P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, SEPTEMBER 6, 2005

Chair Parsons called the meeting to order at 7:00 p.m. in the Belmont City Hall Council Chambers.

1. ROLL CALL:

Present, Commissioners: Parsons, Dickenson, Frautschi, Gibson, Long, Wozniak, Horton

Absent, Commissioners: None

Present, Staff: Interim Community Development Director de Melo (ICDD);
Zoning Technician Gill (ZT), City Attorney Zafferano (CA).
Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

Chair Parsons asked staff to explain why the NDNU athletic field project was not included on the Consent Calendar. ICDD de Melo stated that since the last meeting when the Commission asked that the final resolution and conditions of approval be brought back to them with a final landscape plan, staff has discussed with the University the next steps on the project. They had some concerns about the landscape plan and what to do with the field but they are going to move forward with the project. Staff will meet with the applicant and the landscape architect to go over those landscaping changes, and will bring a final resolution and conditions of approval to the next meeting. The applicant understands that grading is not an issue.

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2711 Carmelita Avenue

To consider a Single-Family Design Review to construct 1,346 square foot addition to the existing 1,603 square foot single-family residence for a total of 2,949 square feet that is below the zoning district permitted 3,480 square feet for the site. (Appl. No. 2005-0020)

APN: 043-290-150; Zoned: R-1B (Single-Family Residential)

CEQA Status: Categorical Exemption per Section 15301

Applicant: Robert Medan

Owner: Marte and Karen Warner

ZT Gill summarized the staff report, recommending approval of the project subject to the Resolution in Attachment 2 and the Conditions of Approval in Attachment 3.

Responding to questions from the Commission, Robert Medan, applicant/architect, explained that "flatwork" referred to the existing concrete area around the existing lawn, not the concrete where the carport is located, that the area where the carport is to be removed would be suitable for staging, and that he would consider including more landscaping. He does not think the carport area will be good for planting because of the lack of light.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By VC Dickenson, seconded by C Long, to close the public hearing. Motion passed.

C Wozniak concurred that she would like to see more landscaping in the areas visible from the street.

C Horton asked staff if they had calculated the area of hardscape, noting that they do not normally allow people to put a parking space next to their garage. ICDD de Melo stated that the ordinance allows for the paving of the area but parking on those areas would be in violation of the law.

C Long agreed that he would like to see the hardscape reduced.

C Frautschi felt it would be a great improvement and particularly liked the color choice. He asked the applicant to consider an electrical or manual mechanism to open the sky lights. He felt that the concrete is excessive and asked that the Commission consider requesting that all the concrete be removed as you look at the house from the right side. He would also like to see the addition of an oak tree, or anything that can be done to reduce the hardscape appearance from Carmelita.

Chair Parsons concurred with the above comments, noting that an electrical skylight mechanism can include a sensor that closes it automatically if it begins to rain.

VC Dickenson asked staff to double-check the square footage that is recorded with the County, as he wants to make sure that they are on track in that regard, since there are no prior Planning actions on the home.

MOTION: By C Frautschi, seconded by C Long, to adopt the Resolution approving a Single- Family Design Review at 2711 Carmelita Avenue, with appended Exhibit A,

Conditions of Project Approval, with the additional conditions that, in addition to the awning of the parking space to be removed, all the concrete in that area be removed, and that a native species tree be included in an attempt to landscape that area. (Appl. 2005-0020)

Ayes: Frautschi, Long, Gibson, Wozniak, Horton, Parsons

Noes: Dickenson

Motion passed 6/1

Chair Parsons noted that this item may be appealed to the City Council within 10 days.

5B. PUBLIC HEARING – 2612 Wakefield Drive

To consider a Conditional Use Permit to amend a Detailed Development Plan and Single-Family Design Review to construct a 538 square foot addition to the existing single-family residence resulting in a total 4,113 square feet for the dwelling. (Appl. No. 2005-0014)

APN: 045-442-040; Zoned: Planned Development (PD)

CEQA Status: Categorical Exemption per Section 15301

Applicant: Steve Bryan

Owner(s): Yuri and Julia Yatskr

ICDD de Melo summarized the staff report, noting that the 622 sq.ft. second-story addition on the existing home was built via building permits approved in 1984. The project requires a Conditional Use Permit to amend the Detailed Development Plan, which was approved in 1971, and the key standard that is not being met by this project is the floor area exception. Staff's concern is that, while this project does not achieve the highest FAR in the development, it is one of the highest and will achieve, by a significant margin, the largest home surveyed of all those properties. Staff was able to make Findings B, C, and D, but was unable to make Finding A in the affirmative, and was therefore unable to recommend approval and had prepared a draft resolution denying the project.

