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 December 10, 2019 meeting.

2. Public Hearing for consideration of Mills Act Agreement for property at 334 Golden Gate Avenue 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: The Burke Family Revocable Trust

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.
Recommendation:
The proposed application is for a Mills Act Agreement with the property located at 334 Golden Gate Avenue. The Mills Act is an economic incentive program for the restoration and preservation of qualified historic structures. The property at 334 Golden Gate Avenue has previously been designated as a historical site by the Belvedere City Council. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 334 Golden Gate 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 and south, and is a street to street lot between Golden Gate Avenue and Bella Vista Avenue. The house was built c.1904 and was designed by Albert Farr, Architect. In 1994 the City Council approved a Landmark Designation for the home, a.k.a. Herserley-on-the-Hill.

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 July 27, 1994 the property owners applied for landmark 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 August 3, 1994. On September 20, 1994, the Planning Commission recommended City Council approval of the request for landmark designation. On October 3, 1994, the Belvedere City Council designated the property at 334 Golden Gate Avenue a landmark designation property through City Council Resolution No. 94-35.
This action made the property eligible for a Mills Act Agreement, and on November 18, 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 January 7, 2020, Building Official Brian Van Son and Associate Planner Rebecca Markwick conducted a site visit of the property at 334 Golden Gate 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 $30,673.

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 334 Golden Gate Avenue would represent a reduction in the assessed valuation of the property by $2,039,645. This would result in an approximate $150-$200 loss in tax revenue to the City of Belvedere.
Historic Preservation Committee Staff Report for 334 Golden Gate Avenue
Owners: The Burke Family Revocable Trust
February 11, 2020
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<table>
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<tr>
<th>Historic Property Address</th>
<th>Estimated 2020/21 Roll Value</th>
<th>Estimated 2020/21 Mills Act Value</th>
<th>Estimated Owner Savings per year</th>
<th>Estimated City Tax Loss per year</th>
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<td>334 Golden Gate Avenue</td>
<td>$2,039,645</td>
<td>$1,850,00-$1,900,00</td>
<td>$1,500-$2,000</td>
<td>$150-$200</td>
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**Recommendation:**
Staff supports the proposed application for a Mills Act Agreement with property located at 334 Golden Gate Avenue in order to preserve the cultural resource. Staff recommends that the Historic Preservation Committee conduct the public hearing and take the following action:

MOTION: To recommend that the City Council enter into a Mills Act Agreement with the property owners of 334 Golden Gate Avenue, to help maintain this City of Belvedere Historically Designated Property.

**Attachments:**
2. Photographs from property inspection performed on January 7, 2020
3. Application for Mills Act Agreement dated November 18, 2019
4. City Council Resolution 94-35
On January 7, 2019, I performed a building inspection at 334 Golden Gate Ave., pursuant to the provisions contained in the Mills Act Agreement requested by the property owners, Mr. and Mrs. Burke, with the City of Belvedere. I was accompanied by Mr. and Mrs. Burke, property owners, and Rebecca Markwick, Associate Planner for the City of Belvedere. Mrs. Markwick took numerous photos to record the condition of the structures.

Research through Marin County Assessor’s Office and City of Belvedere records indicate that the original construction was circa 1904 and is referred to as Herseley-on-the-Hill, aka Holmes House. There have been multiple building permits issued to this property since it was constructed. Notably:

- 1977 era permit to remodel the kitchen.
- 1979 era permit to remodel a bathroom, repair the windows, and reroof part of the structure.
- 1989 era permit for a deck repair and addition.
- 1993 era permit to construct a garage with a room/office beneath.
- 1994 era permit to construct site retaining walls, an entry arbor, and landscape improvements.
- 1997 era permit to reroof the entire structure.
- 2013 era permit for a kitchen remodel.

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

ATTACHMENT 1
**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**

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**RECEIVED**

**FOR STAFF USE ONLY**

- **Date:** Nov 18 2019
- **Rec’d by:** NSM
- **City of Belvedere**
- **Amount:** 105,000
- **Receipt No.:** CC
- **Parcel No.:** 06-3/11-14
- **Zone:** R15

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**TO BE COMPLETED BY PROPERTY OWNER**

- **Address of Property:** 334 Golden Gate Ave
- **Historical Name of Property, If Known:** Herseley-on-the-Hill
- **Record Owner of Property:** The Burke Family Revocable Trust
- **Mailing Address:** 334 Golden Gate Ave
- **Daytime Phone:** 415-435-6236
- **Address:** Belvedere CA 94920
- **Fax:** 415-435-0430
- **Email:** jbeburch1@gmail.com
- **Owner’s Representative:**
- **Mailing Address:**
- **Daytime Phone:**
- **Address:**
- **Fax:**
- **Email:**

**Date Property/Structure Received Historic Designation and City Council Resolution Number:** 10/3/1994

**Resolution 94-35**

- Attach legal description.

