings and detailed site and landscape design; secure construction and permanent financing; and retain of a building contractor and subcontractors. The new law requires that once those plans and studies have been submitted, cities must review them and notify the applicant of the results of that review without delay. The decision on completeness is subject to appeal.

The Action Plan proposes several revisions to the Zoning Code to make more projects allowed by right, which will reduce the time it takes to obtain an entitlement. Also, the enactment of Title 22, with objective standards and revised procedures for reviewing residential projects with two or more units, should further reduce the time needed to obtain all necessary construction permits.

DESIGN GUIDELINES AND OBJECTIVE DESIGN STANDARDS

Title 20, Architectural and Environmental Design Review, of the Belvedere Municipal Code, establishes procedures for conducting design review. The Director of Planning and Building is authorized to conduct review of additions, extensions or exterior changes to, or reconstruction of, existing single-family dwellings that involve less than 250 square feet of new construction or the addition of an upper-level addition of up to 100 feet. All other projects are subject to review by the Planning Commission.

The review is based on design review purposes listed in Section 20.04.005 and a lengthy list of subjective criteria in Sections 20.04.110 through 20.04.210 related to issues including:

- Preservation of existing site conditions,
- Relationship between structures and the site,
- Minimizing bulk and mass,
- Materials and colors,
- Fences and screening, and
- Privacy, etc.

Title 20 makes no reference to the recently adopted objective development and design standards in Appendix A of Title 22, which apply to multi-family and mixed-use projects but not to single-family development.

The Housing Action Plan includes a program committing Belvedere to clarifying the relationship between Title 19 and Title 22.

FEES AND EXACTIONS

Housing development is subject to a fee to cover the cost of processing and review of applications and fees to compensate the public for impacts resulting from the new development. Table C-7, Belvedere Planning and Development Fees (Eff. May 2023) summarizes permit processing fees Belvedere charges for new development. Belvedere's planning and building fees are comparable to or less than those charged by nearby municipalities.

Table C-7: Belvedere Planning and Building Fees (Eff. May 2023)

Purpose	Fee
Planning Department	
Architectural Consultant Deposit	\$2,500
Appraisal Deposit	\$1,000
Design Review - Staff Level	\$500
Design Review - Exception	T&M* with initial deposit of \$2,000.
Design Review - Planning Commission Approval (remodel 251 - 500 sf)	T&M* with initial deposit of \$2,000.
Design Review - Planning Commission Approval (remodel 501 - 1,500 sf)	T&M* with initial deposit of \$2,000.
Design Review - Planning Commission Approval (>=> 1,501 sf)	T&M* with initial deposit of \$4,000.
Design Review - Planning Commission Approval (new residence)	T&M* with initial deposit of \$4,000.
Design Review - Continuance (redesign or revision)	T&M* with initial deposit of \$2,000.
Design Review - Application for a Previously Approved Project	1/2 total fees
Design Review - Extension (1st Time)	\$200
Design Review - Extension (2nd and each subsequent time)	\$500
Retroactive Approval	2X total fees + \$500 min. fine
Planning Commission Noticing Fee (applicant-requested continuance)	\$105
Variance Application	T&M* with initial deposit of \$2,000.
Appeal of Planning Commission Action	\$1,000 applicant; \$750 non-applicant
Appeal of Staff Action	\$1,000 applicant; \$750 non-applicant
Conditional Use Permit	T&M* with initial deposit of \$2,000.
Demolition Permit (Planning Only)	T&M* with initial deposit of \$2,000.
Environmental Review Deposit - Initial Study/Negative Declaration. For the filing of a Notice of Determination for either a Negative Declaration or Mitigated Negative Declaration. \$2,500 City fee Pass-through fee as set by State Fish & Wildlife Dept Pass-through fee as set by County of Marin	T&M* with initial deposit of \$2,500 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin

<i>Purpose</i>	<i>Fee</i>
Environmental Review Deposit - Environmental Impact Report. For the filing of an Environmental Impact Report. \$5,000 City fee Pass-through fee as set by State Fish & Wildlife Dept Pass-through fee as set by County of Marin.	T&M* with initial deposit of \$5,000 + pass through fees as set by State Fish & Wildlife Dept. and County of Marin
Development Agreement	T&M* with initial deposit of \$10,000.
Floor Area Exception	T&M* with initial deposit of \$2,000.
Housing - Preliminary Housing Development Application (SB 330)	T&M* with initial deposit of \$5,000.
Housing - Affordable Housing Streamlined Application (SB 35)	T&M* with initial deposit of \$5,000.
Lot Line Adjustment	T&M* with initial deposit of \$2,000.
Lot Merger	T&M* with initial deposit of \$2,000.
Reasonable Accommodations Requests for Disabled	\$500
Revocable License	\$500
Second Unit and Junior Second Unit	No charge
Study Session (Planning Commission or City Council)	T&M* with initial deposit of \$2,000.
Subdivision - Tentative Map	T&M* with initial deposit of \$4,000.
Subdivision - Final Map	T&M* with initial deposit of \$4,000.
Subdivision - Improvement Plan	T&M* with initial deposit of \$4,000.
Subdivision - Minor - Tentative Map (Lot Split)	T&M* with initial deposit of \$2,000.
Subdivision - Minor - Final Map (Lot Split)	T&M* with initial deposit of \$2,000.
Historic Preservation Application	\$53
Mills Act Contract Application (\$105 non-refundable deposit + \$1,202 application)	T&M* with initial deposit of \$2,000.
Work in Inundated Lands	
Zoning Ordinance Amendment	T&M* with initial deposit of \$4,000.
Planned Unit Development Rezone/Planned Unit Development Permit	Time & materials with initial deposit of \$5,000.
Second Kitchen Agreement	\$500
Planning Permit Tracking/Technology Fee	\$26
Hourly Billing Rates for Deposit-Based Services	
Director of Planning & Building	\$120
Associate Planner/Senior Planner	\$60/\$90
Building & Planning Technician	\$65
City Attorney	\$375

Purpose	Fee
Notes:	
*T&M = Time and Material for staff time (hourly rate plus 10% overhead) to provide service. If costs exceed the deposit, the applicant will be billed for the overruns. When more than one Planning application is required (except environmental), the application fee/deposit that is greatest shall be required, plus an additional \$1,000 deposit. The Director of Planning may require a larger deposit when warranted by the size and scope of a project.	
Building Department	
Building Permits based on project valuation plus two (2) times the following fee schedule:	
\$1 to \$500 valuation	\$23.50
\$501 to \$2,000 valuation	\$23.50 for 1st \$500 plus \$3.05 for each add'l \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000 valuation	\$69.25 for 1st \$2,000 plus \$14 for each add'l \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000 valuation	\$391.75 for 1st \$25,000 plus \$10.10 for each add'l \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000 valuation	\$643.75 for 1st \$50,000 plus \$7 for each add'l \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000 valuation	\$993.75 for 1st \$100,000 plus \$5.60 for each add'l \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000 valuation	\$3,233.75 for 1st \$500,000 plus \$4.75 for each add'l \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up valuation	\$5,608.75 for 1st \$1,000,000 plus \$3.65 for each add'l \$1,000 or fraction thereof
Building Permit - Plan Check	65% of permit cost
Road Impact Fee	.0075% of total valuation
Public Works Department	
Encroachment permit-1 day	\$260
Encroachment permit - 1 week	\$650
Encroachment permit – ½ day	\$53
Encroachment permit - 1 week	Encroachment permit - 1 week

