

**Minutes of Special and Regular Meeting of July 14, 2009**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:00 P.M.**

- A. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: One Parcel (APN # 044-162-180 APN)
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation: One Case

Attended by Councilmembers Feierbach, Wozniak, Dickenson, Braunstein, City Manager Crist, City Attorney Zafferano, Parks and Recreation Director Gervais, Community Development Director de Melo. Councilmember Lieberman was absent and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 6:25 P.M.

**Terri Cook**  
**City Clerk**

This meeting was not tape recorded or videotaped.

**STUDY SESSION - 6:30 P.M.**

**COUNCILMEMBERS PRESENT:** Feierbach, Dickenson, Wozniak, Braunstein

**COUNCILMEMBERS ABSENT:** Lieberman

**Staff Present:** City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, City Clerk Cook.

**Review of 2007-2014 General Plan Housing Element**

Community Development Director de Melo introduced Carole Groom and Barbara Pierce from Housing Our People Effectively (HOPE).

**Carole Groom**, HOPE, described the organization whose goal is to eliminate homelessness in San Mateo County. She provided historical context for the organization, and noted that the cost of housing has outpaced people's ability to pay for it. She provided statistics on homelessness, and noted that a homeless count was made in early 2009. She described the concepts and vision of HOPE and the impact of homeless on social and police services.

**Barbara Pierce**, HOPE, noted that the County of San Mateo, not cities, deals with social issues, but those issues impact cities. Each city needs to address these issues in order to build solutions and identify homelessness prevention methods. Housing elements are a tool that each city can use, and each city is being asked to incorporate the HOPE plan into its housing elements. There is a need for common methodology for each city. She outlined the recommendations, including endorsement of the HOPE plan.

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Councilmember Feierbach noted that the City of San Francisco has had difficulties with their Housing Authority due to fear of crime in housing projects.

Ms. Groom responded that this can be resolved through good design and landscaping, outreach to neighbors, and the building of trust. She cited Shelter Network as a County-wide organization that can assist with housing issues.

Discussion ensued regarding housing facilities.

Ms. Pierce stated that homelessness is being taken much more seriously, even in affluent communities. She noted that the State of California is driving the requirement to address housing, but each city can determine specifics to fit each community. Some police departments have supported housing efforts. She described the impact that homelessness can have on a community.

Ms. Groom described the various support services available within the County, including Shelter Network, food stamps, and other not-for-profit organizations.

Councilmember Wozniak concurred that services beyond creating a housing facility are necessary to address this issue.

Community Development Director de Melo noted that the Planning Commission performed an additional review of the Housing Element, and changes were made as a result. Council members also provided individual input.

**Natalie Mattei**, Safeway Stores, expressed support for the work on the Housing Element. She stated that Safeway is interested in being involved in the plans for the Emmett Plaza. She noted that the El Camino Real store is in the top ten percent producing Safeway stores.

**Debbie Kartinganer**, Safeway Stores, cited the letter she sent to the City Council regarding this matter. Safeway concurs that the Emmett Plaza is a good housing site, and she expressed Safeway's desire to maintain the existing store, or make it larger. She noted that the recommendation to seek a master developer and to create a unified development area is interpreted by Safeway as a mandate to include Safeway in the process. She expressed concerns regarding consistency with redevelopment law. She recommended limiting the unified development area to consist only of the northern block of Emmett Street, but this should not preclude Safeway from being included.

**Leslie Gould**, Housing Consultant, reviewed the various housing programs outlined in the Housing Element.

Mayor Braunstein stated there is a need to address the existing subsidized housing units at Belmont Vista. It is his desire not to lose those units or to overpay for them. There may be an opportunity to permanently secure units elsewhere.

Ms. Gould concurred there is a high cost to subsidize housing units, and she recommended an early review of the subsidy long before it is due to expire.

Community Development Director de Melo clarified that subsidized units would continue to be counted, but would not be counted as a newly-produced housing unit if the subsidy is renewed. He explained that the City is using funds to maintain affordable units.

Council concurred regarding the need for a review of subsidized housing units 36 months prior to expiration of the subsidy agreement.

Discussion continued regarding proposed housing programs.

Community Development Director de Melo stated that changes could be made to the plans for Emmett Plaza as a result of the request from Safeway. He confirmed that this would not hamper the ability to continue making progress on plans for that site.

