REGULAR MEETING PARKS & OPEN SPACE COMMITTEE THURSDAY, SEPTEMBER 9, 2021, 4:00 PM REMOTE WEBINAR VIA ZOOM

COVID-19 ADVISORY NOTICE

Due to Covid concerns and consistent with State Executive Orders No. 25-20 and No. 29-20, the meeting will not be physically open to the public. Members of the Committee and staff will participate in this meeting remotely. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing Christina Cook at: ccook@cityofbelvedere.org. Please write "Public Comment" in the subject line. Comments submitted one hour prior to the commencement of the meeting. Those received after this time will be added to the record and shared with Committee members after the meeting.

The City of Belvedere is inviting you to a scheduled Zoom webinar.

When: Sep 9, 2021, 04:00 PM Pacific Time Topic: REGULAR MEETING PARK & OPEN SPACE COMMITTEE THURSDAY, SEPTEMBER 9, 2021, 4:00 PM

Please click the link below to join the webinar:

https://us02web.zoom.us/j/82670111030 PASSWORD: 575744

877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write "I wish to make a public comment" in the chat section of the remote meeting platform. At the appropriate time, City staff will allow oral public comment through the remote meeting platform. Any member of the public who needs special accommodations to access the public meeting should email ccook@cityofbelvedere.org, who will use her best efforts to provide assistance.

REGULAR MEETING PARKS & OPEN SPACE COMMITTEE THURSDAY, SEPTEMBER 9, 2021 4:00 PM REMOTE WEBINAR VIA ZOOM

OPEN FORUM

This is an opportunity for any citizen to briefly address the Parks and Open Space 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.

SCHEDULED ITEMS

- 1. Approve minutes of July 8, 2021, Regular Meeting
- 2. Comments from the Chair, Jean Bordon
- 3. Report from Robert Zadnik, Public Works Director

Old Business:

- 4. Review and Action to Consider Approval of Planting Plan for Parking Lot at Tom Price Park.
- 5. Report and Review of Memorandum, dated August 2021, to Irene Borba, Director of Planning, and Robert Zadnik, Director of Public Works, regarding Preservation of Views from Public Places, from Views Subcommittee of TVV, of the POSC.
- 6. Report from Robert Zadnik, Public Works Director, on Costs, and Report from Bryan Kemnitzer on Fundraising for the Belvedere Community Park Renovation, and Possible Actions on Both.

New Business

- 7. Action to Establish a Citizens' Fundraising Group in Support of Playground Renovations.
- 8. Action to Approve a Plaque or other Dedicatory Symbols Honoring Donors of \$1000 or more to the Renovation of the Playground, subject to Future Final Approval of Design and Placement by the Park and Open Space Committee.
- 9. Discussion and Action Directing Staff to prepare a Plan for Centennial Park, including replacement of stairs, removal and/or limbing of trees, and planting, and appointment of a sub-committee.
- 10. Discussion and Action Directing Staff to prepare a Plan for Park Lane, including replacement of stairs, removal and/or limbing of vegetation, planting, and installation of a viewing and seating area, with a built-in bench or a free-standing bench, and appointment of a subcommittee.

- 11. Review and Action to Consider Approval of an offer from the family of the late James Walsh to donate two 36-inch box Tilia Cordata (Green Spire Linden) Trees to Tom Price Park, and appointment of sub-committee.
- 12. Discussion and Possible Action to Approve Continuing to hold meetings on Zoom, as permissible under State modifications of the Brown Act.

Future Items

- 13. Discussion and Possible Action to Approve Changing the meeting time to 6 p.m. if Zoom meetings are no longer approved or allowed.
- 14. Discussion and Possible Action to Authorize a Survey of the Citizens of Belvedere on Organizing and/or Participating in Community Clean Up Projects on the Second Saturday of every even month of the year (i.e. February, April, June, August, October, and December).
- 15. Discussion and Possible Action on Delineating Park and Open Space Committee Task Forces, including whether past Task Forces should Continue, and whether new Task Forces should be Created, the Membership of each, and the Activities of each, including whether the Activities Shall be Fixed or as Directed by the Park and Open Space Committee from time to time.

Posted 09/03/2021

REGULAR MEETING PARKS AND OPEN SPACE COMMITTEE THURSDAY, JULY 8, 2021, 4:00 PM REMOTE WEBINAR VIA ZOOM

MINUTES

COMMITTEE PRESENT:	Chair Bryan Kemnitzer, Vice Chair Anne-Marie Walker, Jean Bordon, Kathy Pearson, and Carolyn Lund
COMMITTEE ABSENT:	Jena Watson and Mario Valente
OTHERS PRESENT:	Public Works Director Robert Zadnik, Council Liaison & Mayor James Campbell, and Office Coordinator Christina Cook

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

The meeting was called to order at 4:14 PM. Committee Member Walker attended via phone. Chair Kemnitzer read the COVID-19 disclaimer and special instructions for Zoom webinars.

ROLL CALL

Roll call was taken by Public Works Director Zadnik.

Chair Kemnitzer asked if there was any objection to moving item 3 to the first order of action. There was no objection. Item 3 was moved to item 1: Nomination and election of Committee Chair and Vice Chair. Committee Member Walker made a motion to nominate Committee Member Bordon as Chair and Committee Member Watson as Vice Chair. Committee Member Pearson seconded the motion. Committee Member Lund asked for Committee Member Bordon's vision for the Committee. Committee Member Bordon provided goals and objectives in response. Committee Member Bordon also asked for her name to be referenced on the Committee roster as Jean-Marie Bordon. Chair Kemnitzer called for public comment on the election. There was no comment.

MOTION: Committee Member Walker made a motion to nominate Committee Member Bordon as Chair and Committee Member Watson as Vice Chair. Committee Member Pearson seconded the motion. AYES: Kemnitzer, Pearson, Bordon, Walker, and Lund NOES: None ABSENT: Watson, Valente ABSTAIN: None

OPEN FORUM

Chair Bordon read the guidelines on open forum procedures and asked Director Zadnik if there were any public comments received by email. Zadnik indicated there were two raised hands. Director Zadnik invited Michael Davis to speak. Mr. Davis commented and showed a video capturing a cleanup at the Artist's

View property where an unidentified person was handling his fence. Mr. Davis felt this was vandalism. He asked for comments, and Chair Borden reminded Mr. Davis that this was a time for public comment, not question and answer. William Rothman wished to speak and commented on the carcinogenic material in the proposed playground matting. He called for reconsideration by the Committee.

There were no further public comments.

SCHEDULED ITEMS

1. <u>Approve minutes of May 13, 2021, Regular Meeting.</u>

MOTION: To approve the minutes with the following changes:

- Item 6, page 3: In Director Zadnik's update add that the environmental review "is now available."
- Item 7, page 4: Add that Chair Bordon said, "the marked-up version was incomplete."

