

BELVEDERE GENERAL PLAN UPDATE STEERING COMMITTEE

MINUTES

REGULAR MEETING

FEBRUARY 26, 2008 6:00 P.M.

450 SAN RAFAEL AVENUE, BELVEDERE, CALIFORNIA

A. CALL TO ORDER OF REGULAR MEETING

Chairman Lasky called the meeting to order at 6:00 p.m. in the Council Chambers. Committee members present: Michael Lasky, Bob McCaskill, John Telischak, Vera Gertler, Charles Oewel, Al Haussener, Sandy Donnell, Barry Bailey, Martin Cannon, Maureen Johnson. Committee Member absent: Jim Allen. Staff present: Planning Manager Pierce Macdonald, City Manager George Rodericks, Building Official Lee Braun, and Secretary Nancy Miller. Others Present: Harry Somerfield, and Rita Fink

B. APPROVAL OF MINUTES of January 23, 2008 Regular Meeting of the General Plan Update Steering Committee

MOTION: To approve the Minutes of the January 23, 2008 Regular Meeting of the General Plan Update Steering Committee.

MOVED BY: Donnell, seconded by Telischak.

VOTE: Yes: Unanimous

City Manager Rodericks stated that with the Committee's approval the meetings of this Committee will be digitally recorded and an audio file of each meeting will be posted on the City Website following each meeting for public review and download.

The Committee agreed to be recorded.

C. STAFF REPORTS

1. Update on Appeal of ABAG Regional Housing Needs Allocation (RHNA) of 25 New Units.

Planning Manager Macdonald stated that the City will be appealing the RHNA before the appeals subcommittee of ABAG on February 27, 2008, to be followed by an appeal hearing of the full ABAG Executive Board on March 20, 2008. She stated that currently ABAG staff is not recommending a reduction in the allocation numbers.

Mr. Telischak asked who would be presenting on behalf of the City.

City Manager Rodericks replied that Planning Manager Macdonald would present some of the process, the history of the City's contacts with ABAG, as well as the rationale for their projections and how this applies to Belvedere. Following that, Deputy City Attorney Hurd, will discuss some of the legal aspects of the challenge to the numbers. City Manager Rodericks stated that he will also attend.

2. Update on Request for Proposals for General Plan Consultant.

Planning Manager Macdonald stated that the City issued a Request for Proposals (RFP) on February 4, 2008 to 14 different consultants. She stated that a number of those consultants have replied that they will be submitting proposals that are due on March 6, 2008. She stated that after the submittals are narrowed down to two or three, they will be brought forward to the Committee for interviews.

Chairman Lasky stated that in reviewing the RFP, he asked whether prior to Adoption of the General Plan (Item #9), the Committee would review the draft General Plan? He would like to have the Committee see these elements first before they are sent to the Planning Commission or City Council.

Planning Manager Macdonald replied that per the Items "Status Reports" (Item #3) and "Draft General Plan Elements" (Item #6), the concept is that each Element of the Draft General Plan would be reviewed individually by the Committee, and then independently adopted by the Planning Commission. She stated that certain Elements are higher priority than others. The RFP commits the Consultant to deliver the whole package.

City Manager Rodericks asked whether Chairman Lasky is requesting that the Committee has this review before any Element goes to the Planning Commission, or only before the whole General Plan is submitted?

Chairman Lasky replied he means the whole General Plan.

City Manager Rodericks asked if the draft Traffic Element or the draft Circulation Element, when complete should be held back from submittal to the Planning Commission after the Steering Committee has reviewed them, until all the Elements are completed?

Mr. Telischak stated that it might make sense to wait for all the Elements to be drafted and reviewed before presentation to the Planning Commission, since some may depend on others and affect the total plan.

Planning Manager Macdonald replied that some of the Elements are higher priority than others, such as the Housing Element which must be completed by June 2009. She stated that in any case all of the individual Elements would probably be approved individually by the Steering Committee and adopted independently by the Planning Commission, but the RFP lists the total requirements for the consultant to prepare.

Mr. Haussener stated that something may be learned along the way that might generate some revisions to other Elements before the final version is submitted.

City Manager Rodericks stated that the only Element for which there might be a sense of urgency so to speak, would be the Housing Element which has an earlier deadline.

Mr. Telischak stated that in regards to the RFP, to him, the most important thing is to pick a really good consultant. He asked how the list of consultant names for the RFPs was developed.

