

**REGULAR MEETING
HISTORIC PRESERVATION COMMITTEE
TUESDAY, MAY 14, 2019, 5:30 P.M.
BELVEDERE CITY HALL – COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE
BELVEDERE, CALIFORNIA**

AGENDA

OPEN FORUM

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

REPORTS

The Reports agenda item consists of any oral reports from any individual members of the Historic Preservation Committee and/or staff.

SCHEDULED ITEMS

1. Approve minutes of the February 12, 2019 meeting.
2. Public Hearing for consideration of Mills Act Agreement for property at **260 Bayview Road** pursuant to Section 21.20.120 of the Belvedere Municipal Code. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA Status: categorically exempt pursuant to Section 15331. Applicant and Property Owners: David Forster and Lucy Alexander.
3. Future agenda items.

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other writings distributed to the Committee, including those distributed after the posting date of this agenda, are available for public inspection at Belvedere City Hall, 450 San Rafael Avenue, Belvedere. To request automatic mailing of agenda materials, please contact the City Clerk at 415-435-8913.

NOTICE: AMERICANS WITH DISABILITIES ACT

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

**REGULAR MEETING
HISTORIC PRESERVATION COMMITTEE
TUESDAY, FEBRUARY 12, 2019, 5:30 P.M.
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA
MINUTES**

COMMITTEE PRESENT: George Gness, Jeanne Price, Diana Bradley, Roger Felton, Connie Wiley and Chair Mel Owen.

COMMITTEE ABSENT: Richard Newman, Roger Felton

OTHERS PRESENT: Associate Planner Rebecca Markwick, Secretary Nancy Miller.

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

CALL TO ORDER OF REGULAR MEETING

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

OPEN FORUM

No one wished to speak.

REPORTS

There were no reports.

SCHEDULED ITEMS

1. Approve minutes of the January 8, 2019 regular meeting.

Minutes, as corrected for spelling and punctuation were approved unanimously as presented.

2. Public Hearing for consideration of Mills Act Agreement for property at 280 Bayview Avenue pursuant to Section 21.20.120 of the Belvedere Municipal Code. The Mills Act is a tax abatement program for the purpose of historic preservations. CEQA Status: categorically exempt pursuant to Section 15331. Applicant and Property Owners: Robert and Joan Griffin.

Committee members accepted the inspection report of the subject property and confirmed the estimated amounts for the requested Mills Act agreement per the staff report.

Open public hearing:

No one wished to speak.

Close public hearing.

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of **280 Bayview Avenue**, to help maintain this City of Belvedere Historically Designated Property.

MOVED BY: George Gness, seconded by Connie Wiley.

AYES: George Gness, Jeanne Price, Diana Bradley, Roger Felton, Connie Wiley and Chair Mel Owen.

ABSENT: Roger Felton, Richard Newman

REPORTS

Chair Owen reported the he has received a letter of resignation from this Committee, from Mr. Richard Newman who is moving to the Redwoods. The City will invite applications from citizens.

Chair Owen reported that the owner of 278 Bayview Avenue, Amanda Hoenigman, has expressed interest in making an application for Historic Designation.

Adjourn

The meeting was adjourned at 5:37 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Historic Preservation Committee on May 14, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mel Owen, Chairman

ATTEST: _____
Rebecca Markwick, Associate Planner



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

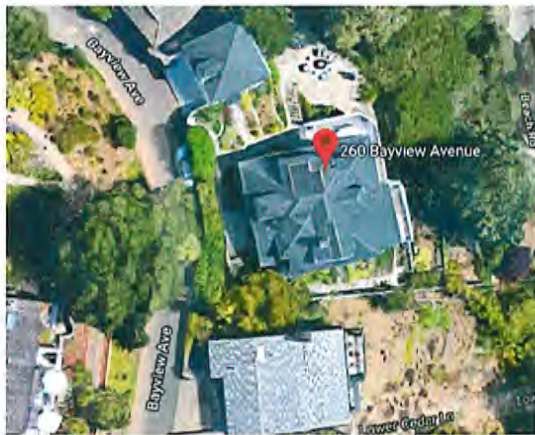
REPORT DATE: 5/7/2019 **AGENDA ITEM:** 2
MEETING DATE: 5/14/2019
TO: Chairman Owen and Members of the Historic Preservation Committee
WRITTEN BY: Rebecca Markwick, Associate Planner
REVIEWED BY: Irene Borba, Director of Planning and Building
SUBJECT: **Application for Mills Act Agreement for 260 Bayview Avenue**