Source: City of Belvedere, Resolution No. 2023-08, Master Schedule of Fees, Charges & Application Fees Adopted March 13, 2023; Effective May 12, 2023

In addition to the fees for processing and review of applications, Belvedere has enacted a Road Impact fee for street improvements to cover the cost of impacts from new development. This fee ranges from .75 of the construction value for multi-family development to 1.0 percent of the valuation for single-family residences. Table C-7: Belvedere Planning and Building Fees (Eff. May 2023)

lists the City's planning and building fees, and C-8 compares selected development fees for Belvedere and nearby jurisdictions.

The special districts providing services to Belvedere's residents and businesses also impose fees on new development in addition to their charges for service on an ongoing basis. These fees, which range from 1.0 to 2.0 percent of the construction value, are imposed on all the communities these districts serve and have not been included in Table C-9, which summarizes city fees on prototypical single-family and multi-family projects. The agencies and districts levying fees on residential development in Belvedere include:

- Reed Union School District;
- Tamalpais Union School District;
- Marin Municipal Water District;
- Sanitary District Number 5 of Marin County; and
- Tiburon Fire Protection District.

Water connection fees are based on estimated consumption, which ranges from 0.41 to 0.81-acre foot, depending upon area. The Water District also charges for water meter installation. Sanitary district fees are based upon number of fixture units, which range from one unit for a wash basin to three units for a toilet. Fire Protection District fees include plan review and two inspections. Additional charges apply for systems that exceed the maximum number of sprinkler heads. The Reed Union School District established an impact fee of \$2.38 per square foot for residential development in 2015 to cover the cost of modernizing its facilities to meet the estimated need to 2035.²⁰⁻²¹

Table C-8: Comparison of Selected Development Fees for Belvedere and Nearby Marin Jurisdictions (2023) *

<i>Jurisdiction</i>	<i>Building Permit</i>	<i>Design Review</i>
Belvedere	\$5,608.75 for 1st \$1,000,000 plus \$3.65 for each add'l \$1,000 or fraction thereof, to and including \$1,000,000	T&M + \$4,000 deposit
Larkspur	\$9,710 Base Fee + \$6.30 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$4,000

²⁰ Reed Union School District, Developer Fees <https://www.reedschools.org/Page/1437>

²¹ Jack Schreder & Associates, Level I Developer Fee Study for Reed Union School District, September 10, 2015 <https://www.reedschools.org/cms/lib/CA01001640/Centricity/Domain/466/Level%20I%20Developer%20Fee%20Study%20091015%20%20%2010.28.16.pdf>

Mill Valley	\$12,262 Base Fee + \$5 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$7,478
San Rafael	\$4,825.25 + \$13.56 for each additional \$1,000 above \$500,000 +65% of valuation for plan check	\$5,639 for Zoning Administrator review
Tiburon	\$6,418 + \$4,172 for plan check	\$2,825
Unincorporated Marin	\$6,100	\$4,643

The cost of planning, building, and city impact fees for a new 2,400-square foot custom home is estimated at \$47,836, which is 2.85 percent of the construction cost assuming hard costs at \$700 per square foot. The estimated fees for a 20-unit multi-family project would be at least \$145,042 or 2.21 percent of the construction cost (estimated at \$365 per square foot). These estimates do not include city fees for electrical, plumbing, and mechanical systems, encroachment permits, or site improvements. The City does not have the authority to waive or reduce fees collected on behalf of special districts. They also assume that neither project requires a use permit, the single-family home is exempt from CEQA review, and the multi-family project needs preparation of an environmental initial study.

Table C-9: Planning and Building Fees for Custom Single-Family and 20-Unit Multi-Family Projects

Fee Type	Estimated Fee Cost	
	Custom Home (2,400 square feet)	20-unit Multi-Family (900 square feet/unit)
Building Valuation	\$1,680,000	\$6,570,000
Construction / Sq. Ft.	\$700	\$365
Building Permit	\$16,207	\$51,904
Plan Review	\$10,518	\$33,721
Design Review*	\$4,000	\$6,500
CEQA Review	0	\$2,500
Building Permit Tracking/Technology Fee	\$26	\$26
State Seismic Fee	218	854
State Bldg Code Fee	67	263

Road Impact	16,800	49,275
TOTAL	\$47,836	\$145,042
Fees/Building Valuation	2.85%	2.21%

Source: Brian Van Son, Building Official, City of Belvedere, October 18, 2023; City of Belvedere, Resolution No. 2023-08, Master Schedule of Fees, Charges & Application Fees Adopted March 13, 2023; Effective May 12, 2023

* Staff time and materials with initial deposit.

**Total fees do not include permit costs for plumbing, electrical, mechanical systems, or site improvements.

As mentioned above, the Action Plan is proposing revisions to use regulations and development standards that could result in a reduction to fees for individual projects regardless of whether the fee structure is changed. For example, Program 1-E would involve working with various districts to explore fee incentives for homeowners who commit to deed-restricting ADUs/JADUs, and Program 1-I offers a reduction in development fees affordable housing development/housing that serves special needs groups. The enactment of Title 22, which will establish quantifiable objective standards for multi-family projects should also reduce the time staff needs to spend reviewing projects, which will result in a reduction in permit costs.

Subdivision Fees

As a condition to approval of a tentative or parcel map, the City requires fees or dedication of land for park or recreation facilities as State law allows. Condominium conversions of existing apartments more than five years old are exempt from this requirement.

Belvedere's subdivision fees are in line with or less than charged by nearby communities. The required deposit for tentative and final subdivision maps and improvement plans is \$4,000 plus time and materials and 10 percent overhead for staff time. Minor subdivisions, including lot splits under SB 9, \$2,000 plus time and materials for Tentative and Final Maps. compared with \$9,000 in Larkspur and \$7,978 in San Anselmo. If the subdivision would require environmental review and preparation of an initial study, the City requires an additional \$5,000 deposit plus 20 percent of the cost charged by a consultant to prepare the environmental documents. Larkspur requires a \$5,000 deposit and San Anselmo charges \$6,120 for the first 16 hours of staff time for subdivision maps. Mill Valley's fee for Tentative and Parcel Maps for four lots or less is \$4,174 plus \$203 per hour for staff time after the first hour.

