



## **Staff Report**

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### FURTHER DISCUSSION AND DIRECTION REGARDING PROPOSED BALLOT MEASURE – PARKS AND OPEN SPACE

Honorable Mayor and Council Members:

#### **Summary**

Staff requests further direction regarding whether the upcoming November ballot should contain a Council-sponsored initiative that would require a vote of the people to change parks and open space uses from existing and/or allowed uses to a different use.

#### **Background**

This item is again on the agenda following an Item 9 request by Councilmember Feierbach, and a discussion of the issue at the January 27, 2009 City Council meeting. At that meeting, a majority of the three participating Councilmembers provided staff direction to move forward with the proposed measure.

Specifically, a majority of the Council directed that the proposed measure should include the eighteen City-owned properties listed in Attachment A. Those properties consist of:

1. Ralston Ranch Park
2. Water Dog Lake (John S. Brooks Open Space)
3. Hallmark Park
4. Cipriani Park/Dog Park
5. Hidden Canyon Park
6. Hastings Tot Lot
7. Belameda Park
8. Barrett Community Center
9. McDougal Park
10. Twin Pines Park
11. College View Park
12. Alexander Park
13. O'Donnell Park
14. Belmont Sports Complex
15. Davey Glen Park
16. Patricia Wharton Park

17. Semeria Park
18. Wakefield Park

The Council majority also provided direction regarding what level of development should be allowed in the areas proposed to be protected. The Council majority voiced general support for a new zoning designation entitled “Parks, Recreation and Open Space”, into which the eighteen City-owned properties would be placed. The measure would specify that development of these eighteen properties would be governed by the Parks and Open Space element of the City’s General Plan, as amended from time to time, and the implementing document for the Parks and Open Space element, the Parks and Open Space Master Plan, also as amended from time to time.

Finally, the Council majority directed that staff begin conducting further research regarding the actual restrictions and deed language for each of the eighteen parcels proposed to be included in the new zoning district. As noted in the January 27, 2009 staff report and the oral presentation, this effort, which involves the City Clerk’s office and the Parks and Recreation Department, in addition to the City Attorney’s office, should be completed before the Council votes on whether to adopt an ordinance placing the matter on the November 2009 ballot.

Following the Council meeting, staff performed additional analysis of the potential implications of such a ballot measure. One concern was whether the proposed ballot measure could be unduly restrictive for staff and future City Councils in making decisions regarding uses of City parks and open space. The Parks and Open Space element of the General Plan, and its implementing document, the Parks and Open Space Master Plan, contain detailed descriptions of the current uses of these facilities, as well as providing a blueprint for proposed future uses. The question for the Council is whether these documents, as currently written, strike the appropriate balance between protection of the parks and open space, on the one hand, and providing staff and future Council flexibility, on the other hand.

These documents do draw a clear distinction between parks uses and open space uses. For example, the “Objectives and Policies” section of the Parks and Open Space Master Plan, found at pages 25 and 26 of the Plan, contains fifteen policies regarding park development and ten policies regarding open space. In general, open space goals and policies focus on maintaining pedestrian access and enhancing usability for primarily passive recreational uses, while protecting sensitive environmental habitats. Therefore, for example, a proposed “swap” that would place a park use in an area previously designated as open space would likely be inconsistent with both the General Plan and the policies in the Parks and Open Space Master Plan. Similarly, an exchange of City-owned property covered by the measure for private property could also require a vote of the people.

As noted at the January 27, 2009 City Council meeting, placing an initiative measure on the ballot by ordinance would require three affirmative votes of the City Council.

### **Discussion**

Based on Council direction at the last meeting, a proposed ballot measure would contain the following five features:

1. The measure would currently apply only to the eighteen City-owned properties listed in this staff report as reflected in Attachment A;
2. The measure would apply to parks and open space acquired by the City in the future;
3. The eighteen properties would be rezoned by the measure to a new zoning designation entitled “Parks, Recreation, and Open Space”;
4. These properties could only be used for the parks, recreation, and open space uses as specified in the City’s Parks and Open Space element of the General Plan, as amended from time to time, and as implemented by the Parks and Open Space Master Plan, as amended from time to time, absent a vote of the people;
5. A vote of the people would be required to sell, exchange, or encumber any park or open space lands contained in the new zoning district.

At tonight’s meeting, staff requests additional direction to begin drafting the staff report, resolution, and ordinance required to place such a measure on the November 2009 ballot. As noted at the last meeting, the Council should vote on the ordinance by its July 7, 2009 meeting. If the Council provides direction to proceed tonight, staff will perform the additional research necessary to obtain all of the deeds and any contractual restrictions that currently exist regarding the uses of the eighteen properties proposed to be included in the measure. Staff would return to the Council in late Spring with this information as well as a draft of the proposed text of the measure.