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**ATTACHMENT 3**

Mills Act Agreement Application • Page 1 of 14 • City of Belvedere
Herseley-on-the-Hill is a five-story half-timbered house perched high on the southeast side of Belvedere with a sweeping view of the Bay from the Golden Gate to the east Bay. Designed in the English Gothic Revival style by architect Albert Farr in 1904, it has been little altered, inside or out, since then.

The original main entrance faces Angel Island and was approached from Bella Vista Avenue, but today one enters the property from Golden Gate Avenue following an informal brick path bordered with boxwood. A rectangular structure, it is crowned by two steep gables at each end of the house connected by a steep cross gable and rises five stories from the foundation level on the bay side. The top stories have stucco siding painted orange-ochre with alternating dark vertical timbers in a modified Tudor design. The lower stories have shingle siding. Windows and doors are uniformly painted white with dark gray frames. At each end of the house a large stuccoed cluster chimney rises to just above roof level.

A shallow balcony with heavy turned balusters projects above the central main entry which features a “Dutch door”, the top half of which has six panes. Typically, all the windows have four, six, or eight lights; the largest oriel window on the left front facade has twelve lights. The window elements, varied in size and design, are informally arranged across each facade, with projecting gables breaking up the flat surfaces. The steep roofs are also broken with small windowed projections which relieve the massive surfaces and lend a picturesque effect to the overall design. Rain gutters are of redwood with copper downspouts. Copper sheathing covers some of the flat and shed roofs. At the entry level, a large sun room has been added, projecting on the southwest and ending in a semi-circular bay with floor-to-ceiling lead-mullioned windows and French doors.

On the south or bay side, the original long porch was remodeled and widened in the 1980’s and connected to the garden level by a set of stairs at each end. Heavy balusters (copied from the originals on the front balcony) form the porch railings. Oriel windows on this side of the house have diamond-shaped mullions. Originally, there was a deep balcony above the main entry on this side, but it was glass-enclosed in the 1970’s.

A two story shingled garage, consistent with the house design, has been added at the Golden Gate Avenue entry. The gardens are also being re-designed and landscaped at the time of this survey.
STATEMENT OF PROPERTY OWNERSHIP,
CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE

All property owners must complete this Section.

Street address of subject property: 334 GOLDEN GATE AVE

Assessor's Parcel No(s). of subject property: 060-211-14

Properties Owned by Individuals

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

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

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

Signed this ____ day of ______, 20___, at Belvedere, California.

Signature _______________

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

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

I, ______________, 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) TRUSTEE  Title(s) TRUSTEE

☒ Trustee(s)  ☐ Partners: ☐ Limited or ☐ General  ☐ Corporation  ☐ Other ______________

Name of trust, LLC, corporation, or other entity: THE BURKE FAMILY REVOCABLE TRUST
CITY OF BELVEDERE

RESOLUTION NO. 94-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
DESIGNATING 334 GOLDEN GATE AVENUE A HISTORICAL LANDMARK

WHEREAS, a proper application has been submitted for Landmark Designation pursuant to Title 21 of the Belvedere Municipal Code to designate 334 Golden Gate Avenue a landmark designation; and

WHEREAS, the Planning Commission held a noticed public hearing on the requested Landmark Designation application on September 20, 1994; and

WHEREAS, the City Council held a noticed public meeting on the requested Landmark Designation application on October 3, 1994; and

WHEREAS, the City Council finds based on findings in the attached survey form that 334 Golden Gate Avenue meets the following criteria for designation.

1. Architecture. It is an outstanding example of the English Gothic Revival style which was an important historical source for the First Bay Tradition of architecture.

2. Architecture. It is outstanding because of age, dating from the first wave of Belvedere's development.

3. Architecture. It is outstanding because it is the work of the gifted architect, Albert Farr.

4. Architecture. It is outstanding because it is the first, and probably the finest example of the English Gothic Revival Style in Belvedere.

7. Environment. By virtue of its size and location, the house is a prominent landmark on the eastern slope of Belvedere.

8. Integrity. It retains most of its original materials and design features and has been remarkably well maintained. Additions have been architecturally consistent with and sensitive to the original design.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belvedere does hereby grant approval of landmark designation to 334 Golden Gate Avenue.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on the 3rd day of October, 1994 by the following vote:

AYES: Faggioli, K. Johnson, S. Johnson, Otter

NOES: None

ABSTAIN: None

ABSENT: Valentine

ATTEST: APPROVED:

Edmund H. San Diego, City Clerk

ATTACHMENT 4