Water

Belvedere's water supply is provided by the Marin Municipal Water District (MMWD), which was chartered in 1912 as California's first municipal water district. MMWD provides water service to Ross and nine other towns and cities and unincorporated areas in a 147-square mile area of south and central Marin County.

About 75 percent of MMWD's water supply originates from rainfall on Mt. Tamalpais watershed and in the grassy hills of west Marin, flowing into the District's seven reservoirs. The District also

supplements its supply with water from the Sonoma County Water Agency (SCWA), which comes from the Russian River system in Sonoma County. The Russian River water supply originates from rainfall that flows into Lake Sonoma and Lake Mendocino.

Annual rainfall is unpredictable ranging from a low of 19 inches to a high of 112 inches, with an average of 52 inches since record keeping began. Rainfall is measured July 1 to June 30 at Lake Lagunitas. The District's reservoirs have a total capacity of 789,566 acre feet and as of 7/18/2022, were at 82.71 percent of capacity compared with 42.27 percent for this date last year illustrating the extent to which water supply has been fluctuating. In January 2022, the District lifted water use limits and penalties that went into effect in 2021 after its Board of Directors adopted initial drought conservation actions when storage levels dropped to 57 percent of capacity.

As of July 1, 2023, the Marin Municipal Water District charges \$42,574 per acre foot (AF) of annual water demand for new customers to connect to its system.

Wastewater Collection and Treatment

In 2023, Belvedere launched a new website that provides more information about utilities in the city. Sanitary District 5 provides sewer collection and treatment services to Belvedere as well as east of Gilmartin and the unincorporated Paradise Cove area. Belvedere's collection system was annexed to the District in 2005 and flows from each collection system converge at the District's main treatment plant in Tiburon. As of July 1, 2023, the Base Rate for the District is \$1,848 per Equivalent Dwelling Unit (EDU). The Belvedere sewer service fee charge is \$1,848 per EDU compared to \$1358 per EDU in the Tiburon zone. The difference in rates is because Belvedere keeps the ad valorem tax, but Tiburon does not. As a result, Belvedere customers pay more in annual sewer service charges and connection fees than those in other parts of the county. The rates charged to Belvedere customers will decrease slightly from \$1,985 to \$1,848 but remain higher than other areas in the County such as Fairfax and Ross where Ross Valley Sanitary users pay \$1,212 in service charges.²²

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TRANSPARENCY IN DEVELOPMENT REGULATIONS

Under State Government Code Section 65940.1, the city is obligated to provide transparency in publicizing land use controls and fees. The City of Belvedere home page <https://www.CityofBelvedere.org/> provides links to the City Code, which includes the zoning and subdivision codes, and to the Planning and Building Department <https://www.CityofBelvedere.org/departments/planning-building/>. The Department page includes links to Planning Commission and City Council agendas and to some documents and forms including a two-page summary of zoning requirements in single family and duplex zones, the building and planning fee schedule, planning and building permit application forms, the planning process for single-family residential units, and a few other documents. There are also links to information about the short-term rental and parklet programs and the General Plan and the housing element, update but there is no information about the design

²² HF&H Consultants, LLC, Sanitary District No. 5 of Marin County FY 2023-24 Sewer Service Charge Study, Final Report, April 21, 2023.

²³ Board of Directors of Sanitary District No. 5 of Marin County, Ordinance No. 2023-01, June 22, 2023.

review process except for a reference to the role of the Design Review Board and there is no mention of Accessory Dwelling Units/Junior Accessory Dwelling Units or the requirements for their development. Contact information for the Planning and Building staff is provided on the Department's webpage with information on hours of operation. The website will be updated to include information about ADUS/JADUs, applying for development under SB 35 and SB 9, and more detail about the design review process and design policies the City uses for that review.

OTHER FACTORS

Inclusionary zoning, also known as inclusionary housing, encompasses policies encouraging or mandating the inclusion of affordable housing units in new developments. It serves as a tool adopted by cities and counties to bolster the supply and financing of affordable housing. These policies set rules on various aspects of new housing development, including the required number of affordable units within market-rate projects, minimum project sizes subject to inclusionary housing requirements, affordability goals, and alternative methods to achieve affordable housing objectives in new residential projects. Within Marin County, some jurisdictions have a relatively long history with inclusionary zoning, with inclusionary targets varying by project size, percentage affordable required, affordability targets by income level, and by type of unit (rental vs. for-sale). Belvedere currently does not include an inclusionary housing requirement. In an effort to promote more affordable housing development in the City, Program 1-A commits the City to developing a nexus study to inform an inclusionary housing requirement and linkage fee tailored to the City's needs and reflecting local development economics and land values. City staff have indicated that short term rentals do not currently impact availability of housing supply, unlike other Bay Area cities. While the City of Belvedere currently does not have a Short-Term Rental Ordinance, provisions in the Municipal Code limit rental periods less than 30 days for dwelling units created by urban lot splits (Chapter 18.27), two-unit development (Chapter 19.77) and accessory dwelling units (Chapter 19.79).

C.3 Non-Governmental Constraints

Non-governmental constraints to residential development in Belvedere range from environmental conditions to broader economic forces that hamper residential development, such as hazards from flooding, wildfires, and seismic and geological conditions to those created or affected by human activities like noise and air quality. Although affected by governmental actions, economic conditions like the cost and availability of financing, labor supply, the cost of materials and, more recently, supply chain problems are a major constraint to residential development throughout California. The cost of land in Marin County will also continue to be a critical factor limiting the development of affordable housing in Belvedere. Land costs include the raw land purchase price and financing costs. The cost of land is also affected by factors such as location, availability and quality of infrastructure and the size and configuration of lots.

Land costs per square foot increase as allowable densities increase. However, the increase in land costs is rarely proportional to the greater density permitted. For this reason, land costs per unit tend to be lower for multi-family residential construction than for single family homes.

ENVIRONMENTAL CONSTRAINTS

Environmental factors including flooding, wildfires, seismic hazards, and landslides are constraints to housing development in Belvedere. In 2018, Marin County and its partners published a Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) to assess risks posed by natural hazards and to develop a mitigation strategy for reducing the risks.²⁴ The LHMP was prepared to meet the requirements of the federal Disaster Mitigation Act of 2000 (DMA 2000) so that Belvedere and other participating agencies are eligible to apply for pre-disaster and post-disaster mitigation grant funding. The various communities and service providers in the County are now in the process of updating the Hazard Mitigation Plan.²⁵ Additionally, the Marin Wildfire Prevention Authority (MWWPA) is leading preparation of a multi-jurisdictional emergency evacuation study as well as an Evacuation Ingress/Egress Risk Assessment that will inform emergency preparedness and response actions needed to protect life and property in Belvedere and other communities where this issue of particular concern.²⁶

The extent to which housing and other buildings in Belvedere are at risk from major environmental hazards is summarized in Table C-10 and the following discussion. The City's construction and fire codes and other community programs and projects can mitigate the threat from these environmental hazards. However, most of Belvedere's housing was built before 1960 and the cost of bringing older homes into compliance with current codes is prohibitive for many property owners.