Committee Member Walker made a motion to approve the minutes as amended, Committee Member Kemnitzer seconded the motion, and the motion was passed as follows:

AYES: Kemnitzer, Pearson, Bordon, Walker, and Lund NOES: None ABSENT: Watson, Valente ABSTAIN: None

2. <u>Comments from the Chair, Bryan Kemnitzer.</u>

This item was not addressed.

- 3. MOVED TO ITEM 1: Nomination and Election of New Committee Chair and Vice Chair.
- 4. <u>Report from Robert Zadnik, Public Works Director.</u>

Director Zadnik thanked former Chair Kemnitzer for his participation and significant efforts as Chair of the Committee. He provided an update and stated that the proposed Administrative Policy Manual changes to the Memorial sections would be going to Council in July for approval. He continued by mentioning upcoming Community Park events—the City's 125th Birthday Bash on September 4th and the final Concert in the Park on the September 5th. He then followed up on the previous agenda topic concerning a complaint of dangerous lacrosse play in Community Park. Director Zadnik and Staff met earlier in the month with the complainant to discuss the key problems and best way to mitigate. It was agreed that a discreet sign should be posted by the backstop. DPW installed the sign and the Police Department agreed to provide education and outreach to the players. Chair Bordon called for Committee and public comment. Director Zadnik stated there was no public comment.

OLD BUSINESS

5. <u>Continued discussion and possible action regarding planting projects along Lagoon Road.</u>

Director Zadnik stated Committee Member Kemnitzer was to provide the update, which was reported as follows:

a) Planting opposite BLPOA Boathouse – all planting has been completed and irrigation as well. Neighbors in the area are happy with the results.

- b) Planting at Tom Price Park parking lot Gary Rasmussen recommended native and waterwise plants along with a meandering hedge. The neighbors in the area have approved the plan and everything is moving along with the project.
- c) Benches in Tom Price Park The City now has the benches and the bench locations at the park have been marked. Director Zadnik is working on the installation.

Chair Bordon asked that going forward, before plans such as these are implemented, the Community should have more opportunity view the plans and comment. Director Zadnik reviewed the approval process and stated that the Committee and its subcommittee were involved in the planning of the projects, although time had passed since that involvement. Chair Bordon responded by pointing out that the plans changed over time and requested more transparency moving forward.

Chair Bordon called for public comment, there was none. Committee Member Walker commented that Mr. Rasmussen has been very helpful to the City. Item 9 was moved to the next item for discussion.

9. <u>Discuss the City utilizing a landscape architect to provide assistance for small projects. Example:</u> <u>a) Park Lane, b) Oak Mini Park.</u>

Director Zadnik was asked if a landscape architect could aid the City with small projects. He replied by reviewing the government procurement procedure when contracting with a landscape architect for small projects such as Park Lane or Oak Mini Park. Chair Bordon asked in what capacity Mr. Rasmussen was hired for the last project. Director Zadnik reviewed that process and Member Kemnitzer spoke of his support of Mr. Rasmussen. Public Comment was called for; there was no public comment for this item.

6. Update from Trees, Vegetation, and Views Subcommittee and discussion of related matters.

Chair Bordon called on Committee Member Walker to lead the discussion. She reported that there was a volunteer clean-up at the Artist's View property to remove a variety of invasive species on June 5th, 2021. It was reported that 21, 30-gallon paper bags of invasive plant materials were collected. Committee Member Walker then asked Committee Member Pearson to report on the "Views" portion of the subcommittee. It was noted that the view corridors are not well maintained and that possibly the residents are not aware of the rules and restrictions in those areas. She continued by stating a full report is forthcoming and will include photographs from her finding—the report will be submitted to the City's Planning Department and to Director Zadnik. Committee Member Kemnitzer also reported on the Artist's View clean-up and what a fantastic job the City did. Chair Bordon called for Committee and Public comment; there was none.

7. Discussion regarding cleanup efforts for Centennial Park. Topics may include the following:

- a) Holly Tree
- b) Volunteer cleanup day in July
- c) Irrigation
- d) Landscape architectural assistance with additional planting and site plans.

Committee Member Kemnitzer began by stating that Centennial Park is not well maintained. New neighbors of the park had the Holly tree pruned and it was almost destroyed. Committee Member Kemnitzer stated that the tree needs to be looked at by a professional like Mr. Rasmussen and that irrigation needs to be installed. He continued by stating that the bordering neighbors of the park may be willing to contribute towards this effort. The conversation continued and a cleanup day was discussed. It was decided that Saturday, August 21st from 9-12, will be a cleanup day at Centennial Park. Chair Borden commented

that the Holly tree lost 1/3 of its foliage and that a Japanese Maple that was pruned was also losing its leaves. She feels the Planning Department should be involved in these issues. Director Zadnik said that a city crews could assist with a mid-week cleanup effort. There was further discussion on the details of the cleanup.

Committee Member Lund asked for a change to monthly meetings and recommended a special meeting in July. Chair Bordon said this is not the correct time to discuss this topic and pointed out that it could be placed on a future meeting agenda.

There was further discussion regarding schedule and availability of City crews to work at Centennial Park in August. Public comment was called for; there was none.

8. <u>Continued discussion of Artist's View; receive update from Staff.</u>

Director Zadnik reviewed the second round of maintenance with Treemasters and stated that the area is looking much cleaner; however, there was still some debris at the bottom of the lot--fencing would have to be removed before final work is completed. He continued by stating that Staff had a meeting with Fletcher Design and they were eager to start the project. Director Zadnik discussed the strategy of holding a kickoff meeting with members of the TVV subcommittee followed by a public-facing meeting. It was suggested that conducting the meeting in the parking area above the site may be a good idea. Director Zadnik concluded his update and asked for questions. Chair Kemnitzer commented that he would like to participate in a meeting Fletcher and stressed the importance of making the process open to the public and nearby residents. Director Zadnik said that Fletcher would be able to recommend a best approach for getting the word out. Committee Member Lund reminded the Committee it is not just the neighbors that need to be able to comment; it is the whole community.

Chair Bordon asked for updated rosters of the sub committees. It was discussed that committee members should simply define the tasks that are needed and have subcommittees fulfill those tasks. There was further discussion on how Special and Standing Committees are defined. Mayor Campbell provided some direction on the subject. A committee member asked about the status of the Playground Committee. It was reported that they are still in the fundraising portion of the assigned tasks. Director Zadnik clarified that the Playground is a Council-approved project whereas Artist's View is not yet a Council-approved project.

Chair Bordon called for Public Comment. Klaus Johannsmeier gave public comment about nesting birds, conducting a feasibility study, and issues with dogs in Belvedere. There was no further public comment.