C Wozniak asked how the homes in the development got such high FARs. ICDD de Melo responded that in research of the files they found that they did not calculate garages as part of the floor area. Garages started being considered as floor areas in 1971.

Steve Bryan introduced himself as the designer for the project. He stated the goals for this project are to open up the second-floor family room to the street as well as to improve the street presence of the home. He explained that the roof is oversized and covers a significant portion of the entryway and creates dark, heavy shadows. The bulk of the gable would be removed, setting it back over the existing second-story family room. The goal of the project was not to add square

footage to their house, but was to improve the appearance to the street as well as open up the family room to get more light into the house. He noted that the house fits within the scale and mass of the neighborhood and is compatible with the neighboring properties and is in sync with the neighborhood character. He explained that the square footage comparisons for this home with the 17 homes in the neighborhood is a bit skewed in the public records and questioned the accuracy of the findings of the FAR. He doubted that it is the largest home in the development, but if it is it does an excellent job of concealing that. He felt that, given the MetroScan numbers and the actual numbers, they were not given a fair assessment and should the Commission deny the project, he asked for a continuation to look more closely at the numbers and perhaps allow them to reduce or eliminate any additional square footage of the project. He emphasizes that it was not their intention to add square footage to the project but to re-present the house to the neighborhood.

ICDD de Melo stated that they have no concerns about going back to double check the floor area with building permit data. He pointed out that 2613 Wakefield is at 3,339. While the home is larger, it does not skew the floor area much relative to the comparison for this project in relative to the lot size. If at 3,339 it still would be smaller by 400 square feet in comparison to the 3,745 for 2612 Wakefield. Staff has no concern addressing the floor areas, but again, the disparity between homes based upon FAR and the actual floor area was their chief concern. There is no concern about the architectural design of this project and agreed with the applicant's assessment from a design standpoint, but they are talking about a 700-800 square foot larger home on a smaller lot.

C Frautschi asked the applicant at what point he discovered there was a discrepancy and when was it brought to staff's attention. Mr. Bryan explained that he had just received his packet that evening, but the applicant had received his on Saturday. They knew their number was off relative to what was being shown in the packet, and had gone to the counter that morning to double check and went through as many as they had time for. C Frautschi confirmed that the numbers they have been given will not change. ICDD de Melo added that staff is generous relative to MetroScan number since they do not have floor plans for every single home and understand that it is not a perfect tool. He confirmed that the chart on page 7 of the staff report shows the MetroScan data with the garage floor area added in to make sure it is a true comparison.

Mr. Brian stated that 2613 Wakefield home is not the only home they found with a discrepancy, noting that 2629 Wakefield's lot size of 7,998 is shown on the Microfiche to be 7,854, and the floor area was not at 3,030 as shown but to be 3,202. He stated that he did not run the FAR number but it seemed to him the lot size is getting smaller and the floor area is getting larger, which would increase the FAR on this dwelling. He also stated that there are others as well. ICDD de Melo stated that staff would like to see what he has found and have the opportunity cross check those homes.

Mr. Brian repeated that if this project is moved to a vote to decline, he would like to ask for a continuation to reduce or eliminate any square footage to this house so the owners may be allowed to modify their roof and make it a more pleasant home.

Chair Parsons opened the public hearing.

Eric Dentler introduced himself as living next door on Wakefield Drive and summarized his concerns with photographs. He stated that 3 out of 5 of the Hallmark homes have garages in the front. His personal concern is that a bedroom window in his home that overlooks the bay would loose approximately 70% of its view and has the potential for a loss of privacy and the quality of life. He stated that he is concerned about the intrusion and the oversize nature of the house, and felt that the concept of curb appeal and beautifying the home is trickery and is just throwing a giant second floor on the house. The Monterey Pines trees that are shown in his pictures are due to be cut down by the City as the roots are pushing up the sidewalk, and that he wants to retain the view he is about to reclaim.

Walter Streicher introduced himself as the neighbor who resides behind the house in question. He stated his home is somewhat lower in grade than the applicant's home. The subject house looks directly down into his dining room, kitchen, and bedroom area from the half story that was put on by the previous owner. He stated that to put an additional floor space above that unit will block out the sunlight to his yard area, which includes a pool site. He too felt that the proposed addition would affect the price of his home and the privacy in his bedrooms, family room and kitchen. He and his family are opposed to this project adding any height to the home.

MOTION: By VC Dickenson, seconded by C Long, to close the public hearing. Motion passed.