Planning Manager Macdonald replied that she contacted all of the Marin community development directors and asked them for recommendations. She stated that the majority of those receiving the RFP came from this list. She stated that in addition she also looked at the consultants involved with the recently completed Marin County General Plan update. She stated

that the intent was to cast the net wide but not indiscriminately, so that there would be some knowledge of Marin County.

3. Results of the “Issues Survey” completed by General Plan Update Steering Committee.

Planning Manager Macdonald stated that staff is pleased to present the results of the survey submitted by Committee members. She stated that some of those surveyed ranked the top 3 issues in each area, so the bold print X indicates that the item was the first choice indicated in some of the submitted surveys in that category. She stated that, as shown in the RFP, a lot of issues will still be on the table as the Steering Committee does its work. She stated that the survey does show areas of focus and general concern, such as Housing, Congestion and Traffic Safety, and also “high” on the list of priorities were Sustainability. She stated that noise and archeological resources were not indicated in the responses as higher importance issues for the community.

Ms. Donnell stated that in some cases, because the Committee was asked to select the top three items in the category, they may have had to choose to leave out some areas that are still of importance but were not in their top three selections.

Planning Manager Macdonald replied that the survey is a tool to identify areas of focus of general agreement, but there are other issues that are still on the table that may become more important as they are raised in discussion, or they may just be issues that are mainly in the hands of the consultant. She stated that staff’s recommendation is that the Committee discuss the results and make any suggestions related to the survey.

Chairman Lasky suggested that the Committee might want to discuss what issues they would want the consultant to target. He asked should there be a working Committee for each of the eight Elements?

Ms. Donnell stated that this might depend on how the consultant would proceed. Would the Consultant take on each Element one by one?

Mr. Telischak stated that the consultant would play a big role. An experienced consultant would have some ability to make suggestions and offer alternatives as to how the Committee might be organized.

D. STEERING COMMITTEE DELIBERATIONS

4. Discussion of Issues Survey.

Chairman Lasky asked the Committee to consider each item on the survey for discussion and comment.

Circulation

Mr. Cannon stated that the way circulation was defined in the survey did not seem to address many traffic and safety issues. He stated that as written, this item appears to address managing transportation, issues that are much more minor than Belvedere traffic issues that are more safety related such as parking and speeding. He stated that all the roads in Belvedere work; there are not huge traffic jams at 5:00, except maybe on Tiburon Boulevard, which is really in Tiburon, or at 8:00 in the morning when the children are going to school, but his perspective is that circulation

is not an issue. Parking, construction vehicles, speeding, bicycles are the key words in the subject of traffic and safety to him. He stated that in this particular case, he did not connect with this definition.

Ms. Donnell stated that bicycles should be added to the list.

Ms. Johnson stated that pedestrians are also omitted.

Chairman Lasky stated that sometimes bicycles travel very fast and can be dangerous.

Planning Manager Macdonald stated that in a new or a growing community, the General Plan might say that there would be a street widening program as a way to deal with the types of safety issues being described. Of course, that would not be practical for Belvedere, but safety and design of the circulation system are closely linked.

Chairman Lasky stated that there are some places that can and need to be widened such as the narrow area just before the turn at 333 Belvedere Avenue.

Planning Manager Macdonald stated that the current General Plan discourages widening of roads and this would be an example of a change to be considered for the new General Plan. This Committee could create an amendment that would say when a road should be widened and what consideration should be given.

Mr. Oewel stated that would be one small example.

Chairman Lasky replied that it is the type of item that the Committee might want to review and prioritize.

Ms. Donnell stated that years ago when the City began to install curbs and marked parking spaces, it actually made the some areas to have less than the necessary 10-foot clearance. She believes that potential areas for correction should be looked at by the Committee. Also when people remodel, they might be encouraged to relocate fences and development to provide better passage.

Ms. Johnson stated that the Kimball project is a good example of how the road was enlarged, which was done in conjunction with the 65 and 67 Belvedere Avenue project.

Mr. Oewel stated that road widening can encourage faster traffic. There may be a conflict in the objectives, and the narrow roads of Belvedere are a part of the charm of the City. He stated that there are one or two specific places that may need to be addressed, but to have this in the General Plan may be letting the genie out of the bottle.

Chairman Lasky asked whether Tiburon Boulevard is in Belvedere, and should it be discussed in the General Plan?

Planning Manager Macdonald replied that it is located in Tiburon, but the congestion is a big issue for the community.

Ms. Donnell stated that the main issues revolve around the times that Belvedere children are going to school.