Councilmember Dickenson expressed concerns regarding the effect that Safeway deliveries could have on infill projects at the Emmett Plaza site. Ms. Gould noted that verbiage could be added to protect commercial use and privacy issues.

Councilmember Feierbach noted that the language regarding secondary dwelling units is too strong. She stated there is no policy regarding these units, and recommended making it less restrictive to produce.

Councilmember Dickenson expressed support for some type of amnesty program regarding secondary units, and he would like to be able to include them in the housing count. He recommended forming an ad hoc committee of the Planning Commission to create a policy. It may be more advantageous to encourage consolidation of lots.

Council concurred to leave the language regarding secondary dwelling units as presented.

Councilmember Feierbach commended the Planning Commission's work on this document.

Discussion ensued regarding the HOPE project.

Councilmember Wozniak stated that there are few homeless in Belmont, and she expressed a desire to partner with nonprofit housing organizations.

Council concurred to hold future discussions regarding HOPE.

**ADJOURNMENT** at this time, being 7:30 P.M.

**REGULAR MEETING  
CALL TO ORDER 7:42 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Human Resources Director Dino, Interim Public Works Director Borrmann, City Treasurer Violet, City Clerk Cook.

**REPORT FROM CLOSED SESSION**

City Attorney Zafferano stated there are no reportable actions from the Closed Session held earlier.

**SPECIAL PRESENTATIONS**

**Presentation of the City Council Nomination Process for the November ballot**

City Clerk Cook advised that the nomination process for the November City Council election opened on July 13<sup>th</sup>. She outlined the process during the nomination and campaign period leading up to Election Day. She reviewed the various documents that are required of potential candidates. She explained the election certification procedure, and noted that the County has 28 days to certify the election once the polls close. She acknowledged the Redwood City Clerk for providing the framework for the presentation.

In response to Councilmember Wozniak, City Clerk Cook clarified that the qualifications for running for office in Belmont are that one must be a registered voter in the City of Belmont. She also clarified how signatures are counted if people sign more than one nomination paper.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Judy King**, Belmont Park Boosters, announced that two concerts remain in the annual Summer Concert Series.

**Kathleen Beasley**, Belmont Library, outlined upcoming programs at the Library. She noted that Library programs have been very successful.

Mayor Braunstein congratulated the Library for offering so many quality programs.

**COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Feierbach announced that the City of Richmond recently passed a smoking

ordinance that is stricter than Belmont's. She noted that there was very little publicity surrounding its passage.

Mayor Braunstein announced upcoming meetings at the proposed Semeria and Davey Glen park sites. Samtrans will be holding community meetings regarding proposed changes to bus routes. He will be attending a ground breaking ceremony for the new school in Redwood Shores. The Bike Advisory Committee will meet on June 20<sup>th</sup>. Residents are invited to the Mayor's monthly lunches to discuss anything of interest.

### **AGENDA AMENDMENTS**

Councilmember Dickenson requested the removal of Consent Item 4-B (Ordinance Increasing Solid Waste Charges) for a separate vote.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of June 9, 2009

**Approval of** Resolution 10149 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the North Road Pump Station Generator Installation Project, City Contract Number 497

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Dickenson, the Consent Agenda was unanimously approved, as amended, by a show of hands.

### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

#### **Ordinance Increasing Solid Waste Charges (2nd reading and adoption)**

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman, Ordinance 1045 Increasing Solid Waste Charges was approved by a show of hands (4-1, Dickenson no).

### **NEW BUSINESS**

#### **Discussion and Direction Regarding Placing a Measure on the November 3, 2009 Ballot Approving an Increase of the City's Transient Occupancy Tax (TOT) from 10% to 12%**

Finance Director Fil stated that the deadline for taking action to place an item on the November 3<sup>rd</sup> ballot is August 7<sup>th</sup>. He reviewed the budget issues that are driving the need to consider this action, including potential State takeaways. He provided information regarding transient occupancy tax (TOT) rates of neighboring cities, as well as the impact an increase would have on room rates. He noted that the measure is proposed as a general tax for the General Fund, which requires a two-thirds vote of the Council to place the measure on the ballot, and requires a majority vote of the people to enact.