### **General Plan/Vision Statement**

The proposed initiative would be consistent with the General Plan’s expressed policies to protect and preserve parks and open space.

### **Fiscal Impact**

As noted at the last meeting, analysis and drafting of this measure would involve significant staff time from the Parks and Recreation Department, the Community Development Department, the City Clerk’s office, and the City Attorney’s office. At this point, the primary additional work required is for City staff to obtain the deed and other information regarding the eighteen properties proposed to be included as part of the measure.

### **Public Contact**

Posting of the agenda.

FURTHER DISCUSSION AND DIRECTION REGARDING  
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February 24, 2009

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**Recommendation**

Staff recommends that the Council provide direction to staff regarding whether to proceed with the necessary research and to begin drafting the resolution, ordinance, and ballot measure language.

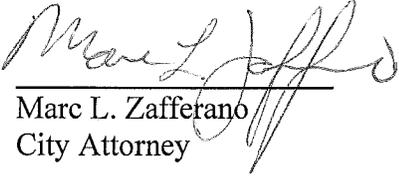
**Alternatives**

1. Take no additional action at this time.
2. Direct staff to return with additional information prior to making a decision as to whether to place the matter on the November ballot.
3. Direct staff to begin the process of rezoning the eighteen properties as part of its ongoing General Plan amendment process.

**Attachments**

- A. List of Eighteen Properties

Respectfully submitted,

  
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Marc L. Zafferano  
City Attorney

# BELMONT "PARKS AT A GLANCE"

Park Site	ACRES	Baseball	Recreational Building	Horsehoe Pits	Jogging Track	Multi-Use Field	Picnic Area	Playground	Restrooms	Swimming	Tennis	Volleyball	Special Features
1. Ralston Ranch Park Across from 1 Ralston Ranch.	1.3												Undeveloped
3. Water Dog Lake Across from 2839 Halmark	260.6			X									Undeveloped, No water play allowed Hiking/Biking Trails
4. Hallmark Park Across from 2592 Halmark	5.2			X				X			2		Drinking Fountain Access to Crystal Springs Trails
6. Cipriani Park/Dog Park 2525 Buena Vista	6				X		B	2					Drinking Fountain Dog Park - Off Leash Area
7. Hidden Canyon Park End of Carlmont Drive	23.7			X									Drinking Fountain, Undeveloped Hiking/Biking Trails
8. Hastings Tot Lot 2409 Hastings Drive	0.3							X					Vista View, Benches Trail Access
9. Belameda Park Libran / 1110 Alameda	3			X			B	X					Drinking Fountain Hiking/Biking Trails
10. Barrett Community Center 1835 Belburn or 1870 Ralston	3.4	X	X		X		B	X					Drinking Fountain Day Care, Teen Center, Community Theater
12. McDougal Park 1405 Solana Dr.	4.5	2				X		X					Drinking Fountain
13. Twin Pines Park 30 Twin Pines Lane	21.1		X	2			B	2	X			X	Sr. Community Center, Art Center Building & Picnic Rentals
14. College View Park Next to College View	0.1							X					Drinking Fountain Bench adjacent to NDNU
16. Alexander Park 400 Block of Yorkshire, near Marine View	1.3	X					B	2	X		3		Drinking Fountain Handball/Tennis Wall
18. O'Donnell Park 400 Block of Ralston, near Judson	0.9	X					B	X					Drinking Fountain
19. Belmont Sports Complex 550 Island Parkway	11	3	X	X	X	X	B	1	X			X	Drinking Fountain Facility Rentals
20. Davey Glen Park Across from 500 Davey Glen	1.1												Undeveloped Bench
21. Patricia Wharton Park between Notre Dame Avenue and Middle Road	0.1												Undeveloped Bench
20. Semeria Park Semeria and Casa Bona													Undeveloped Bench
21. Wakefield Park Wakefield Avenue													Undeveloped Bench

= # of lighted facilities  
 = # of umlighted facilities  
 = available feature  
 = Barbecue

**PARK RULES**  
 Hours: 1/2 hour before sunrise to 1/2 hour after sunset.  
 Dogs must be on leash and cleaned-up after.  
 No alcohol allowed except by permit.

Department of Parks and Recreation  
 30 Twin Pines Lane (650)595-7441  
 Web Site-www.belmont.gov  
 Facility Rentals- (650) 637-2927