Mr. Telischak stated that there could be encouragement in the General Plan to recommend that the City work with the various entities to coordinate and devise policies and solutions that make

for better traffic flow. He stated that he does not know whether General Plans normally incorporate policies that affect areas outside the City's immediate boundaries, but that would be a question for the consultant.

Mr. Cannon stated that he has in mind an example to be addressed by creation of a policy on this issue. He stated that when a number of homes were built at the beginning of Belvedere Avenue, there were previously two lanes. However, after the house was built, the applicants created a half a parking width on their property and half on the road, resulting in a reduced one and one-half-lane road. What he was thinking, as a policy, would be a statement that would require that in the design of new or redevelopment, an existing two-lane road would be required to be preserved. This policy would require the applicant to put new parking on their own property so as to not diminish the greater good to Belvedere.

Planning Manager Macdonald replied that would be exactly the type of policy to be developed for a General Plan.

Ms. Gertler asked whether there can be a statement as to the number of cars allowed per family.

Planning Manager Macdonald replied that there are minimum parking requirements in the Belvedere Municipal Code. She stated she does not believe these are described in the current General Plan.

City Manager Rodericks stated that there is no current maximum for the number of cars.

Ms. Donnell stated that the minimum parking requirements do not apply if the owner is not doing any substantial work on the house and there are no requirements for a new owner to provide the parking spaces.

Ms. Johnson stated that there is also nothing that requires the owner of a garage to use it for parking. They are often used for storage.

Chairman Lasky stated that some areas of Belvedere have marked parking spaces and others do not, such as Oak Avenue where people can park in one of the lanes. He stated that there are no rules and regulations to keep those lanes open.

Ms. Donnell stated that a lot depends on what construction is going on in the area, and the density of the areas as originally developed. Some areas of Belvedere are developed on both sides of the street and others are not, so the issues are lessened in those less dense areas.

Ms. Gertler stated that the St. Stephen's Church parking lot is often full with construction workers, who may be parking there by agreement with the Church, but their comings and goings have an impact.

Mr. Telischak replied that this is better than if all those vehicles were to be parked all over Belvedere.

Mr. McCaskill asked who makes decisions as to where there is designated or marked parking?

Mr. Cannon replied that is done by the Traffic Safety Committee and/or the Fire Department. He stated that the Fire Department also sits on the Traffic Safety Committee. He stated that he requested that there be designated marked parkings on Belvedere Avenue to keep the vehicles

from parking on the curves etc. He stated that there is something in the Belvedere Municipal Code regarding the preservation of sightlines around turns.

Ms. Donnell stated that the current issues on Oak Avenue are mainly construction vehicles.

Mr. Cannon replied that usually when something becomes a problem it is directed and handled by the Traffic Safety Committee.

Chairman Lasky stated that it appears that designated parking and general safety zones might be added to the General Plan list.

City Manager Rodericks asked when the Committee is discussing bicycles and pedestrians does this mean the encouragement and facilitating of bicycle and pedestrian traffic such as by bike lanes, pedestrian refuge sites, or decreasing those types of things?

Chairman Lasky stated that encouraging people to walk would be separate. He stated that currently, biking is dangerous to pedestrians and vehicles on the small streets.

Ms. Johnson stated the City would want to encourage biking and walking to schools.

Chairman Lasky stated that the problem with encouraging biking is there are trails of people in cars held up by bicyclists who do not ride single file or courteously.

Ms. Gertler stated that this is not really about people who live in Belvedere; it is more of a weekend issue with non-resident bicyclists.

Planning Manager Macdonald stated that she tried to capture that issue under the section 'transit and alternatives to single-occupant vehicles.' She stated that she will make the consultant aware of the pros and cons of issues regarding bicycles and pedestrians.

Mr. Telischak stated it would be nice to encourage local bicyclists because it would cut down on car traffic, especially in regards to children going to school. He stated that with the narrow streets, there is not much the City can do to encourage local biking such as build bike lanes. He asked how to address issues with other bicyclists.

Chairman Lasky stated that signage would be one suggestion, perhaps something that says 'Single file bicycles' or warning of 'Police Enforcement' etc.

Mr. Cannon stated that the intersection of Laurel and San Rafael Avenue is very dangerous because bikes are always running the Stop sign in front of on-coming, left-turning vehicles.

Ms. Gertler asked what about the issues of problems in Belvedere that also involve Tiburon Boulevard which is under State jurisdiction.