Recommendation:

The proposed application is for a Mills Act Agreement with the property located at 260 Bayview Avenue. The Mills Act is an economic incentive program for the restoration and preservation of qualified historic structures. The property at 260 Bayview Avenue has previously been designated as a historical site by the Belvedere City Council. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 260 Bayview Avenue, to help maintain this City of Belvedere Historically Designated Property.

Background:



The project site is a sloping property within the R-15 zoning district. The site is adjacent to single-family residences to the north, south, and west, and Beach Road to the east. Research revealed various dates of construction of the residence, ranging from 1898 through 1929. Assessor records indicate that a residence had been built on the property by 1908, though the original architect was not identified.

The property owners are requesting to enter into a Mills Act Agreement with the City. The Mills Act grants property tax relief and is designed as an incentive to encourage the preservation of Belvedere's most historically and architecturally significant structures. In order to be considered for a Mills Act Agreement, the property must first be listed on a state, city or county register of historic landmarks.

On September 5, 2018 the property owners applied for historic designation of their property. After conducting a survey of the structure, the Historic Preservation Committee recommended Planning Commission approval of the application at their meeting on January 8, 2019. On February 19,

Historic Preservation Committee Staff Report for 260 Bayview Avenue

Owners: David Foster and Lucy Alexander

May 14, 2019

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2019, the Planning Commission issued Resolution 2019-012 recommending City Council approval of the request for historic designation (included as Attachment 4). On March 11, 2019, the Belvedere City Council designated the property at 260 Bayview Avenue a historic property through City Council Resolution 2019-05 (included as Attachment 5). This action made the property eligible for a Mills Act Agreement, and on April 4, 2019, the property owners submitted a Mills Act Agreement application.

California Government Code §50281(2) requires an inspection of the interior and exterior of the property prior to the issuance of a new Mills Act Agreement to determine the owner's compliance with the contract. In accordance with past City policy, when a Mills Act application is received, an inspection of the residence is conducted by the Building Official for the purpose of evaluating the condition of the property, such as any obvious signs of disrepair, structural failure, or deterioration. Any deficiencies are noted in an inspection report and monitored under periodic inspections for the length of the Mills Act Agreement. On April 23, 2019, Building Official Brian Van Son and Associate Planner Rebecca Markwick conducted a site visit of the property at 260 Bayview Avenue. The Building Official found the building and property to be in excellent condition. The Building Official's inspection report is included as Attachment 1 and photographs of the site are included as Attachment 2.

Analysis:

Pursuant to Section 21.20.120, Historical property incentives, of the Belvedere Municipal Code, "The City may enter into an historical property contract as authorized by the Mills Act (Government Code 50281.1 et seq.) for tax relief for any property owner of a designated property/structure who requests the contract. Additional incentives may be adopted by the City Council as appropriate. (Ord. 2006-6 § 1 (part), 2006; Ord. 93-5 § 1 (part), 1993.)" Pursuant to City policy, the City Council authorizes an agreement upon recommendation first by the Historic Preservation Committee. The Historic Preservation Committee's recommendation includes the current status of the property and the intention of the City in entering into the Mills Act Agreement to preserve the cultural resource.

The Belvedere City Council has set a limit on the total tax losses that can be associated with Mills Act Properties. On September 6, 2005, the Belvedere City Council increased the cap on Mills Act revenue incentive losses from \$10,000 to \$25,000, to be adjusted annually in an amount equivalent to the percentage change in overall assessed valuation of the City for the previous year. On April 14, 2008, the City Council adopted a resolution excluding from the cap on Mills Act tax losses those properties to which a Notice of Non-Renewal has been issued. Therefore, the adjusted annual cap is now \$46,230, and the net remaining tax loss available for new properties is approximately \$40,923.

