

# POINT REYES LIGHT

## Parking ban's delicate balance

By

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The Bolinas Community Public Utility District has finally settled on language for an advisory measure to be placed on the November ballot that proposes new downtown parking regulations.

Abandoning some of the community's grander aspirations, the district board instead yielded to advice from a host of county offices to tailor the proposed rule to existing county regulations in order to expedite implementation, enhance enforceability and comply with California Coastal Commission regulations.

As it was finalized at a district meeting last Wednesday, the proposed measure directs the county to ban the overnight parking of oversized vehicles on Brighton Avenue, Park Avenue and Wharf Road between 11 p.m. and 5 a.m. Automobiles, motorcycles and pickups would be allowed.

Per concerns expressed by attendees at the meeting, the board will consult the county over the definition of "pickups" to decide if trucks with camper shells will be permissible and whether Terrace Avenue could be included in the measure. The board will share its determinations with the public before the Aug. 10 deadline to put the measure on the ballot.

As an advisory measure, the vote will merely provide direction to the county for action. In recent memory, the BCPUD took a similar route with the issue of beach camping, which the town opted to ban in 2010.

"The purpose of a vote is to solicit views from the community so we know what to do about this problem, though we really can't do anything except serve as a conduit for information between the Board of Supervisors and the community," Jack Siedman, BCPUD's board chair, said. He noted the district has been receiving emails from residents frustrated that the district has not taken more action.

Though BCPUD developed a downtown parking and traffic plan that gained approval by a community advisory vote in 2006, county staff has said it cannot be implemented because it does not have the resources to pursue the necessary coastal permit and because there may be legal constraints.

The proposed measure amends language that Supervisor Dennis Rodoni first brought to the district in May. Since last summer, he and the district have brainstormed ways to address the community's parking woes, zeroing in on the issue of long-term vehicle habitation and storage on downtown streets.

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Supervisor Rodoni rejected a number of the district's recommendations—which included a designated vehicle park, new tow-away zones and amending the existing 72-hour rule so that vehicles had to move a greater distance after that time—citing their infeasibility.

Instead, he advised the district to utilize an enabling ordinance the county passed last January. That ordinance has a host of pre-defined rules that can be applied to specific streets through a resolution by the board of supervisors, a process that might take just a year.

Any new rules outside the boundaries of the ordinance would require passage of a new ordinance, a lengthier process.

Urgency seemed to be a deciding factor at last Wednesday's meeting, when the longstanding call from residents to address the downtown parking congestion was clear. Board members emphasized that the measure was a preliminary step, not accomplishing everything they hope to but zeroing in on a tangible action that can be accomplished in a reasonable timeframe.

Back in May, Supervisor Rodoni proposed banning all overnight parking on one side of Brighton and Park Avenues between 11 p.m. and 5 a.m. and giving residents special parking permits for the other side.

The BCPUD board said the proposal would not garner community support since it would negatively affect late-night events downtown and potentially shift problems to Wharf Road. Instead, the board suggested banning overnight parking only between 2 and 6 a.m. with an exception for all 94924 residents, for whom there would be a parking permitting system, and apply that ban not only to Brighton and Park Avenues but also to Wharf Road.

The BCPUD board since met with the supervisor's staff and representatives from certain county departments, who encouraged staying closer to the enabling ordinance.

Under that ordinance, night hours must be defined as 11 p.m. to 5 a.m. and fines are capped at \$100.

Additionally, BCPUD reported county staff concerns that the resident parking permit approach is “overly broad and potentially illegal if it results in the preferential distribution of resident parking permits.”

Prioritizing residential use to an extent that it limits visitor access, a mandate of the Coastal Act, would likely lead to rejection from the coastal commission, Supervisor Rodoni elaborated this week.

County planners also voiced concern about the coastal commission's potential reaction to extending a resident parking permit area to Wharf Road, which lies within the area designated as the town's commercial core.

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“A senior County planner emphasized that ‘a lot of work’ would be required of the County to be able to persuade the coastal commission staff of the workability of such a proposal under the Coastal Act,” the district recounted.

The Sheriff’s Office also had significant enforcement concerns about a parking permit system that would grant permits to all 94924 residents rather than only those living on Brighton and Park Avenues. The office also advised that permits must be stickers affixed to cars and not placards, as BCPUD had envisioned them, because those can be passed around.

When asked to vote informally on Wednesday, all but one of the nearly 40 attendees raised a hand in support of moving forward with BCPUD’s now second amendment to Supervisor Rodoni’s proposal. (The lone dissenter was in favor of BCPUD’s first proposal.)

“This is just a start, just the beginning,” board member Grace Godino emphasized. “This proposal directly responds to the major problem as it is right now, at this very moment, but nothing is preventing us from going back to the board of supervisors to have another concern addressed.”

Yet a number of the people continued to express concern about the effects of the ban on other parts of Bolinas, especially the Big Mesa. “Many of my friends live on the Mesa and they have their own problems with parking, especially on Alder,” one woman said. “They are concerned that if this passes, all of the people who live on Brighton will move up to the Mesa—and so their votes on this will be no. My concern is that if the town votes down the measure, it becomes a clear, public message for the entire Bay Area for all the homeless to come here.”

Board members explained that including the Big Mesa in the advisory measure is not possible because it would likely trigger the need for approval from the California Coastal Commission—and would likely fail to win that approval.

County officials have stated that though they will need a coastal permit for the changes in Bolinas, they are hoping to complete the process internally; however, the commission could get involved at any time by appealing the project.

“We need to address the areas first where a clear and obvious need can be demonstrated now,” BCPUD’s general manager Jennifer Blackman said after the meeting. “Otherwise, we risk the perception that we are taking an overly broad approach. If we regulate one area and then the problem moves elsewhere, we will address it then.”

Secondly, the county is still drafting another ordinance that will enable the Sheriff’s Office to enforce state vehicle code on non-county-maintained roads—including much of the Big Mesa—a loophole discovered earlier this year.

In fact, any new regulations in Bolinas will have to wait until that problem is remedied, Rhonda Kutter, Supervisor Rodoni’s aide, said this week.

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In addition to concerns about the Big Mesa, one man who owns a house on Terrace Avenue lobbied hard to have the street included in the measure. Ms. Blackman proposed circling back to the county staff to see if they thought that adding another street might tip the balance and require coastal commission approval.

Other people were skeptical there was a need for a new rule at all, and instead suggested the Sheriff's Office step up enforcement of existing regulations, such as the rule that vehicles must move every 72 hours.

But with two deputies serving all of West Marin at any given time and just one parking attendant who splits her time with Stinson Beach, the office has reported that it doesn't have the resources to enforce the rule in Bolinas.

"My understanding is that the 72-hour rule requires that someone comes back within that amount of time, as opposed to the proposed overnight ban, where a deputy can just write a ticket and move on," Ms. Blackman explained.

Though they supported the proposed advisory measure's language, even downtown residents had fears about the unintended consequences of putting it on the ballot.

"The board seems to be in agreement that something needs to be done, and I think that most Brighton residents would say that the problem is intolerable," Al Minvielle, a longtime Brighton homeowner, said. "The broader community has all kinds of different interpretations of the problem, and what I'm fearful of is that if it gets voted down, we will be stuck. I hope that if that happens, the board will find another way to address the issues on Brighton."