Mr. Telischak replied that cooperative effort with Tiburon is the only way to try to develop good policies that would encourage good traffic flow and safety.

Ms. Gertler suggested synchronization of the traffic lights.

Mr. Telischak stated that perhaps both cities could agree to hire a traffic consultant to study and jointly implement improvements to help, and possibly coordinate with the State if necessary.

Conservation

Ms. Donnell asked are there permeable paving standards in Belvedere to discourage asphalt and concrete?

Planning Manager Macdonald replied that this is becoming a bigger issue. There is a Federal law that State agencies implement regarding water quality. Cities are being held to standards that would improve how much water is shed off of the city and into the Bay and whether it is filtered before it enters the Bay. She stated this is going to be one of the issues that will stay on the table because it will include all hillside lots. She anticipates that there will be more use of pavers, planters, etc. to hold water before it filters out and hits the City's storm drain system.

Ms. Johnson asked what is being done about the silt basin on Lagoon Road?

Building Official Braun stated that he believes that the City does not use that basin any more since the Reed drainage project was built.

Mr. Oewel asked whether there is any regulation in existence now that would be discouraging solar panels and alternative fuel sources.

Planning Manager Macdonald replied that the State law actually loosened solar panel regulation and limited Design Review constraints. In addition, Belvedere has one of the lower Building Permit fees for solar panels in the County.

City Manager Rodericks stated that Pierce Macdonald will be presenting a report to the City Council in April regarding sustainability issues in general including solar panels and the opportunities that Belvedere provides for that.

Chairman Lasky stated that this has raised a big issue for the Planning Commission because the City is basically forced to allow solar or photovoltaic panels, and when they are proposed for roofs that are not facing the direction of the sun correctly, the applicants propose unsightly racks to tilt the panels in a different direction. He stated that a recent NY Times article stated that photovoltaic panels, from an energy standpoint, are not productive.

Hazards

City Manager Rodericks stated that in regards to Floodplain management what issues did the Committee want to discuss? Was this in regards to the sea wall?

Ms. Donnell replied that the sea wall is one of her concerns. She stated she is also concerned about the alley behind Cove Road and the Boardwalk itself that is often flooded. She stated that if there is going to be global warming would this not be an issue?

Mr. Telischak stated that the residents and the Allen's jointly own that road so it may not be a public road or a City matter.

Ms. Donnell stated that it might be a City matter from a planning standpoint.

Building Official Braun stated that the City is subject to FEMA regulations and floodplain designations for specific houses. He stated that extensive remodeling projects in floodplains have a requirement that certain elements, such as heating, of the buildings are certified to be at least one foot above the floodplain. He stated that he believes the area behind Cove Road that floods

appears to be more of a drainage issue, outside of the floodplain, and the City may have to develop regulations regarding this issue, but that would not be related to the FEMA regulations.

Mr. Cannon asked whether the City might be looking at requiring when people tear down a house in a low elevation, that they should be required to raise the house higher.

Ms. Johnson replied that Edgewater Road is very low-lying, and in the summer the Lagoon cannot be raised to the level the residents would like because some such streets are so low that homes could be flooded.

Mr. Cannon stated then there could be a policy to encourage, where practical, to have an owner raise the home.

Mr. Telischak stated that a home is already not allowed to be built lower than sea level.

Building Official Braun stated that is true only in designated flood plain areas. In other areas, there would need to develop other regulations to mandate a certain elevation.

Mr. Cannon asked whether the Lagoon is below sea level?

Building Official Braun stated he is not totally certain; it is supposed to be at least sea level, and about two feet lower in the winter. He stated that part of the problem is that over the years there has been considerable subsidence in the fill areas and so many homes suffer from differential settlement and the City often sees repairs that ensue from the settlement problem.

Housing

Chairman Lasky stated that Housing will be heavily dependent on the outcome of the ABAG session, as this element is heavily regulated. He asked whether the Committee has any thoughts on development needs.

Mr. Cannon whether any other jurisdiction has not complied with their mandate and found another solution, such as participating financially development in another location or funding a project elsewhere?

Planning Manager Macdonald replied that there are a number of Marin jurisdictions that do not have a certified Housing Element. She stated she does not believe that the State has accepted an alternative to a Housing Element that meets the RHNA number.

Ms. Donnell stated she recalled discussion at the last meeting that trying to move the units to another jurisdiction would only create an issue for that other city.

City Manager Rodericks replied that what would more likely result is that a city with an out of compliance Housing Element would end up in litigation with a developer, and the City would be forced to accept a proposal for a reasonable development level to meet their affordable housing requirement.