²⁴ Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP), 2018 <https://marinflood-district.org/documents/marin-county-multi-jurisdiction-local-hazard-mitigation-plan-2018/>

²⁵ Marin County Multi-Jurisdictional Hazard Mitigation Update <https://emergency.marincounty.org/pages/lhmp#whyplan>

²⁶ Marin Wildfire Prevention Authority, Evacuation Ingress/Egress Risk Assessment <https://www.marinwildfire.org/project/evacuation-ingress-egress-risk-assessment>

Table C-10: Belvedere's Structural Vulnerability to Environmental Hazards

	Single-Family		Multi-Family		Commercial		Industrial		Historic Sites	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
Earthquake	773	100%	87	100%	11	100%	0	N/A	1	100%
Flood	334	43%	41	47%	9	82%	0	N/A	0	0%
Fire	493	64%	51	59%	5	45%	0	N/A	1	100%
Tsunami	339	44%	42	48%	9	82%	0	N/A	0	0%
Landslide	93	12%	14	16%	0	0%	0	N/A	0	0%
Dam Inundation	0	0%	0	0%	0	0%	0	N/A	1	100%

Source: Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP), 2018, Appendix H, City of Belvedere

Seismic Hazards

The Bay Area is one of the most seismically active regions in the world because of its location on the boundary between the North American and Pacific tectonic plates. The active fault lines in the area surrounding Belvedere include the San Andreas fault, located approximately 8.5 miles to the southwest, and the Hayward/Rodgers Creek Fault located about 9.5 miles to the northeast. The 2007 Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2), indicated that the probability of a magnitude 6.7 or larger earthquake striking the greater San Francisco Bay Area before the year 2040 is 63 percent. For northern California, the most likely source of such earthquakes is the Hayward-Rodgers Creek Fault (31 percent before the year 2040).

All the buildings in Belvedere are vulnerable to varying degrees of damage in the event of a significant seismic event. As shown in Table C-10: Structural Vulnerability to Environmental Hazards, earthquakes pose the most significant threat to the city's residential structures. More than half of the City's housing stock was built before 1960 and many of the structural upgrades needed to bring them into compliance with current codes could be costly. As the Housing Needs Assessment states, almost a third of the city's homeowners pay more than 30 percent of their income for housing, including most of the Senior Households, and are unlikely to be willing or able to finance such improvements. The cost of improving the city's rental housing stock would probably be passed on to tenants but some property owners may prefer to replace aging rental stock with new construction.

According to the 2007 Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2), the probability of a magnitude 6.7 or larger earthquake striking the greater San Francisco Bay Area before the year 2040 is 63 percent. For northern California, the most likely source of such earthquakes is the Hayward-Rodgers Creek Fault (31 percent before the year 2040). The General Plan Safety Element includes policies to address seismic hazards in Belvedere. Most vacant lots in the City of Belvedere are on steep slopes that are susceptible to landslides. Risk to new development

can be minimized by conducting thorough geotechnical investigations, incorporating findings into the design and construction, and strict compliance with current building codes.

Geologic Materials

One of the factors controlling the distribution of geologic hazards in Belvedere is the variation of underlying geologic materials. In general, the bedrock formations in the city consist of dense, competent rock that can support the moderately steep natural slopes that form much of Belvedere and Corinthian Islands. However, the bedrock's stability is greatly influenced by the degree of fracturing and weathering at any given location. In addition, the bedrock can be destabilized by shoreline erosion or by man-made cuts that have created overly steep slopes. For example, the bedrock exposed in steep shoreline bluffs at the southwest corner of Belvedere Island has historically experienced sloughing and shallow landslides.

The Belvedere Lagoon neighborhood is the most extensively graded area in the city. The elevated areas that now support the streets and residential lots in the lagoon neighborhood were created in the mid-to late 1940's by the construction of dikes at Beach Road and San Rafael Avenue and draining of the original interior lagoon. Native soils were excavated from the existing lagoon areas and used as fill to elevate streets and building pads. Thick deposits of potentially compressible marine clays, silts and loose sand remain below the Lagoon neighborhood.

Liquefaction and Ground Lurching

Liquefaction typically occurs when seismic cyclic shear stresses collapse loose granular soil structures, increasing soil pore water pressure, reducing the effective stress (the frictional interlocking of soil particles) and decreasing soil strength. About 89 acres (25 percent) of residential properties within the City have an earthquake liquefaction susceptibility of Very High, High or Moderate Liquefaction, according to the ABAG liquefaction map based on mapping by the USGS National Earthquake Hazards Reduction Program.

Potentially liquefiable marine sediments and fills underlie most of the Belvedere Lagoon area as shown on Figure 9 and described in Table EH-1 in the General Plan Safety Element. Liquefiable sediments are also likely to be present under the fills along West Shore Road. Liquefaction and ground lurching hazards cannot be eliminated in the Belvedere Lagoon area due to the age and nature of the existing construction. Current construction codes mitigate these conditions but as discussed above under Seismic Hazards, such improvements would probably have an adverse effect on many of Belvedere's current residents.

Compressible Marine Sediments

Potentially compressible marine sediments, including Young Bay Mud, former intertidal marsh and sandy shoreline deposits, underlie the Belvedere Lagoon neighborhoods and the perimeter shoreline of the city. New construction in Bay margin areas must be planned and implemented to minimize the potential effects of settlement both on the project and on adjacent properties.

The General Plan and Municipal Code include policies and regulations to address new construction including requiring piles where appropriate and all new construction in Bay margin areas should be designed with the guidance of a qualified geotechnical engineer in accordance with the applicable California Building Codes.

Landslides

Landslides have historically caused significant property damage in Marin County and can potentially be a risk to life and safety. Regional mapping of landslide and debris flow susceptibility identifies swale areas on Belvedere Island as potential hazard areas. Past landslides have damaged private properties, public streets and utilities. Landslide movement can be triggered by elevated groundwater due to rainfall, saturation by leaking utilities, irrigation, impounded water, wave erosion and manmade cuts and fills, as well as by seismic ground shaking. The existing steep slopes adjacent to shoreline areas have historically been subject to a relatively high rate of shallow landslides and sloughing. These hazards appear to be triggered by a combination of rainfall and wave erosion, which have locally created steep, unvegetated slopes. Properties that are on or adjacent to these slopes have a relatively high risk of experiencing landslide movement. The General Plan and Municipal Code include policies and regulations to address landslide issues.