NEW BUSINESS

9. <u>Discussion of City utilizing landscape architect to aid with small projects. Example: a) Park Lane,</u> b) Oak Mini Park.

This item was discussed earlier after item 5.

Committee Member Kemnitzer made a motion to adjourn the meeting. Committee Member Walker seconded the motion. The meeting was adjourned at 5:42.

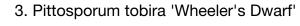
Planting Palette



1. Garrya elliptica



2. Quercus agrifolia





6. California Poppy

Plant List

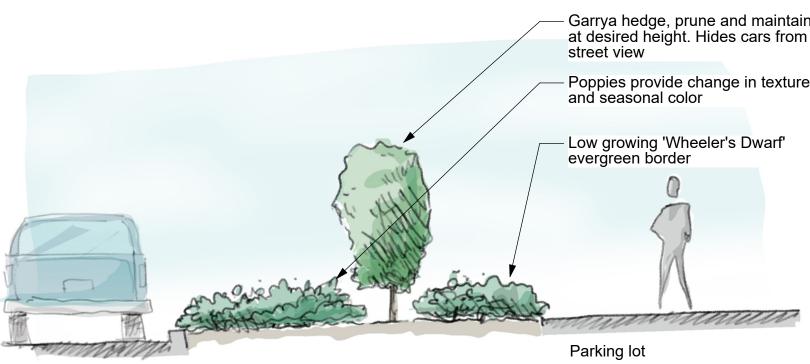
			•		
#	Botanical Name	Common Name	Native	Water Usage	Plant Heig
1	Garrya elliptica	Coast Silktassel	Yes	Low	6'-15' tall /
2	Quercus agrifolia	Coast Live Oak	Yes	Very Low	25'-75' tall
3	Pittosporum tobira	Wheeler's Dwarf	No	Medium	2'-3' tall / 4
4	Eschscholzia californica	California Poppy	Yes	Very Low	1'-2' tall / 2















Street



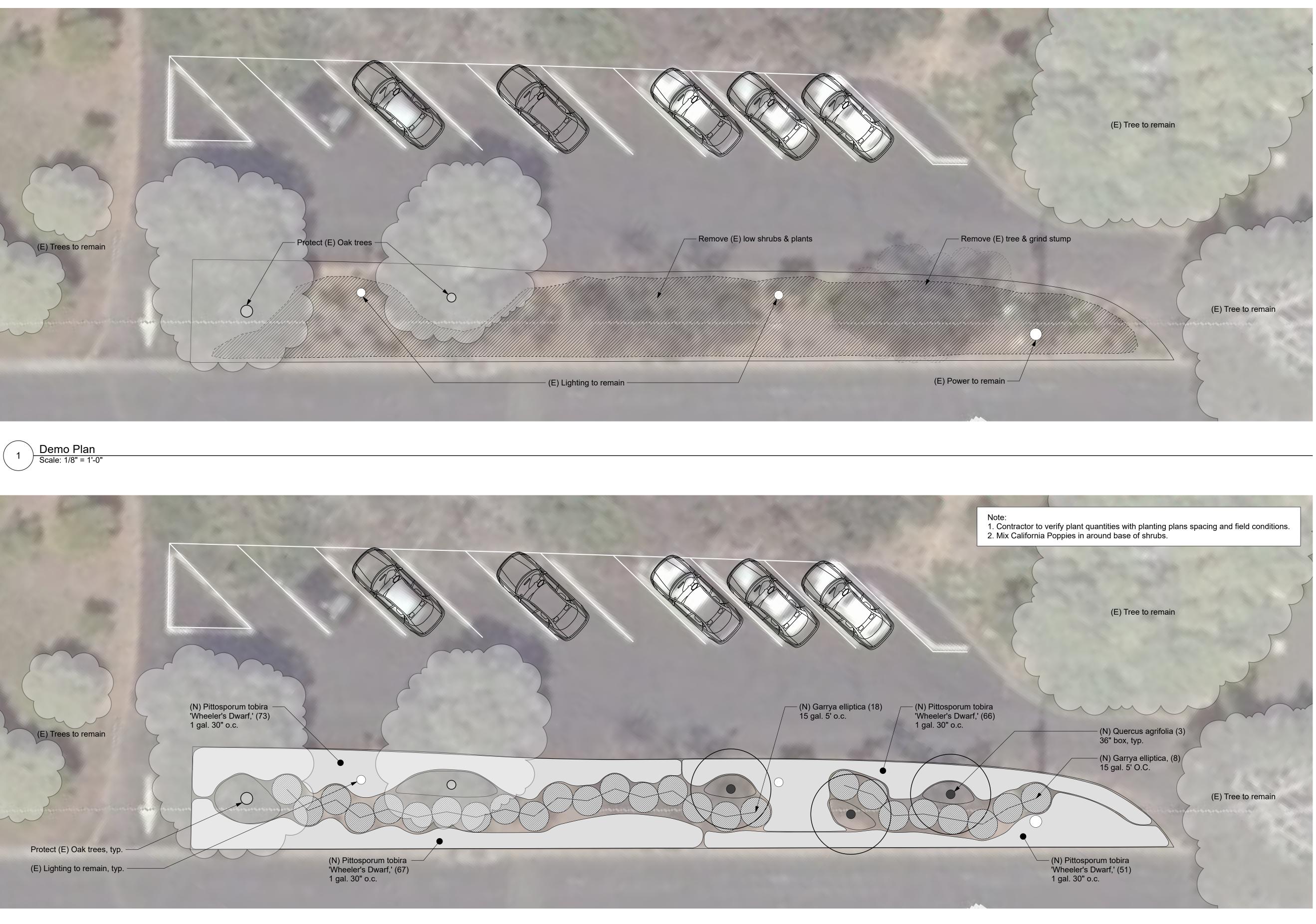
Blasen Landscape Architecture Inc. 500 Red Hill Ave. San Anselmo, CA 94960 t: 415.485.3885 f: 415.485.3877 www.blasengardens.com RLA #3774

Lagoon Road landscape

Lagoon Road Belvedere, CA APN: 060-061-13

Concept Sketches & Plant Images

Revisions:	
Proposal 6/21/21	
Planting Plan 7/15/2	21
Revised Planting Pla	n 9/1/21
Drawn:	Checked:
BLA	EB
Issue Date:	Scale:
1-Sep-21	NTS
Sheet:	_
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Landscape Site Plan Scale: 1/8" = 1'-0" 2

NOTE: Contractor to verify locations of new and existing utilities prior to any excavation, root removals, and/or all plant placement.