A Mills Act Agreement requires the County Tax Assessors' Office to determine the value of the property based upon its current potential income, rather than the Prop 13 formula generally applied. The County of Marin Assessor's Office estimates that a Mills Act Agreement for 260 Bayview Avenue would represent a reduction in the assessed valuation of the property by

Historic Preservation Committee Staff Report for 260 Bayview Avenue

Owners: David Foster and Lucy Alexander

May 14, 2019

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\$3,875,000. This would result in an approximate \$7,750 loss in tax revenue to the City of Belvedere.

Historic Property Address	Estimated 2020/21 Roll Value	Estimated 2019/20 Mills Act Value	Estimated Owner Savings per year	Estimated City Tax Loss per year
260 Bayview Avenue	\$5,474,502	\$1,600,000	\$38,750	\$7,750

Recommendation:

Staff supports the proposed application for a Mills Act Agreement with property located at 260 Bayview Avenue in order to preserve the cultural resource. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 260 Bayview Avenue, to help maintain this City of Belvedere Historically Designated Property.

Attachments:

1. Building Official Inspection Report dated May 9, 2019
2. Photographs from property inspection performed on April 23, 2019
3. Application for Mills Act Agreement dated April 4, 2019
4. Planning Commission issued Resolution 2019-12
5. City Council Resolution 2019-05



CITY OF BELVEDERE

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

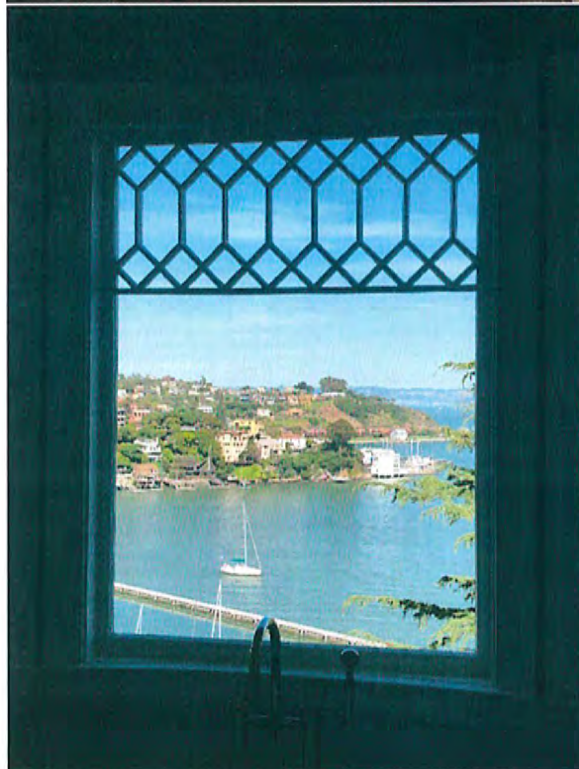
Date: May 9, 2019
To: Rebecca Markwick, City of Belvedere Associate Planner
CC: David Forster, Lucy Alexander, Adam Gavzer
From: Brian Van Son, City of Belvedere Building Official
Re: 260 Bayview Avenue – Mills Act Maintenance Inspection

On April 23, 2019, I performed a building inspection at 260 Bayview Avenue, pursuant to the provisions contained in the Mills Act Agreement requested by the property owners, David Forster and Lucy Alexander, with the City of Belvedere. I was accompanied by Adam Gavzer, real estate agent, and Rebecca Markwick, Associate Planner for the City of Belvedere. Ms. Markwick took numerous photos to record the condition of the structures.

Research through Marin County Assessor's office records indicate that the original construction was circa 1908. Although other documentation provide a construction date range from 1898 to 1929. There have been multiple building permits issued to this property since it was constructed. Notably:

- 1969 era permit to remodel a single bathroom within the residence.
- 1979 era permit to remodel the existing residence and construct a new garage with a second unit integrated into the design.
- 1996 era permit to repair the sanitary sewer lateral.
- 2002 era permit to repair exterior decks and replace the windows with no exterior change to the look of the structure.
- 2010 era permit upgrading the electrical panel and rerouting the electrical service underground.
- 2010 era permit to reroof the garage structure.
- Lastly, a 2012 era permit for the remodel of the interior of the structure and site improvements throughout the property.