Fire Hazards

Local climatic conditions affect the acceleration, intensity, and size of fire in the community. Periods with little or no rainfall, low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings close to one another, a common condition in Belvedere. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building creating a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

Belvedere's prominent geographical characteristic is its steep, hilly terrain, which often limits escape options from residential structures to just one side of the house. This steep and uneven landscape can make it challenging, and in some cases impossible, to install rescue ladders on the side of a home situated on a hillside parcel. Adding to the complexity, the city is primarily accessible from U.S. Highway 101 via one main road, Tiburon Boulevard, and a winding two-lane road, Paradise Drive. The narrow and twisting layout of the latter road restricts speeds to 25 miles per hour or less. With only one practical route into Belvedere, the potential for nearby fire companies to respond swiftly in emergencies is significantly reduced. Moreover, most of Belvedere's local streets are narrow and winding, limiting the speed at which fire apparatus can safely respond. This, in turn, increases the time between fire detection and the arrival of emergency services, during which households may be left to deal with the fire or other emergencies on their own.

For properties facing the water, the natural rocky shoreline of the San Francisco Bay further impedes access to buildings in many cases to only one street leaving the fronts of buildings as the only accessibility points for responding. Buildings constructed along the waterfront and in some cases

on piers over the Bay, create a situation where the bay waters may also limit escape opportunities from residential occupancies.

As mentioned above, more than half of the homes in Belvedere were built prior to 1960 and most structures have wood frame construction with combustible exterior materials. The Fire Code requirements for new homes, remodels, additions, and second units reflect the need to minimize the potential danger of this existing situation.

The General Plan and Municipal Code include policies and regulations to address fire concerns including:

- Partnering with the Federal Emergency Management Agency, Belvedere Community Foundation, Tiburon Peninsula Foundation, and the Town of Tiburon to receive fire protection services from the Tiburon Fire Protection District,
- Conducting public education in schools, CPR, First Aid, and Community Disaster Preparedness classes,
- Participation in the Marin County and California Mutual Aid Systems, and
- Implementing the Fire District Vegetation Management Standards including that defensible space be maintained around all structures and the use of plants that are more fire resistant.

Tsunami

Low lying portions of Belvedere are susceptible to inundation from tsunami waves produced from a seismic event. Belvedere Lagoon neighborhoods and low-lying areas along the northern shoreline of Belvedere Island could be affected if a 20-foot-high tsunami wave were to enter the Golden Gate. Impacts from tsunami could include damage from wave inundation and from wave-carried debris.

Tsunami is a potential safety hazard as well as a hazard to property. The actual areas that will be impacted from a tsunami will vary depending on factors such as the size of the tsunami wave, tide level at the time of the tsunami, the wave source location and the wave direction. In general, areas adjacent to the shoreline that are below an elevation of approximately 15 to 20 feet above mean sea level appear to have a higher level of risk.

Flooding

Since the City of Belvedere is surrounded by water, it is critical to consider management of the floodplains and to address issues that are related to a rise in the sea level. To raise awareness regarding the impacts of the rising sea level, this condition must be monitored locally and regularly. Hazards related to the rise in sea level will be minimized by developing cost effective impact protection measures where appropriate and necessary. About 87 acres of the residential properties within the City are in the 100-year flood zone (AE and VE) because of their proximity to the Belvedere Lagoon or the Richardson Bay. Recent FEMA flood mapping shows that flooding across Beach Road and into Belvedere Lagoon from the direction of Belvedere Cove is anticipated in a 100-year flood event.

The General Plan and Municipal Code include policies and regulations to address flooding and tsunamis including all new residential and commercial structures and, depending on construction valuation, remodels, additions and repairs to structures within the floodplain zones must conform to Municipal Code Chapter 16.20, Floodplain Management.

Emergency and Evacuation Planning

Emergency response is provided through coordinated efforts by the City of Belvedere and the Town of Tiburon. Emergency planning and evacuation pose many challenges for Belvedere due to the precarious topography and narrow City roads. The General Plan Safety Element provides an in-depth analysis of emergency and evacuation planning and protocols, as well as scenario mapping and evacuation route mapping.

Historic Resources

Belvedere's history has had many periods of significance with the incorporation of the city, the prosperity and social reforms of the turn of the 20th century, and post-World War II growth. In 1993, the City of Belvedere decided that the public generally, would be well served by the protection and preservation of significant sites and structures that impart a distinct aspect and ambiance of the City, serving as visible reminders of the historical heritage of the Belvedere. With this goal in mind, the City Council established Title 21 of the Belvedere Municipal Code, the Historic Preservation Ordinance. The Ordinance established the Historic Preservation Committee and established its authority to review applications for changes to local Belvedere historic properties, review applications to designate new historic properties, and implement the Mills Act tax abatement program. A site or structure must fit specific criteria in order to be considered as having historical significance. This includes satisfying three or more of the listed criteria found under Section 21.20.07 (PDF) of the Municipal Code. There are currently 49 properties listed on the Historic Resources Inventory (HRI). Should any modifications or demolition be proposed there are mandatory procedures for alterations to historically designated structures.

LAND AND CONSTRUCTION COSTS

Land costs are often difficult to estimate, and there is no single publicly available database that records urban land prices. A study conducted by researchers from the Federal Housing Finance Agency (FHFA) estimated the price of residential land based on appraisals of single-family parcels conducted between 2012 and 2019. From this assessment they have made available land prices for all census tracts and zip codes in the country. No data are shown for Belvedere specifically but the median value for a single-family parcel in Marin County was estimated at \$2,576,600 compared with \$2,047,500 for the entire Bay Area.

As of this writing, Zillow had no listings for vacant land in Belvedere; the price of land in adjacent Tiburon ranged from \$667,116 per acre for the largest parcel to \$6.3 million for a .39-acre parcel. The median price per acre of vacant land in Tiburon based on the five parcels available for sale was \$1,042,706 per acre.

Construction costs, including both hard costs (i.e., labor and materials) and soft costs (i.e., development fees, architectural and engineering services, and insurance) are high throughout the San Francisco Bay Area. According to the Association of Bay Area Governments (ABAG), wood frame construction at 20 to 30 units per acre is generally the most cost-efficient method of residential development but this type of construction is not possible under Belvedere's existing land use regulations. A 2020 study by the Turner Center at UC Berkeley, found that materials and labor (i.e., hard construction costs) accounted for about 63 percent of the total development cost of multi-family projects in California between 2010 and 2019.²⁷

Costs in the Bay Area hovered between \$150 per square foot and \$280 per square foot from 2009 to 2017, and then climbed to \$380 in 2018. The Bay Area region was identified as the most expensive region in the state, where average hard costs were \$81 more expensive per square foot than in other parts of the state. The estimated "hard cost" of building the least expensive custom home in the Bay Area, including anything related to the physical building and labor costs, is currently estimated at \$500 to \$700 per square foot.

Economic & Planning Systems prepared a study on affordable housing finance for Marin County that estimated average construction costs for multi-family construction at \$345 per square foot based on analysis of several projects in Marin, Sonoma, and Napa Counties with an average of 63.27 units per acre.²⁸ Construction cost in Belvedere can be expected to be much higher because projects would include fewer units, which would eliminate any economies of scale that would benefit the larger projects the study included.