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Lagoon Road landscape

Lagoon Road Belvedere, CA APN: 060-061-13

Site Plan

Revisions:	
Proposal 6/21/21	
Planting Plan 7/15,	/21
Revised Planting P	Plan 9/1/21
	Checked:
Drawn: BLA	FB
Issue Date:	Scale:
	AS NOTED
1-Sep-21	ASNOTED
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Belvedere Park and Open Space Committee

Sub-Committees established on September 9, 2021

Placement of Two Linden Trees for Tom Price Park

Anne-Marie Walker, Chair Kathy Pearson Jean Bordon

Plan for Stair Replacement and Other Improvements at Centennial Park

Jena Watson, Chair Anne-Marie Walker Carolyn Lund

Plan for Stair Replacement and Other Improvements at Park Lane

Jena Watson, Chair Bryan Kemnitzer Mario Valente

- **To:** Irene Borba, Director of Planning and Building, City of Belvedere Robert Zadnik, Director of Public Works Department, City of Belvedere
- **From:** Task Force on Trees, Vegetation and Views (TVV) of the Parks and Open Space Committee (POSC), City of Belvedere Views Sub-committee, Kathy Pearson Chair, Jean Bordon

Date: August 2021

Subject: Scenic View Obstructions on Private and Public Lands Found in Surveys conducted by Volunteer Belvedere residents in August/September 2020 for the TVV of the POSC

OBJECTIVE "Maintain views from Belvedere's scenic streets, …" General Plan, p.115, Policy REC-1.4

BACKGROUND

In June 2020, the Belvedere Park and Open Space Committee established the Trees, Vegetation and Views Task Force (TVV). In July 2020, TVV distributed survey instructions to volunteer Belvedere residents. In August and September 2020, the Belvedere residents conducted surveys for Dead and Dying Trees, Invasive Plant Vegetation, and Existing Views and Impaired Views. The survey results were accumulated in the Belvedere Survey, October 2020, and presented to the POSC at its November 12, 2020, meeting.

The TVV made a full report to the POSC at its January 14, 2021, meeting. The POSC unanimously adopted the TVV recommendations and authorized the TVV to work with the Department of Public Works, City Staff, and other City committees and volunteers to implement actionable items. With respect to views, the TVV recommendations were that the City encourage residents to recognize the importance of water views to all residents, send notice to homeowners who were found in the Survey to be obstructing views to take corrective action, and to encourage homeowners to conduct periodic compliance reviews, approximately every 2 years, including compliance with conditions of project approval.

At the POSC meeting on May 13, 2021, TVV sought to involve POSC members and Belvedere residents in direct action to reduce fuel load, notice properties with dead trees, remove invasive plants, and restore views. POSC member Kathy Pearson agreed to work on view restorations and POSC member Jean Bordon agreed to assist.

In June 2021, Kathy Pearson, Jean Bordon, and citizen volunteer Sandy Donnell revisited sites which had been identified in the 2020 surveys as having obstructed views. Kathy Pearson and Jean Bordon returned for a more thorough visit to Centennial Park, which was one of the

identified sites. Kathy Pearson contacted Irene Borba, Director of Planning and Building, and requested a meeting.

Meeting between Planning, Public Works and TVV View Subcommittee

Irene Borba set up a Zoom meeting for June 16, 2021. The meeting was attended by Irene Borba, Director of Planning and Building, Robert Zadnik Director of the Department of Public Works, and Kathy Pearson and Jean Bordon of the TVV and POSC. Some view obstructions were discussed. Irene Borba thought that trimming had recently been done at 425 Belvedere Ave. There was not knowledge of the specifics of a hedge limitation imposed by the Planning Commission on 67 Belvedere Avenue. There was also not clear understanding of the documentation and the specific requirements of the view easements on Westshore Road. Irene Borba considered whether a summer intern might be able to research these issues. Irene Borba suggested the General Plan as a source of information. Irene Borba indicated that Planning would work with POSC, but that a report, which included photographs and measurements, would be helpful. It was agreed that a report would be prepared. Jean Bordon revisited the sites and took measurements and additional photographs. The obstructions on public property were not discussed at this meeting, but these are covered in this report.

Format of the Report

The view obstructions which were cited in the survey are in four different categories. Obstructions in violation of Code sections; obstructions in violation of Planning Commission conditions; obstructions in violation of View Easements; and obstructions on and from public property. The discussion of each will include questions regarding the specific property at issue as well as questions regarding the general category. All measurements and photographs were taken in June 2021, except for a few noted as having been taken in July 2021.

Irene Borba referenced the General Plan. A brief overview of the General Plan leaves no doubt that views are a key element of the City.

City of Belvedere General Plan

VIVISION STATEMENT "Through the implementation of the General Plan, it is the overall guiding vision of Belvedere to 'Preserve the special and unique sense of place while allowing changes that would enhance the community.'" (Vol. 1, p.1)

The General Plan recognizes that Belvedere's special and unique sense of place is largely because "..., the City of Belvedere has a physical setting that is unparalleled. Surrounded by water in nearly every direction." (Vol. 1, p.11)

The General Plan recognizes that scenic views are important to Belvedere residents. In a survey conducted as part of the General Plan Update, 47% of the respondents agreed that "Preserving

residential scenic views" is "Extremely Important" and 36% agreed it is "Very Important"; 51% of the respondents agreed that "preservation of open spaces" is "Extremely Important" and 25% agreed it is "Very Important". (Vol. 1, pp. 33 and 112)

The General Plan Land Use Policies and Actions support preserving views. "Views from public spaces of the Bay, San Francisco, and the mountains are to be retained wherever possible." (Policy LU-1-4, p.46) "The Zoning Ordinance includes provisions for the dedication of a view site or easement." (*Actions* LU-1.4.1, p.46)

The Parks, Recreation, and Open Space Element of the General Plan emphasizes the uniqueness of views from Belvedere, the importance of views to residents, and measures to preserve views.

"Belvedere's environmental assets include open water surroundings, magnificent marine views from many public and private vantage points, ... Vistas of the Tiburon hills and of the Sausalito waterfront are important parts of Belvedere's environmental context." (Vol.1, p.105) "There are several vantage points in the community where residents and visitors can catch amazing views of Belvedere and the surrounding areas." (Vol.1, p.111)

"The open spaces that do exist in Belvedere are generally highly valued by residents." (Vol.1, p. 105)

"Views in residential land use classifications are protected by height limits, minimum lot size requirements, and setbacks established in the Zoning Ordinance. In addition, Zoning Ordinance regulations for very large homes and new second units require protection of 'primary views.' ...Scenic views in other land use classifications are protected by the R and O Zoning District regulations."