Finance Director Fil reviewed the process for the ballot, including designating the authorized author of a ballot argument, as well as an impartial analysis, which is usually prepared by the City Attorney. He stated that the estimated cost for this portion of the election is approximately \$10,000, and a two percent increase in TOT could generate approximately \$220,000 in additional revenue.

Finance Director Fil reviewed the comments and concerns expressed at the recent outreach meetings held with the Chamber of Commerce and local hotel managers. He noted that the Chamber expressed support for implementing the tax increase when the economy improves, and to earmark the proceeds for marketing. He clarified that earmarking the tax revenue requires a two-thirds vote of the people. He also clarified that this matter could be placed on the November 3<sup>rd</sup> ballot to include a delay in the date of implementation.

City Manager Crist outlined the concerns expressed by the hotel managers. He noted that their occupancy rate was below 50 percent, and an increase in the TOT could have an adverse effect. He clarified that surrounding cities are considering other tax measures, not increases in TOT. He noted that the new revenue generated by the TOT could mitigate the effect of budget cuts.

In response to Councilmember Feierbach, Finance Director Fil noted that the City Council would determine the details of the restoration of any of the budget cuts should the measure be successful.

Discussion ensued regarding postponement of the implementation of the increased TOT. City Attorney Zafferano advised that it is difficult to set the date for the implementation of a tax several years out.

**Darrell Buettner**, Holiday Inn Express, requested that the City Council not consider this ballot measure. He expressed concern that the TOT rate would be different than surrounding cities, which does not provide an equal playing field. He clarified that corporate clients consider TOT when contracting for hotels. Voters will not be directly affected by the tax. He noted that hotel guests spend money in the surrounding community, which would be affected by a reduction in occupancy.

**Bhakta Thada**, Motel 6, stated that his motel is currently running under 50 percent occupancy. He expressed support for the increase in tax if the occupancy was above 50 percent, or when the economy improves. He noted that Motel 6 has recently lowered rates. He clarified that San Mateo County hotels have been affected by reduced European travel, as the region's hotels have been marketed to that part of the world.

**Mary Morrissey-Parden**, Belmont Chamber of Commerce, stated that a local competitive level is an important consideration. She noted that many entities are cutting budgets, and she questions the need to restore the cuts made to the City's budget. She expressed support for earmarking the proceeds of any increase in the TOT.

**Lenore Griffin**, Belmont Chamber of Commerce/motel owner, outlined the recent increases in other taxes and fees such as for trash and sewer. It is hard to predict the future, and she recommended postponing this item for future consideration. The economy is hurting all businesses. Voters may not recognize how the tax could affect them.

Mayor Braunstein noted that the timing is not good for this proposed tax increase, due to occupancy rates. He expressed concern regarding competition issues with other cities, and that this could also have an effect on other businesses. He cannot support the proposal at this time.

Councilmember Feierbach concurred, and stated that the other fee increases were necessary, but this tax increase is not necessary.

Councilmember Wozniak concurred, and noted that if occupancy rates decrease as a result of the increase in TOT, less revenue will be received.

Councilmember Dickenson stated that he supports this tax increase in principle, as it is appropriate. He noted that he did not support the other tax and fee increases recently implemented. He concurred that this is not the appropriate time for the TOT increase. He expressed support for earmarking any future TOT increase for public safety.

Councilmember Lieberman expressed his appreciation for the outreach that was done in this matter. He noted that an increase in TOT could have an adverse affect on hotels, especially considering the increase in other taxes and fees that have been implemented. It may be appropriate to consider this tax increase at a time in the future when the economy improves. He noted that it may be appropriate to consider a special election, even if costs for that election were higher than a regularly-scheduled election.

Council concurred to not pursue a ballot measure for an increase in the transient occupancy tax at this time.

### **Discussion and Direction Regarding Lot Coverage/Hardscape Limits/Parking in Front Yards Zoning Text Amendments**

Community Development Director de Melo noted that issues related to on-site parking are often addressed by the Planning Commission. He clarified that existing regulations permit residents to pave their entire front yard, but permits parking only on the driveway. Current regulations also prohibit circular driveways. He noted that there may be properties that could sustain a circular driveway. He outlined the issues to consider regarding this matter.