Construction costs rose over the course of the COVID-19 pandemic, due in part to supply chain disruptions. The lasting impacts of this trend are not yet known, but it is likely to increase the cost of housing in at least the short to medium term. Total construction cost includes the following components.

- Utility Connections and Improvements. Includes municipal fees, hookup charges, offsite street improvements, and bringing utilities to the site,
- On-Site Preparation. Includes site stabilization and special drainage control, grading, special landscaping or tree preservation considerations, and all pre-building construction requirements,
- Special Foundations. Includes unique footing solutions, special parking solutions such as underground or "tuck" under parking garages, retaining walls or stepped foundations for hillsides,

²⁷ Hayley Raetz et al., "The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California" and Carolina Reid, "The Costs of Affordable Housing Production: Insights from California's 9% Low-Income Housing Tax Credit Program", Turner Center for Housing Innovation, March 2020. Download at <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>

²⁸ Economic and Planning Systems, Affordable Housing Financial Assessment Study: Marin County Housing Element Technical Support Document, April 5, 2022.

- **Hard Construction Cost.** Includes all labor and materials required over and above special foundation systems (i.e. decks, special roofing, heating, and electrical, but does not include “soft” costs),
- **Consultant Fees.** Includes architecture and engineering, civil and soils, land economics, environmental assessments and processing for special approvals or funding,
- **Construction Overhead and Margin.** Overhead can amount to about 5 percent and a contingency of at least 10 percent is also necessary for a private builder contractor, totaling 15 percent of total costs,
- **Total Hard and Soft Construction Costs.** Includes developer overhead and project contingency (15 percent), and consultants; and
- **Builders Profit.** Typically, about 7 percent with an additional 5 percent overhead. This cost can usually be reduced to between 7 percent and 10 percent total with a negotiated bid but can be as high as 20 percent for small projects.²⁹

HOUSING COST

Zillow had 11 listings for single-family detached homes in Belvedere with a median sale price of \$6,849,500. There were no listings for condominiums or townhomes.³⁰ Zillow estimated the average value of homes in Belvedere at \$4,428,574, down 4.3 percent over the past year compared with \$1,449,224 for all of Marin County during the same period.³¹

A combination of factors, including rising labor and material prices because of inflation, supply-chain problems and worker shortages during the COVID-19 pandemic have pushed up the cost of building housing and especially housing affordable to low- and middle-income families, which now exceeds \$1 million per unit in many Bay Area jurisdictions. Although some of the higher costs for building affordable housing are due to constraints discussed above that may be within the control of local government, others are caused by external factors such as the costs of material and labor, labor shortages, and the higher cost of hiring general contractors.

COST OF CONSTRUCTION

The costs of labor and materials have a direct impact on the price of housing and are the main components of housing cost. Residential construction costs vary depending upon the quality, size, and the materials being used. Hard construction costs for a two-story, stucco on wood frame single family unit in the Bay Area range from \$500 to \$800 per square foot for a custom home, which is what projects in Belvedere would be given the very limited availability of developable land and topographic conditions. These “hard” construction costs do not include costs associated with

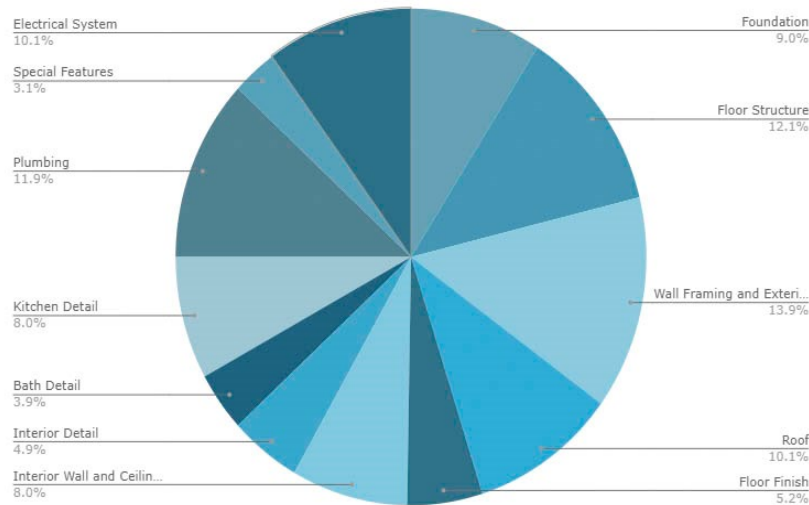
²⁹ Hayley Raetz et al., “The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California” and Carolina Reid, “The Costs of Affordable Housing Production: Insights from California’s 9% Low-Income Housing Tax Credit Program”, Turner Center for Housing Innovation, March 2020. Download at <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>

³⁰ Zillow, Belvedere CA Single Family Homes

³¹ Zillow, Belvedere Home Values <https://www.zillow.com/home-values/10348/belvedere-ca/> and <https://www.zillow.com/home-values/625/marin-county-ca/>

permits and fees, land acquisition, site work and lot improvement, design, marketing, or administrative overhead (“soft” costs). Soft costs generally account for approximately 33 percent of overall construction costs.³² As discussed above, existing homes available for sale in Belvedere had a median price of was \$6,849,500 and there were no listings for condominiums or townhome.³³

Figure C-2: Bay Area Single Family Hard Construction Costs



Source: Home Builder Digest, How Much Does it Cost to Build a House in the San Francisco Bay Area? <https://www.homebuilderdigest.com/cost-guide/california-cost-guides/how-much-does-it-cost-to-build-a-house-in-the-san-francisco-bay-area/>

While costs increase over the years to some extent, market factors dictate the extent to which prices change beyond inflation. From 2000 to 2004, construction costs increased annually at an average of less than three percent per year; from 2004 to 2005, costs increased 11 percent. Since 2005, the rate of cost increase has varied from three percent to seven percent as the housing market heated up. The current economic downturn has not spelled relief from cost increases, as from 2008 to 2009, construction costs are estimated to increase by over seven percent. Other regions of California have seen similar price jumps, so current construction cost conditions are not unique to Belvedere.³⁴

AVAILABILITY AND COST OF FINANCING

One of the most significant factors related to the provision of adequate housing for all segments of the population is the availability of financing – both for real estate developers and for homeowners and prospective homeowners. The cost of securing financing to either construct or buy housing in

³² RSMeans. “Square Foot Construction Costs, 30th ed.” R. S. Means Company, Inc., 2008.

³³ Zillow, Belvedere CA Single Family Homes

³⁴ Ibid.

the community is an obstacle to creating new housing and, especially, housing affordable to low- and moderate-income households.

The federal Home Mortgage Disclosure Act (HMDA) requires lending institutions to disclose information on the disposition of loan applications. Through analysis of HMDA data, an assessment can be made of the availability of residential financing within Marin County.