The Parks, Recreation and Open Space Policies and Actions of the General Plan support preserving views. "Maintain views from Belvedere's scenic streets, especially San Rafael Avenue and Beach Road." (Policy REC-1.4) "Open space can be secured through a variety of means, including purchase, dedication of land, transfer of development rights, view easements, or view corridors. Any of these methods should be considered as appropriate." (Policy REC-2.1) "Continue to control private use of public property." (Policy REC-2.5) "The City shall not sell of release its interest in any lane." (Policy REC-1.1)

The General Plan's Community Design section also recognizes the magnificent views, the importance of views to the residents, and measures to preserve views. "From the islands, there are sweeping marine views of the surrounding Bay Area". (Vol.1, p.136) On "Belvedere Island ... the typical streetscape features scenic views, generous landscape buffers, and open expanses of naturalistic hillside and garden areas." (Vol. 1., p.136) "Given that permits are required for improvements involving the public right-of-way, it would be desirable for any improvements to enhance the character of Belvedere." (Vol. 1, p.141) "Design guidelines would be intended to reinforce the character and aesthetics of the community over time." (Vol. 1, p.141)

A hedge is a living fence. (Belvedere Code section 8.28.020, C.) "Fences should be designed and located so that they are architecturally compatible with the design of the building, are aesthetically attractive, and do not significantly block views." (Policy CD-5-1-4) "Design of fencing and screening should adhere to the general provisions of bulk and mass that apply to buildings. Scale should be consistent with the character of the setting and other dwellings in the neighborhood, and monotony or an impression of bulk should be avoided." (Policy CD-5.1.6) "Choice of landscape materials should take into consideration the future impact that new planting may have in significantly obstructing views from nearby dwellings." (CD 10.1.4) "Native or natural-appearing vegetation, with generally rounded, natural forms, should be placed to appear as loose, informal clusters." (CD-10.1.1)

Obstructions in Violation of Belvedere City Code

Under the provisions in the Belvedere City Code, which are quoted below, hedges along the public roads on Belvedere Island shall not exceed 6 feet:

Belvedere Island's scenic streets curve and rise and fall. One always welcome effect is that Angel Island, the Cityscape, the Gate Bridge and Mt. Tam, which are quite high, are easily visible over six feet hedges from many upslope locations.

The six-foot limit serves purposes other than view preservation. The bulk and mass of hedges over six feet are inconsistent with the General Plan. Hedges over six feet create a dark, tunnel effect. Under some circumstances, hedges over 6 feet can create a fire ladder.

"This Chapter is adopted for the following purposes: ... E. To promote and maintain the aesthetic value of the community generally; ..." (Section 8.28.010.E)

" 'Hedge' means any plant material, trees, stump growth or shrubbery planted or growing in a dense continuous line so as to form a thicket, barrier, or living fence." (Section 8.28.020, paragraph C.)

"In the case of hedges, the hedge is regarded as a 'living fence.' As such, the owner of the property upon which the hedge grows is responsible to maintain the hedge to comply with the City fence height limitations." (Section 8.28.090 A.)¹

"Fences. Fences are permitted in any yard as follows: 1. Fences shall be permitted to a maximum height of six feet above Existing Grade with decorative elements permitted up to a height of six feet-six inches at reasonable intervals. 2. Fences shall be located at least two feet from the adjacent curb or pavement edge. 3. Where a yard abuts water, a fence parallel to the water shall be limited to four feet in height above Existing Grade. 4. A trellis or arch over an opening in a fence is permitted to a maximum of nine feet. 5. A hedge, as defined in Section 8.28.020, may exceed the height limit for fences where the extra height is agreed upon in writing by all immediately adjacent neighbors. Such fence is subject to the provisions of Chapter 8.28 of the Belvedere Municipal Code. 6. Fences in the R-15 Zone may exceed six feet in height to a maximum of eight feet from Existing Grade where the extra height is agreed upon in writing by immediately adjacent neighbors and subject to Design Review, provided that such fence is not adjacent to public space." (Ch. 19.48 Yards and Setbacks, Section 19.48.190 Residential zones – Certain facilities and structures permitted in yards. Section A.) (emphasis added)²

Belvedere Island is in Zone 15. (Ch. 19.12)

Volunteer Surveyor Sandy Donnell made the following comment on August 25, 2020, on an impaired view at **425 Belvedere Ave**.: "Hedge to be maintained at 6' ".

At the Zoom Meeting on June 16, 2021, Irene Borba commented that she understood that the hedge at 425 Belvedere Ave. had recently been trimmed.

In June 2021, after the Zoom meeting, the photographs below were taken. Measurements, after the Zoom meeting, showed that the height near the norther corner was approximately 80" or 6.6' and the height near the center of the hedge was approximately 82" or 6.8'. It did appear that privet hedge had been recently pruned. The foliage was quite tight in June. It also appeared that the hedge was higher than the fence.

¹ See also "Hedges – Height Limitations. No hedge, as defined in Section 8.28.020, shall be permitted to grow to a height exceeding the authorized height of fences as set forth in this Code, if in so doing such hedge interferes with the view or sunlight reaching any parcel of private property in the City." (Ord. 98-8 sec. 1 (part), 1988)" (Ch. 8.28 Trees, Section 8.28.080, par. F) "Unreasonable Obstruction of a Preexisting View or sunlight reaching a parcel of property is prohibited. (citation omitted)" (Section 8.28.035)

² Section A.6 contains exceptions for Zones R-1L, the Lagoon, and R-2, the Boardwalk. Section A.7 contains provisions on how to measure fences exceeding 6 feet under the exceptions. Under Ch. 19.12, Corinthian Island is Zone R-1C, the Lagoon is Zone R-1L, and West Shore Road is Zone R-1W.







North Corner of Hedge

Center of Hedge

Close Up of Hedge

For this type of hedge to be maintained at 6 feet, it would have been helpful if it had been periodically trimmed to 5'6", so that there could be some leafier foliage between trims. Going farther back, it would have been helpful if some hedge other than a privet had been approved by the City.

We are aware that a neighbor had contacted Irene Borba in the past and had requested that this hedge at 425 Belvedere Ave. be maintained at the height of the fence.

Questions on View Obstructions in Violation of Belvedere Code

These circumstances raise several questions regarding how to "maintain views from Belvedere's scenic streets." (Gen. Plan. P.115)

The following are some questions which the Planning Department might address:

It would be useful if the Planning Department could advise POSC about how it can best support the objective of maintaining "views from Belvedere's scenic streets." (Gen. Plan p.115)

Are all hedges which front the public street in the R-15 Zone on Belvedere Island subject to the 6-foot limit?

Is the Planning Department monitoring the height of any other hedges in the R-15 Zone on Belvedere Island?

If so, which ones?

Is it the Planning Department's practice to only monitor a hedge if there has been a citizen complaint?

If so, this could result in unequal enforcement or non-enforcement, as it places neighbors in a tenuous position. Would it be useful if the POSC conducted a survey and provided a list of all hedges in R-15 Zone on Belvedere which are in violation of the 6-foot limit?

Does the Planning Department and/or the Planning Commission have a list of plants which can be easily and attractively maintained at 6 feet?