Ms. Donnell stated a developer might come in and sue Belvedere to be allowed to put in six units because the City is out of compliance.

City Manager Rodericks that has happened on several occasions in other cities, and the result is that the housing gets built. This would be less likely for Belvedere because there is not the attractive available land for a developer but communities like Corte Madera and others do.

Chairman Lasky stated that there are very few opportunities.

Land Use

Planning Manager Macdonald stated that the first two listed items in this section came directly from the recommendations of the R-15 Citizen Committee which considered amendments to the Belvedere Municipal Code regarding changes to 4,850 square-foot cap on development in the R-15 Zone. That Committee recommended that the issue be referred to the General Plan consultant. She stated she was not surprised these items were considered very important to the Steering Committee.

Ms. Donnell asked that the Committee might consider all the items in this section whether they were called out in the survey or not.

Noise

Planning Manager Macdonald stated that she was very surprised that a number of Committee responses to this item stated that Belvedere does not have a noise problem.

Ms. Donnell stated she believes that there is a big issue with the noise of emergency generators.

Building Official Braun stated that he would like to ask the Committee whether they would be interested in identifying which types of equipment, such as air conditioning, waterfall features, or generators are the subject of real or perceived complaints? He stated that the City could respond with requirements of certain types of units.

Ms. Johnson stated that many people like to locate their hot tubs close to fences.

Mr. Cannon stated that people often put that equipment away from their own homes without regard to the impacts on the neighbors.

Ms. Donnell stated that when the prior planning staff was here, they described the noise issue as a complaint-driven ordinance.

Chairman Lasky stated that the required decibel levels are required at the time of approval.

Building Official Braun stated that an acoustical engineer is often required to verify the noise levels.

Ms. Donnell stated that the City needs to address existing old units.

Building Official Braun stated that if someone complained to the City, it would respond to find out if the unit was compliant.

Mr. Telischak asked why the response numbers vary.

Ms. Miller stated that not every section had responses from every participant in the survey.

Ms. Donnell asked what about taking up the issue of outdoor speakers as well.

Mr. Telischak asked how to address the garbage truck noise at 5:00 a. m. and whether there could be some way to muffle the noise?

Ms. Donnell stated that she noted that there seems to be more litter on garbage days than on others.

Ms. Gertler replied that she believes that animals are getting into the paper sacks that are left out at night before the collection.

Open Space

Chairman Lasky stated that many Committee members found this to be an important area of concern.

Mr. Cannon asked how to address the view corridors on West Shore Road.

Mr. Lasky replied that current matters have brought this to the forefront and the Planning Department is being very diligent in addressing this issue.

Mr. Telischak stated that there should be a policy regarding these areas.

City Manager Rodericks stated that the City can now identify all City's existing view corridors to be incorporated into the General Plan, including the use of new technologies.

Chairman Lasky stated that a new map is under development and that the Parks and Open Space Committee is currently reviewing this map.

Planning Manager Macdonald stated that the map will be additionally reviewed by this Committee to identify all the Open Space, including view easements.

Urban Design

Planning Manager Macdonald stated she would like to change the title of this element to Community Design as a better match for Belvedere. She stated that although the City has a Design Review Ordinance, there are not many design policies in the General Plan and this would be a good way to back up the Municipal Code.

Mr. Cannon asked what kind of policies would be incorporated into the General Plan?

Planning Manager Macdonald replied that for example, there are a lot of public right of way areas that adjoin private property. Policies could be written to address standardization of driveways, retaining walls along the public right of way, and the types of street trees, sidewalks, and accessories that are appropriate at the public right of way.

5. Scheduling of Future Steering Committee Meetings

The Committee agreed that there would be no meeting in March, (staff will be interviewing consultants). The Committee agreed that the next two meetings will be scheduled for Wednesday, April 23 and Wednesday, May 21.

E. OPEN FORUM

Rita Fink stated that she is impressed.

Harry Somerfield stated that the Committee should also review existing codes and policies that are on the books and are in need of enforcement. For example, these would include noise, when people let trees grow to obscure view corridors, and the normal day to day business of traffic flow. For example how to address when people park so that their cars in the driveways stick half way out into the street or with wheels up on the sidewalks.

F. ADJOURNMENT

The meeting was adjourned at 6:15 p.m.

APPROVED:

Michael Lasky, Chairman

ATTEST:

George J. Rodericks, City Clerk