Councilmember Feierbach recommended consideration of permeable surfaces for driveways. She expressed support for circular driveways for large lots with no slope. She suggested that landscaping be required to mitigate the driveway, and noted that some existing circular driveways are very

aesthetically pleasing. She does not support paving over of entire front yards. She supports applying paving regulations to multi-unit housing.

Councilmember Wozniak recommended mandating the use of pervious paving surfaces. She does not understand why circular driveways are prohibited. Semi-circular driveways provide opportunities for better landscaping. She also recommended applying paving regulations to multi-unit housing.

Councilmember Dickenson expressed support for permitting tandem parking garages on deep lots. He also supports a requirement of setbacks.

Councilmember Lieberman expressed a desire to use best practices. He wanted to know what problem was trying to be fixed. He expressed support for permitting the use of semi-circular driveways, and suggested having more discussion regarding details. He could support tandem garages on certain lots. He suggested including incentives for the use of permeable material without mandating its use.

Mayor Braunstein concurred with other Council member comments. He expressed the need for simple regulations that can easily be followed and enforced.

#### **Discussion and Direction Regarding San Juan Hills Area Plan (SJHAP) Floor Area/Density Transfer Policies**

Community Development Director de Melo outlined the process set forth in the San Juan Hills Area Plan that allows the transfer of density within the San Juan area. He noted that the only two methods for obtaining additional floor area in that region are the merger of lots or a transfer of floor area. He stated that there may be a desire to amend the Plan to permit the transfer of density outside of the San Juan area, such as to the commercial downtown.

Councilmember Feierbach stated that she could support such an amendment, but expressed concern that the floor area not be transferred to parcels near residences.

Councilmember Wozniak concurred, and noted that this could assist with economic development plans.

Community Development Director de Melo clarified that although there are other ways to provide development incentives, this would provide an additional tool. Even if the density is transferred, there would be a need to maintain other development standards, such as setbacks. He clarified that this would not create any new development in the San Juan Canyon.

Councilmember Dickenson expressed support for pursuing this concept, but stated that it requires review through a public process. He is concerned about where the density could be transferred.

City Attorney Zafferano clarified that the existence of lots in the Canyon places demands on city services, such as road maintenance. Providing the ability to transfer density away from those lots could mitigate those demands, and the owner of those properties would derive no future economic value.

Councilmember Lieberman stated that this is an unusual request, and he is trying to understand the need and desire for such regulations. He expressed concern that there may be other ways to derive higher density, and he needs more information regarding the implications of allowing the density transfer. He is also concerned regarding unintended consequences.

Mayor Braunstein noted that this proposal increases options for those seeking additional density.

Councilmember Wozniak stated that some properties have undue restrictions, and this may be a better option to consider.

Council concurred to pursue this matter further.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Mayor Braunstein stated that topics discussed at the recent Notre Dame de Namur University Advisory meeting included the South Bayside Systems Authority (SBSA) capital project, Koret Field, CERT (Citizens Emergency Response Team) training, and Earth Week activities.

Councilmembers Lieberman and Wozniak stated that trash rates, recycling, dual versus single-stream trash collection, the SBSA allocation formula, force main, and bike bridge were topics of discussion at the recent Infrastructure meeting.

Councilmember Feierbach stated that the Economic Development Committee discussed the proposed transient occupancy tax (TOT) ballot measure, former Emmett House site landscaping, and City-owned sites at Sixth Avenue and Emmett Street, and at Middle Road and El Camino Real.

### **Verbal Report from City Manager**

City Manager Crist stated that staff and City Councilmembers would be attending an upcoming Foster City council meeting to thank Foster City for transferring PG&E Rule 20A funds to Belmont to complete the Old County Road undergrounding project. He noted that the State is still working on budget development, the outcome of which will likely have an impact on the City of Belmont. He stated that responses to issues raised by the Grand Jury would be forthcoming. He commented that there may be a desire to cancel the second August Council meeting.

Mayor Braunstein noted that the South Bay Waste Management Authority (SBWMA) membership issue was called out in one of the Grand Jury reports. He thanked Councilmember Dickenson for raising this issue.

**ADJOURNMENT** at this time, being 9:57 P.M.

**Terri Cook**  
City Clerk

Meeting Tape Recorded and Videotaped  
Audio Recording 731

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