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



Property/Structure Address: 260 BAYVIEW AVENUE



APPLICATION FOR MILLS ACT AGREEMENT

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

RECEIVED

APR 04 2019

City of Belvedere

FOR STAFF USE ONLY

Date: 4-4-19 Rec'd. by: NSM
Amount: \$1,307 Receipt No.: 10007Q #205
Parcel No.: 060- Zone: R15

TO BE COMPLETED BY PROPERTY OWNER

Address of Property: 260 BAYVIEW AVENUE
Historical Name of Property, If Known: _____
Record Owner of Property: DAVID FORSTER & LUCY ALEXANDER
Mailing 14 NORFOLK ROAD Daytime Phone: 44 (0) 771 382 7219
Address: LONDON NW8 6HE Fax: _____
UK Email: DEK.FORSTER@GMAIL.COM
Owner's Representative: _____
Mailing _____ Daytime Phone: _____
Address: _____ Fax: _____
Email: _____

Date Property/Structure Received Historic Designation and City Council Resolution Number: C3/11/2019 2019-05

- Attach legal description.
LEGAL DESCRIPTION ATTACHED
EXHIBIT "A"

U:\planning\manager\Planning Forms\PLANNING FORMS - LATEST EDITION\APPLICATION FOR MILLS ACT AGREEMENT\rev3-29-11.doc Rev. 9/18/2008 LC

ATTACHMENT 3

Property/Structure Address: 260 BAYVIEW AVENUE

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

All property owners must complete this Section.

Street address of subject property: 260 BAYVIEW AVENUE

Assessor's Parcel No(s) of subject property: 060-195-18

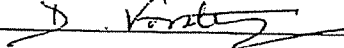
➤ **Properties Owned by Individuals**

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

I have read and understood the attached Mills Act Agreement Facts and the specimen Mills Act Agreement and agree to the terms described therein.

I understand that the contents of this document are a public record.

Signed this 28 day of MARCH, 2019, at Belvedere, California.

Signature 

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

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

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

I have read and understood the attached Mills Act Agreement Fact Sheet and the specimen Mills Act Agreement and agree to the terms described therein.

I understand that the contents of this document are a public record.

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

Signature _____ Signature _____

Title(s) _____ Title(s) _____

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

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

CITY OF BELVEDERE
RESOLUTION NO 2019 - 012
A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF BELVEDERE
RECOMMENDING THAT THE CITY COUNCIL GRANT HISTORICAL
STATUS FOR THE PROPERTY
LOCATED AT 260 BAYVIEW AVENUE

WHEREAS, a proper application for Historical Status Designation pursuant to Belvedere Municipal Code Chapter 21.20 for the property located at 260 Bayview Avenue has been submitted; and

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

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

WHEREAS, the City of Belvedere Historic Preservation Committee made a favorable recommendation to the Planning Commission on the Historical Designation application on January 8, 2019; and

WHEREAS, the Planning Commission held duly a noticed public hearing on the Historical Designation application on February 19, 2019; and

WHEREAS, at said meeting, the Planning Commission made the following findings of fact pursuant to Section 21.20.070(A)(1), (2), (4), (7) and (8) of the Belvedere Municipal Code:

1. Architecture (Outstanding example of particular style).

A mix of Queen Anne and later Victorian, for a "Belvedere summer cottage". Originally shingled, as was typical then, but later stucco was added to the exterior. Current owners removed the stucco and took it back to original shingles while reinforcing and retaining the look and feel of the original house.

2. Architecture (Outstanding because of age).

Yes, Built in Belvedere's earliest years. 1898

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

Not applicable.

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

Not applicable.

5. Design (It has unique design elements & demonstrates outstanding craftsmanship).

Both the exterior and interior show outstanding craftsmanship and detailing. The arched windows are repeated in the interior shelving. Many original windows or saved detailing on windows have been retained.