If not, should such a list be created and additionally, should some plants be expressly excluded from use as street front hedges? (i.e., Ficus, which is not allowed in San Francisco, Privet, which can grow to 15 feet, etc.)

Is there or should there be a policy requiring the Planning Department to expressly approve the type of plant for any new hedge, which fronts the public street, in all matters before the Planning Department or Planning Committee?

Is there or should there be a policy to require that any existing hedge, which is in violation of the 6-foot limit, be corrected as a condition for approval in all applications before the Planning Department and Planning Commission?

Are there or should there be procedures in place to make certain that all residents in the R-15 Zone on Belvedere Island are aware of the requirement to maintain street front hedges at 6 feet?

Could each monthly notification of the spring/summer chipper program remind residents that all street front hedges are to be maintained at no higher than 6 feet and encourage residents to correct any non-conformities during the chipper program?

As hedges are subject to the same restrictions as fences, should the Building Department have some responsibility for conducting inspections or otherwise enforcing the 6-foot limit?

Obstructions in Violation of Planning Commission Conditions of Approval

Volunteer Surveyor Sandy Donnell made the following comment on August 25, 2020, on an impaired view at **67 Belvedere Ave.**: "Boxwood to be no higher than 3'".

We are aware that at the time of the Planning Commission's approval of the home on the combined lots of 67-69 Belvedere Ave., there was a condition imposed which restricted the height of the boxwood hedge which runs along the street front.

While Sandy Donnell recalled the restriction as 3 feet, Michael Lasky, a former Planning Commission member, recalled the restriction as 4 feet. The amount of the height restriction was not available at the meeting with Planning and Public Works. The home, now identified as 67 Belvedere Ave., was sold to the current owners in 2011.

In June 2021, after the Zoom meeting, the photographs below were taken. Measurements, after the Zoom meeting, showed that the height ranged from approximately 58" or 4.8' to 64" or 5.3'.





Mailbox

Handrail



Golden Gate Bridge



Mt. Tam

Jean Bordon, who lives next door, contacted the current owner, and advised her that the Planning Commission had imposed a limit on the height of the boxwood fence, that one person thought the limit was 3 feet and another person thought it was 4 feet, and that she could obtain the correct information from City Hall.

The owner replied that she was about to leave on vacation, but that before she did, she would instruct her landscapers on trimming the hedge. She had not known about the restriction. "I'm sorry that we were unintentionally out of line."

The photographs below were taken in July, after the boxwood hedge had been trimmed. Measurements after the trimming showed that the height ranged from approximately 45" or 3.75' to 46" of 3.83'.

[**Kathy – Insert 3 photos** from my recent email of 7-20-2021 Subject: 47 Belvedere Ave. and label as in email: i.e., Mailbox, Golden Gate Bridge, and Mt. Tam. Kathy also add to the label: July 2021]

The current owners had purchased the home about 10 years ago and they had never previously been informed that the Planning Commission had imposed a restriction on the height of the hedge.

In July there were orange paint marks on the section of the hedge facing the Golden Gate Bridge. This could indicate that a fence was being considered. It would be ironic if after the hedge was trimmed to protect the view, a fence were to be built which obstructs the view. This is not a situation where the public street slopes downward toward a view and a scenic view of the Golden Gate Bridge could be seen from the crest and not be obstructed by a six-foot fence.

Questions on View Obstructions in Violation of Planning Commission Conditions

These circumstances again raise questions regarding how to "maintain views from Belvedere's scenic streets." (Gen. Plan. P.115) It would again be useful if the Planning Department could advise POSC about how it can best support this objective.

The following are some questions for the Planning Department raised by this Planning Commission restriction and by such restrictions in general:

What is the height restriction imposed by the Planning Commission on the street front boxwood hedge at 67 Belvedere Ave.?

What, if any, is the height restriction imposed by the Planning Commission on street front fencing at 67 Belvedere Ave.?

Under standard procedure, if there were to be an application for a street front fence at 67 Belvedere Ave., at what level of review would the application be determined?

Is the view from the public street a factor in considering applications for fences or for hedge planting along the street front?

If so, where is this criterion listed?

If the view from the public street is not specified as a criterion, what can be done to correct this omission?

Is there or should there be a procedure for the Planning Department to record, monitor and enforce height limits on hedges, which have been imposed by the Planning Commission?

Is there or should there be a procedure to notify new owners of conditions imposed by the Planning Commission on hedges and fences?

If the intent of the Planning Commission is imposing height restrictions on street front hedges and fences is to grant a visual easement, could a procedure be developed to record a view easement?

As hedges are subject to the same restrictions as fences, should the Building Department have some responsibility for conducting inspections or otherwise enforcing conditions, including height limitations, imposed by the Planning Department or by the Planning Commission on hedge heights?

Obstructions Resulting from Planning Commission Approval of Garages

Volunteer Surveyor Wendy Miller made the following Comments on August 31, 2020, on view obstructions on Bella Vista:

"Also, a substantial obstruction of views from Bauer's new 2nd unit & garage at 300 Bella Vista."

This project is nearing completion. As of this writing, new landscaping has not been installed. Protection of any remaining view should be considered by the City authorities charged with reviewing and approving the landscaping for 300 Bella Vista Ave.

Questions Regarding Planning Commission Approval of Garages

Is there or should there be a policy requiring the Planning Commission to consider preservation of the public view from City streets in evaluating applications which involve a garage within the front yard setback?

Is there or should there be a policy that plantings on either side of garages which are within the front yard setback be restricted to a height of 4 feet to preserve the view from the public street and to limit the mass and bulk resulting from the garage?

Obstructions in Violation of Westshore Road View Easements

There are three View Easements on Westshore Road. These Easements are represented on the City of Belvedere Parks, Recreation and Open Space Map by orange stripes. An annotated copy of this Map is attached to this report. The street addresses of the properties on either side of each easement have been added to the Map.³

The lower address numbers on Westshore Road begin at the north end, near San Rafael Ave. The Easements are between the following properties:

37 and 35 Westshore Road61 and 59 Westshore Road81 and 79 Westshore Road

At the Zoom meeting on June 16, 2021, Irene Borba did not have specific information for these Easements. She indicated further research would be needed. As of this writing, it is not known if the Easements run over the properties on each side of the Easements. It is also not known what restrictions the Easements impose on the property owners or lessees.⁴

Volunteer surveyor Kathy Pearson inspected the Easements in 2020. In June 2021, Kathy Pearson, Jean Bordon, and volunteer Sandy Donnell revisited the Easements.

Initially, Kathy Pearson and Jean Bordon were under the impression that the View Easements only ran across the properties to the south of the Easement, specifically 37, 61 and 81 Westshore Road.

Sandy Donnell could recall City proceedings which she thought involved a View Easement running across a property to the north of an Easement, specifically the property at 35 Westshore Rd.