Table C-11 illustrates the home purchase and improvement loan activity in Marin County in 2020. Data for just the unincorporated areas are not readily available. Of the 23,703 total applications processed in 2020, a majority (80%) were for refinance loans. Overall, the approval rating for all types of loans was 69%, while the denial rate was 10%; 21% were either withdrawn by the applicant or closed for incompleteness. The highest approval ratings were for home purchase loans at 78% for conventional loans and 76% for government-backed loans. Refinance loan approvals were next with a 68% approval rating, while home improvement loans had the lowest approval rating at 56%.

Table C-11: Disposition of Home Purchase and Improvement Loan Applications in Marin County

<i>Loan Type</i>	<i>Total Applications</i>	<i>Approved %</i>	<i>Denied %</i>	<i>Other %</i>
Government-Backed Purchase	93	76.3	3.2	20.4
Conventional	3,465	78.4	5.6	16.0
Refinance	19,072	68.1	9.4	22.5
Home Improvement	1,073	56.4	29.6	14.0
TOTAL	23,073	69.1	9.8	21.1

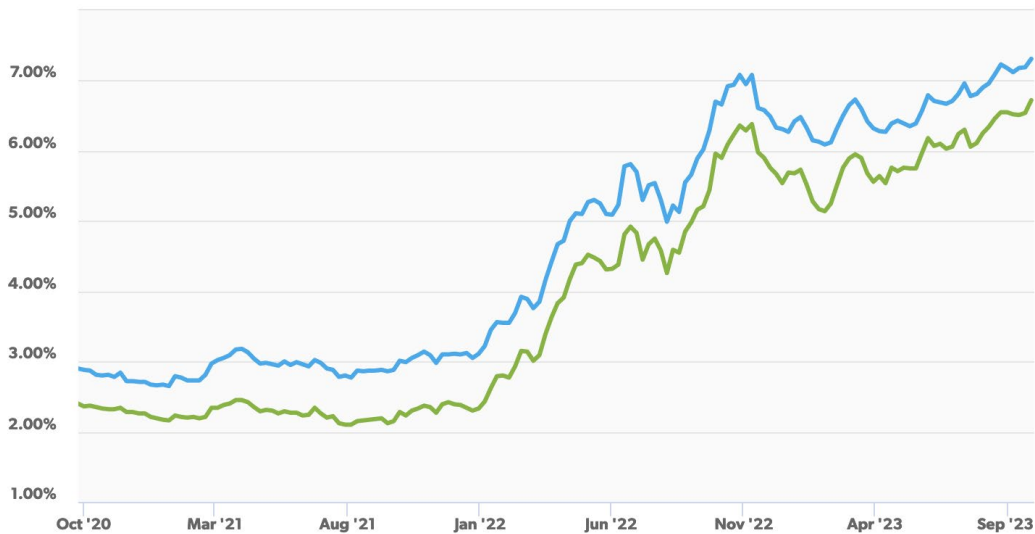
Note: "Approved" includes loans originated and applications approved but not accepted. "Other" includes loans withdrawn by applicant or closed for incompleteness.

Source: 2020 Home Mortgage Disclosure Data. <https://ffiec.cfbp.gov/data-publication/aggregate-reports>

The cost of securing financing to purchase a home also affects the cost of housing and access to homeownership especially for low- and moderate-income households. The 30-year fixed-rate mortgage is now at its highest level since the year 2000. Since October 2020, mortgage rates have more than doubled rising to 7.31 percent at the end of September 2023 in response to moves by the Federal Reserve to control inflation. At the end of September 2020, a buyer would have paid around \$4,655 a month in principal and interest for an \$800,000 home loan at 2.88 percent.³⁵ Today, that same loan would cost about \$6,494 a month.³⁶

³⁵ FreddieMac, Mortgage Rates <https://www.freddiemac.com/pmms>

³⁶ Bankrate, Mortgage Calculator <https://www.bankrate.com/mortgages/mortgage-calculator/>

Figure C-3: National 30-Year and 15-Year Fixed Rate Mortgages, 2020-2023

Source: FreddieMac, Mortgage Rates <https://www.freddiemac.com/pmms>

The Marin Housing Authority operates several programs that provide financing for lower income home buyers and renters although funding is limited and wouldn't be sufficient to purchase a home in Belvedere unless it was deeply subsidized. The BMR Homeownership Program helps first-time home buyers whose income is at or below Moderate-Income Household Limits based on the HUD Area Median Income (AMI), which is currently \$149,600 for a four-person family. BMR purchasers are selected through a lottery of eligible applicants and the household size must be appropriate for the unit size (i.e., minimum of one person per bedroom). Financing is available through BMR Program Participating Lenders certified by Marin Housing. Each BMR unit requires a recorded resale and refinance agreement in perpetuity and units can only be resold at the restricted resale price that generally appreciates based on the lesser of the consumer price index or the AMI.³⁴

Marin Housing has offered financing to eligible first-time homebuyers through the Marin County Mortgage Credit Certificate Program. Mortgage Credit Certificate provides a federal income tax credit that reduces the amount of federal income tax a homebuyer pays. This reduction in income taxes provides more available income to homebuyers to qualify for a mortgage loan and to make their monthly mortgage payments. The tax credit can be taken as long as the homebuyer lives in the home as his/her principal residence. Under the Marin MCC program, the tax credit is equal to 20 percent of the annual interest paid on the homebuyer's first mortgage for selected below market-rate properties administered by Marin Housing.

Table C-12: FY2023 Marin County Income Limits for BMR Home Ownership

<i>Household Size</i>	<i>Median Income</i>	<i>Moderate Income</i>
1	\$122,500	\$147,000
2	\$140,000	\$168,000
3	\$157,500	\$189,000
4	\$175,000	\$210,000
5	\$189,000	\$226,800
6	\$203,000	\$243,600
7	\$217,000	\$260,400
8	\$231,000	\$277,200

Source: Marin Housing, <https://www.marinhousing.org/eligibility-requirements>

The County's Housing Choice Voucher Program (formerly Section 8) aids qualified renters seeking housing in Marin County. Eligibility for a housing voucher is determined by the Marin Housing Authority (MHA) based on the total annual gross income and family size and is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, MHA must provide 75 percent of its voucher to applicants whose incomes do not exceed 30 percent of the area median income (Extremely Low Income).³⁷ The "Extremely Low," "Very Low Income" and "Low Income" schedules shown are shown below.