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

The house fits in with the site and the surroundings and helps to set the early architectural style of the street and neighborhood. The structure serves as a landmark and as an important visual reminder of the very early Belvedere years.

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

It contributes to the character of the street and neighborhood. For all the reasons above, and by the fine work done by the current owners, is better than new.

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

The subject structure retains most of its original materials and design features, to the point of returning to the original shingles and returning to original design from changes made over the years. Any additions/modifications that have been done are consistent with the original look and feel.

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

Not applicable.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belvedere does hereby recommend that the City Council grant Historical Designation status to the residence located at 260 Bayview Avenue pursuant to the findings stated above and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Belvedere Planning Commission on February 19, 2019, by the following vote:

AYES: Peter Mark, Marsha Lasky, Pat Carapiet, Claire Slaymaker

NOES: None

ABSENT: Jim Lynch, Larry Stoehr, Nena Hart

APPROVED: 

Peter Mark, Planning Commission Vice Chair

ATTEST: 

Alison Foulis, City Clerk

CITY OF BELVEDERE
RESOLUTION NO. 2019-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
DESIGNATING THE PROPERTY LOCATED AT 260 BAYVIEW AVENUE
A CITY OF BELVEDERE HISTORIC PROPERTY**

WHEREAS, a proper application for Historical Status Designation pursuant to Belvedere Municipal Code Chapter 21.20 for the property located at 260 Bayview Avenue has been submitted; and

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

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

WHEREAS, the City of Belvedere Historic Preservation Committee made a favorable recommendation to the Planning Commission on the Historical Designation application on January 8, 2019; and

WHEREAS, the Planning Commission held duly a noticed public hearing on the Historical Designation application on February 19, 2019, and approved a motion recommending that the City Council designate the property at 260 Bayview Avenue a City of Belvedere Historic Property; and

WHEREAS, the City Council held a duly noticed public hearing on the Historical Designation application on March 11, 2019; and

WHEREAS, the City Council made the following findings of fact pursuant to Section 21.20.070(A) 1, 2, 5, 6, 7 & 8 of the Belvedere Municipal Code for the property at 260 Bayview Avenue:

1. Architecture (*Outstanding example of particular style*).

A mix of Queen Anne and later Victorian, for a “Belvedere summer cottage”. Originally shingled, as was typical then, but later stucco was added to the exterior. Current owners removed the stucco and took it back to original shingles while reinforcing and retaining the look and feel of the original house.

2. Architecture (*Outstanding because of age*).

Yes, Built in Belvedere’s earliest years. 1898

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

Not applicable.

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

Not applicable.

5. Design *(It has unique design elements & demonstrates outstanding craftsmanship).*

Both the exterior and interior show outstanding craftsmanship and detailing. The arched windows are repeated in the interior shelving. Many original windows or saved detailing on windows have been retained.

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

The house fits in with the site and the surroundings and helps to set the early architectural style of the street and neighborhood. The structure serves as a landmark and as an important visual reminder of the very early Belvedere years.

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

It contributes to the character of the street and neighborhood. For all the reasons above, and by the fine work done by the current owners, is better than new.

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

The subject structure retains most of its original materials and design features, to the point of returning to the original shingles and returning to original design from changes made over the years. Any additions/modifications that have been done are consistent with the original look and feel.

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

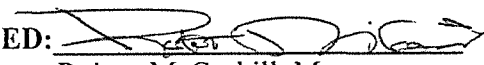
Not applicable.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belvedere does hereby grant approval of Historical Designation status to the residence located at 260 Bayview Avenue pursuant to the findings stated above and incorporated herein.

PASSED AND ADOPTED at a public hearing of the City Council of the City of Belvedere on March 11, 2019, by the following vote:

AYES: James Campbell, Nancy Kemnitzer, Claire McAuliffe, Marty Winter, and Mayor Robert McCaskill
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST: Alison Foulis
Alison Foulis, City Clerk

APPROVED: 
Robert McCaskill, Mayor