The photographs below include photographs of the properties on each side of each View Easement. There are substantial view obstructions on each of the properties on the north of each Easement, specifically 35, 59, and 79 Westshore Road.

The properties on the left in each photo, are the properties on the south of the Easement, and these are the properties with the higher street number.

37 and 35 Westshore Rd.

³ The street addresses on either side of an Open Space parcel on Beach Road have also been added to the Map.

⁴ When Westshore Road was initially developed the land rights were retained by the developer, presumably the Belvedere Land Company, and the home builders received only a 99-year leasehold interest in the property.

The property at 37 Westshore Rd. has a low fence, which runs along the sidewalk, to the north corner of the property, presumably over the View Easement. The fence is 42" or 3.5' high. The fence does not block the view.

The property to the north at 35 Westshore Rd. has tall trees of varying heights. The lower trees and any intermixed branches from the taller trees block the view. Parallel to the sidewalk, there is a privet hedge which will soon be six feet high and create an additional blockage of the view. The home seems close to the apparent property boundary.



37 Westshore Road

35 Westshore Road

61 and 59 Westshore Rd.

The property at 61 Westshore Rd. has a privet hedge, which runs along the sidewalk, on the north side of the property, presumably through the View Easement. Measurements taken after the Zoom meeting showed the height of the privet ranging between 58" or 4.8' and 69" or 5.75'. This is substantially higher than the 3.5' fence at 37 Westshore Road and with normal growth, will soon totally block the view. The height of this hedge should be reduced, and it should be maintained no higher than whatever height is required by the View Easement. For the hedge to have some foliage, as opposed to just branch tops, it should be trimmed about 3-4 inches below the maximum height allowed, so that it will leaf out between pruning.

The property at 59 Westshore Rd. has a hedge, which is well over 10 feet tall, running along the apparent property line, and a maple tree nearby, and the view is blocked.

81 and 79 Westshore Rd.

There was an obstruction growing into the View Easement from a tree on the property at 81 Westshore Rd. Diagonal branching was growing into the easement and would soon block the view. This included a large bough, growing out from low on the trunk.

There should be substantial pruning, including the removal of the lower large horizontal bough, in order to prevent the tree from taking over the View Easement.

At 79 Westshore Rd., there is a fence, which is approximately 6' tall, running parallel to the sidewalk, to the south corner of the property. There is a plant which is also approximately 6' tall in front of the fence. The view is blocked.



81 Westshore Road

Close-up of Diagonal Branch 79 Westshore Road

Questions on View Obstructions in Violation of View Easements on Westshore Road

There are several questions raised by the observed conditions of these view easements.

Do the easements run over the properties on both sides of each of the three easements?

What obligations do the easements impose on the property owners or lessees?

Where is the information regarding these easements maintained by the City?

Were these view easements granted to the City by the Developer, presumably the Belvedere Land Company?

If so, were conditions imposed on the City in return for the grant of the view easements?

How is Planning Department staff made aware of the easements, when there is an application to the Department from one of the subject properties?

Is there or should there be a practice of flagging the files for properties which are subject to view easements?

At what level was approval granted for the privet hedge at 61 Westshore Road?

At what level was approval granted for the fence at 37 Westshore Road?

Is there or should there be a policy of disallowing plants, which can easily grow to a height of 6 feet more, in a view easement? For example, should privets, which can grow to a height of 15 feet, be disallowed?

Is there or should there be a policy requiring inspections of the view easements at regular intervals?

Does the existence of these view easements routinely appear in a Title Report?

Does the City have any procedure for notifying new owners or lessees of the existence of these view easements?

Obstruction of Views from Public Property

Centennial Park

Volunteer Surveyor Wendy Miller made the following Comments on August 31, 2020 on view obstructions at Centennial Park:

"Center of the park: a large double-trunk Bay tree that is overgrown and obstructing pre-exiting views from the top of park."

Following the Zoom meeting, Kathy Pearson and Jean Bordon met Wendy Miller at the Park in June. We reviewed the Park and photographs were taken.⁵ Jean Bordon returned to the Park and took additional photographs.

⁵ Steven Bauer, a current owner of 300 Bella Vista Ave., which is on the northern boundary of the Park, was returning to his home while Kathy Pearson, Jean Bordon and Wendy Miller were reviewing the Park. There was discussion regarding a holly tree and a Japanese maple tree, which had been topped. This was allegedly done by the new neighbor on the southern boundary of the Park. This situation will be addressed separately.



Centennial Park exists due to the generosity and foresight of Gay and Wyman Harris, former owners of 306 Bella Vista Ave., and Joan and Dr. Hillary Don, former owners of 300 Bella Vista Ave. They purchased the property which is now Centennial Park and donated it to the City. Centennial Park runs from Bella Vista Ave. down to Beach Road. There are stairs, gentle switch backs, and viewing benches.

Bay Tree

From the top of the steps at Bella Vista Ave., the Bay Tree, cited by Wendy Miller, is a dominant feature, blocking almost the entire view. As one crosses the first switch back, this Bay Tree is still the most prominent feature, and from this perspective, continues blocking the view.



Tree from Top of Stairs



Bay Tree from Upper Switch Back

As can be seen in the photograph from the switch back, there is a plum tree struggling to reach out under the Bay Tree for some light. The next photograph shows the understory of the plum tree.



Understory of Plum Tree under Bay Tree

As seen from below the Bay Tree, looking up toward Bella Vista Ave., there is a large cavity at the base of the Bay Tree. From this perspective, the multiple trunks referenced by Wendy Miller, are clearly defined.



Cavity Base of Bay Tree and Multiple Trunks Bay Tree. July 2021.

The Bay Tree clearly blocks the view.

It is well known that Bay Trees can be carriers of Sudden Oak Death (SOD). This Bay Tree has been the subject of prior investigation by the POSC. It was likely the host for SOD which infected an oak which had to be removed a number of years ago. Only the ivy-covered stump of the oak remains.

The 2018 POSC Tree Survey recommended that at least the lowest bough of the Bay Tree be removed to prevent the tree from falling over. Bay Trees are also disfavored because they are highly flammable. The large cavity at the bottom of this tree may also be a cause for concern.

The view from Centennial Park could be greatly restored by removal of the two lower boughs and substantial pruning of this tree. The view would be more completely restored if this Bay Tree were removed. Removal is indicated by the problems listed above, and it may be the most costeffective means of view restoration. Pruning, especially any type of top pruning, can cause regrowth of multiple shoots on Bay trees.

"Tree removal to the ground may be required where, by reason of the nature or number of trees growing on the same parcel, such removal is essential to eliminate an unreasonable view or sunlight obstruction or where such removal is desirable to prevent undue density or growth with the consequent danger of increase in fire hazard or aggravation of view impairment." (Section 8.28.080.E)

Clarification should be obtained on whether the neighbor notification provisions in Section 8.28.140 apply in this situation.