Table C-13: FY2023 Marin County Income Limits for Public Housing, Section 8 and CDBG Programs

<i>Household Size</i>	<i>Extremely Low</i>	<i>Very-Low</i>	<i>Low</i>
1	\$39,050	\$65,050	\$104,100
2	\$44,600	\$74,350	\$118,950
3	\$50,200	\$83,650	\$133,800
4	\$55,750	\$92,900	\$148,650
5	\$60,250	\$100,350	\$160,550
6	\$64,700	\$107,800	\$172,450
7	\$69,150	\$115,200	\$184,350
8	\$73,600	\$122,650	\$196,250

Source: Marin Housing, <https://www.marinhousing.org/eligibility-requirements>

Note: Dept. of Housing and Urban Development (HUD), effective 4/1/2021. The "Median Income" schedule shown above is based on the FY2021 median family income for the San Francisco HMFA of \$149,600 for a four-person household, issued by HUD effective 4/1/2021, with adjustments for smaller and larger household sizes.

<i>Unit Size</i>	<i>Payment Standard</i>
SRO	\$1,788

³⁷ Marin Housing Housing Choice Voucher Program <https://www.marinhousing.org/housing-choice-voucher>

Table C-14: Marin County Voucher Program Standards (Eff. October 1, 2022)

<i>Unit Size</i>	<i>Payment Standard</i>
Studio	\$2,371
1 Bedroom	\$2,931
2 Bedroom	\$3,506
3 Bedroom	\$4,303
4 Bedroom	\$4,711

Source: Marin Housing Authority, Housing Choice Voucher Program Payment Standards <https://irp.cdn-web-site.com/4e4dab0f/files/uploaded/Payment%20Standard%20Eff%2010.1.2022%20-%20to%20use%20with%20clients.pdf>

The primary obstacle to finding rental housing in Belvedere is simply the limited supply of housing available for rent. As of this writing, the only rental units available in Belvedere were single family homes with rents of \$10,000 to \$25,000 a month, a studio for \$2,595 and a two-bedroom unit at Mallard Pointe with a monthly rent of \$6,700.³⁸ None of these units are within the income limits the voucher program allows (Table C-13: Marin County Voucher Program Standards (Eff. August 1, 2021), though there are three deed-restricted affordable units at Farley Place, a senior living community.

Construction Financing

Like loans for home purchases, construction loans for building new housing are also now increasingly difficult to obtain. In previous years, lenders would provide up to 80 percent of the cost of new construction (loan to value ratio). Recently, due to market conditions and government regulations, banks have started to require larger investments by the builder. Complicated projects such as mixed-use developments are among the more difficult to finance. Nonprofit developers may find it especially difficult to secure funding from the private sector. This makes limited construction financing a significant reason for the recent decline in new construction; while conditions may improve over the course of the planning period, it will remain a constraint in the short term.

Apartment owners and developers and affordable housing providers are also burdened by increasing property insurance rates. Premiums and deductibles for policies required by mortgage lenders have gone up two- to three-fold over the last five years due in part to frequent and severe natural disasters. Multifamily housing developers in California, Florida, Louisiana and Texas are seeing triple digit increases in costs as insurance providers adjust to extreme weather connected to global climate change, according to industry leaders. But some increases appear to have little or no connection to risks related to wildfires, floodwaters or storm winds. Shifts in the way that insurers rate

³⁸ Belvedere, CA Apartments & Homes for Rent, https://www.trulia.com/for_rent/Belvedere,CA/37.85998,37.89108,-122.48186,-122.45379_xy/APARTMENT,APARTMENT_COMMUNITY,APARTMENT%7CCONDO%7CTOWNHOUSE,COND,COOP,LOFT,TIC_type/15_zm/

the risk of crime have hit projects with subsidized units with steep hikes for liability policies and deductibles.³⁹

Higher costs due to inflation, rising interest rates, and higher insurance costs have led to a decline in the number of multifamily project starts this year with an associated drop in the number of applications for housing construction subsidies. As of May 2023, the US Department of Housing and Urban Development had received 506 applications for \$12 billion in Federal Housing Administration loans for multifamily projects, about half the volume of the same eight-month period in FY 2022. If this decline continues, FHA multifamily loan applications would total as much as \$18 billion for FY 2023, compared with \$29 billion for FY 2022, \$51 billion for FY 2021 and \$45 billion for FY 2020.⁴⁰

The Bay Area Housing Finance Agency (BAHFA), established by the State under AB 1487 (2019, Chiu), is a new resource to support the production and preservation of affordable housing by placing new revenue options on the ballot. Efforts are underway to put a regional bond measure on the November 2024 ballot that would raise as much as \$20 billion through the issuance of bonds that would fund grants and loans to preserve or create affordable housing in all nine Bay Area counties over a 10-year period. Because builders could use the bond proceeds to qualify for other funding, it could leverage as much as an additional \$30 billion in funding from other programs. Under the State Constitution, any new revenue source to be placed on the ballot would require voter approval by a two-thirds vote but there may be a simultaneous proposal to amend the Constitution to reduce the vote threshold to 55 percent for local and regional ballot measure to authorize general obligation bonds and special taxes to pay for affordable housing and infrastructure.⁴¹

The California Housing Finance Agency offers grants and loans for ADUs through a group of private lenders. Marin County homeowners with annual incomes less than \$300,000 are eligible to apply for up to \$40,000 in assistance for pre-development costs including architectural designs, permits, soil and engineering tests and other expenses. Grants may also be used to buy down the interest rate on financing.

Homeowners are often able to finance the construction of ADUs by refinancing their underlying mortgage or home-equity finance programs. This may not be feasible or desirable for many of the Belvedere homeowners who may be interested in building ADUs including those age 65 and older who comprise almost 24 percent of the population. Although many older residents own their homes, and in some cases have paid off their mortgages, many of these residents are spending more than 50 percent of their overall household income on housing and are not eager to take on additional debt. Programs in the Action Plan aim to improve the accessibility of developing ADUs and JADUs for homeowners by offering technical assistance to interested homeowners, which may include information on cost-saving building materials and construction techniques; a referrals list of

³⁹ “Rising Insurance Rates Are Crushing Affordable Housing Developers”, September 12, 2023 <https://www.bloomberg.com/news/articles/2023-09-12/insurance-rate-hikes-threaten-to-bust-the-us-apartment-building-boom>

⁴⁰ “Developers Forecast Major Affordable Housing Drought in 2025”, Bloomberg CityLab Housing, July 19, 2023 <https://www.bloomberg.com/news/articles/2023-07-19/affordable-housing-shortage-looms-amid-inflation-high-construction-costs>

⁴¹ “Game changer? Bay Area could get up to \$20 billion for affordable housing,” *San Francisco Chronicle*, July 23, 2023.

pre-qualified architects with experience in Belvedere, landscape architects, and civil engineers; and consultation with design and permitting professionals.

REQUESTS TO DEVELOP AT DENSITIES BELOW THOSE PERMITTED

State Housing Element law requires the non-governmental constraints analysis to evaluate developer requests to build at densities below the density identified in the Housing Element sites inventory.

To incentivize development that better implements densities planned in the Housing Element sites inventory, the Housing Element includes a program to ensure that there are adequate sites available throughout the planning period to accommodate the City's RHNA. Belvedere has not received requests to develop at densities below those permitted.