Pittosporum Hedge

In the upper section of the boundary between Centennial Park and 300 Bella Vista Ave., there is a pittosporum hedge which has not been pruned in some time and which blocks the view.



Pittosporum Hedge, upper west boundary

Clarification should be obtained on the location of the western boundary line of Centennial Park. The location is confused by the on again/off again presence of yellow caution tape lower on the property and well into Centennial Park, due to the ongoing construction at 300 Bella Vista Ave. If this hedge is within Centennial Park, the view would be improved by pruning.

Clarification should also be obtained on whether the neighbor notification provisions in Section 8.28.140 apply in this situation.

Plum Trees

There are several plum trees. POSC has previously recommended side pruning to keep the trees separated and to keep plums off the steps. In late fall, some top pruning would restore some view. This type of plum will produce new growth on the top after top pruning.

Trees on Private Property on Beach Road Obstructing View from Centennial Park

Volunteer Surveyor Wendy Miller made the following Comments on August 31, 2020 on view obstructions at Centennial Park:

"Two overgrown pine trees on Beach Rd at the bottom of the park block views from top to bottom of the park. Both trees were topped about 10 years ago but have not been pruned since then."

Redwood Trees 202 Beach Road

The trees which are directly across Beach Road from Centennial Park are two redwood trees.

The multiple tips on the tops of these trees do indicate that the trees were topped in the past. The tops of these redwood trees do interfere with the view from Centennial Park.



Redwood Trees from Landing. July 2021



Redwood Trees from Park July 2021

The redwood trees are below the Park and across the street at either side of the entrance to 202 Beach Road. It is not known if these trees are on private property or in the public right of way.





Redwood Trees 202 Beach Rd. July 2021

Redwood Tree 202 Beach Rd. July 2021

Pine Trees 210 Beach Road

There are some pine trees which block the view from Centennial Park. These pine trees are located farther south on Beach Road. One of the pines has brown needles starting from the top down and may be dying.

(Kathy please insert new photos I just sent 7-24-2021 titled as Centennial Park, Selections I, 1. Pine and Redwood Trees from Bella Vista Ave. 2. Pine and Redwood Trees from First Landing. Label these as "Pine and Redwood Trees from Bella Vista Ave. July 2021" and "Pine and Redwood Trees from First Landing July 2021."

This grove of pine and redwood trees is located at 210 Beach Road, across the street from the Park. It is not known if these trees are all on private property or if any, including the tree with the brown top, are in the public right of way.



Pine and Redwood Trees at 210 Beach Rd. July 2021

The City should determine whether to use City Code section 8.28.040 (unreasonable obstruction of a Preexisting View or sunlight) to attempt to remedy the view obstructions from Centennial Park resulting from these trees on private property and/or in the City Right of Way at 202 and 210 Beach Road.

The City should also determine if the procedures in City Code sections 8.28.030 (Personal injury and property damage hazards) apply to any of these trees and could also lead to view restoration.

The City has already determined that Redwoods and Pines are Undesirable Trees. "By reason of their tall height at maturity, rapid growth, dense foliage, shallow root structure, flammability, break ability, or invasiveness, certain types of trees have been deemed undesirable by the City, including blue gum eucalyptus, coast redwood, Monterey pine, Monterey cypress, poplar, acacia decurrens, acacia melanozylon trees, or any other tree which generally grows more than three feet per year in height and is capable of reaching a height of over thirty-five feet at maturity. When considering corrective work for undesirable trees, aggressive action may be appropriate."

Open Space between 340 and 344 Beach Road

David and Anne-Marie Walker were the volunteer surveyors on Beach Road. There is City owned Open Space, running from Beach Road down to the water, between 340 Beach Road and 344 Beach Road. This Open Space is indicated on the attached Parks, Recreation, and Open Space Map by a green strip, running from Beach Road to the Open Space along the shore front.

There could be a spectacular view of Angel Island, Raccoon Straits, and Tiburon from directly in front of this vantage point, as well as from the approach to *it* on Beach Road. The view is blocked by multi-trunk Bay trees, with numerous side branches.







Bay Trees Blocking View

As can be seen from the photos above and more clearly from the photos below, there is a very tall pine just to the west of the Bay Trees. Ivy is growing up into the crown of this pine. The pine itself could form an interesting silhouette to the view without much significant pruning. The ivy however presents a serious threat to the survival of this pine on public property.



Ivy Growing up the upper Pine Tree

There is a second tall pine lower down on the west side of this Open Space. It is on the east side of a deer fence, so it is presumed that this pine is in the publicly owned Open Space. This pine also presents an interesting silhouette. Unfortunately, ivy is also growing up into the crown of this pine. The ivy presents a serious threat to the survival of this pine as well.

Ivy Growing up the lower Pine Tree

The public would be able to enjoy great views if these Bay Trees were substantially reduced by eliminating the smaller trees, retaining only the trees needed for soil stability, and removing all lower branches, of any remaining trees.

The ivy should be removed from the two pines as soon as possible. It has grown to mythical heights.



Bay Tree Trunks July 2021

Bay Trees are known carriers of sudden oak disease (SOD). Bay trees are also disfavored because they are highly flammable. Topping a bay tree is not a sustainable view maintenance protocol, as Bay trees are prolific growers, and there will soon be a thicket of new growth. Removing a tree is often less expensive than a carefully crafted view opening pruning.

"Tree removal to the ground may be required where, by reason of the nature or number of trees growing on the same parcel, such removal is essential to eliminate an unreasonable view or sunlight obstruction or where such removal is desirable to prevent undue density or growth with the consequent danger of increase in fire hazard or aggravation of view impairment." (Section 8.28.080.E)

Consideration should be given to removing or substantially reducing this group of Bay Trees. Clarification should also be obtained on whether the neighbor notification provisions in Section 8.28.140 apply in this situation.

Questions on Obstruction of Views from Public Properties

Has or should the Public Works Department obtain a determination of whether it may use section 8.28.040 to remedy obstructions of views from public properties?

Has or should the Public Works Department obtain a determination of whether the neighbor notification provisions of Section 8.28.140 apply when the City determines to remove a tree on City property to restore a view?

Has or should the Public Works Department evaluate the removal or significant pruning of trees on City Property and in the City Right of Way to the north of the newly acquired property on the lower section of Park Lane to remove obstructions of views to the North?

Would it be helpful to the Public Works Department if the POSC conducted a survey of obstruction of views from City Lanes?

Conclusion

POSC looks forward to working with the Planning Department and Public Works to "Maintain views from Belvedere's scenic streets, …" (General Plan, p.115, Policy REC-1.4)

Kathy Pearson Jean Bordon

View Subcommittee TTV Parks and Open Space Committee