C Wozniak asked if it is correct that the current height of the house is 20' and the proposed height is 24'6". ICDD de Melo stated he would have to cross-check the project plans and that the maximum height allowed is 35' for this Planned Development He explained how Finding D for the CUP is related to impacts on adjacent properties. Staff had some concerns about the Monterey Cypress in terms of the pruning; they did not believe that it was significant of an issue such that they could not make Finding D, but if the Commission cannot make Finding D relative to privacy, views, and tree impacts, it should be so stated. To clarify the height issue, Chair Parsons stated that while part of the addition will be increased only 4'6", the new addition will be much higher because it is going over a one-story section.

C Frautschi stated that he has to rely on the information in the staff report and since the house is significantly above the FAR he could not find for Finding A. He felt the house could be improved aesthetically without impacting the neighbors. He added that he also has a problem with Finding D because expanding the family room with an outside deck would take the level of noise up, which changes the whole character of the way the house interacts with the neighborhood. He would support staff's report and deny the project.

C Long explained that he also has a problem with the data presented for Finding A, as he is skeptic with the MetroScan data as a benchmark. On Finding D, there is a detrimental impact to the properties in the neighborhood. He was willing to support a continuation with a hope that the application will return in a way that it will be acceptable to the Commission as well as the neighbors.

C Horton felt that she could not approve this project because it is in a Planned Development and the PD is an over-arching document that limits the square footage. Her assumption was that when each person bought into this neighborhood they knew that they were not supposed to exceed a certain square footage on the lot and it would be a disservice to the neighborhood. She would support a continuance but felt that the proposed large window that overlooks the neighbor's yard does not need to be there.

C Wozniak stated that she agreed with what had been said, and cannot support the present plan based on findings A and D, and was primarily concerned about the floor area ratio and comparison to the other homes in the neighborhood. She was also concerned about the privacy issue and hoped that when they look at a redesign they consider the privacy and view issues raised by their neighbors. She would support a continuation.

C Gibson stated that in reading the finding language it is different than R1. The language stated here does not say anything about floor areas; it says it is compatible to other land uses and there are other ways than floor area to judge compatibility. In terms of appearance, it would be compatible and blend well with the other homes and would not place an undue burden on facilities. He could make Finding A but Finding D opens the door for considering view and privacy, and having heard testimony from the neighbors he felt that it does adversely affect other properties. He hoped that they could work with the neighbors and perhaps reduce the floor area and continue the item.

Chair Parsons stated he has lived in the area since the early 1970's when the houses were under construction. All of the houses were built with a view of the Bay, and that feature was included in their marketing. He could not find for Findings A or D, and stated the house would be much bigger than what was in the development plan notes for this development. He felt that if the goal is to make the house more attractive from the street, that could be done without adding square feet to the house and also solve some of the neighbor problems with respect to privacy, etc. He stated he could not support a larger house on this site and he would have trouble with Finding D, but he would support a continuance.

MOTION: By C Long, seconded by C Wozniak, continue the Conditional Use and Permit and Single-Family Design Review to construct a 538 square foot addition to the existing single-family residence for a total of 4,113 at 2612 Wakefield Avenue, based on the aforementioned testimony (Appl. 2005-0014)

ICDD de Melo asked for clarification of the motion. He understood that the Commission could not support finding D, privacy, view and noise impacts, but was hearing that they would like staff to cross check the numbers relative to MetroScan and building permit data to make sure that the comparisons are the same. He was unclear as to whether the Commission was giving direction to the applicant to reduce the size of the addition irrespective of how the numbers play out and would not support a project at 4113 square feet.

VC Dickenson noted that the applicant/architect said that he would work within the existing envelope – no breaking through the roof, no breaking through the exterior. ICDD de Melo restated it as keeping the 3745 intact but doing some modifications to the home to achieve what

they want to see relative to a second-story addition but not going above what they have now from a floor area perspective.

C Long stated that he is not that intransigent and did not believe 5 to 20 square feet would make that big a difference. He was more concerned that through additional neighborhood outreach there would be no one objecting. That would begin to take care of Finding D for him. On Finding A, if they could get the real numbers they would know what they're talking about. If they cap him it at where he is they may find it somewhat inaccurate, though he expected that the numbers are roughly correct in that this would be the largest home. He was willing to be flexible on that.

C Gibson stated that he would like to give them a little wiggle room if needed to achieve the objective, which for him was to address the privacy and view issues.

VC Dickenson stated that he felt they were getting away from the continuance because he believed that what they were saying is basically that they will not "gobble up" up the application fee but would allow them to do an interior remodel and then resubmit, and work with the existing exterior envelope and be able to do what they want inside.

C Long stated that that was not his motion. ICDD de Melo confirmed that staff needs to understand that if they are to work within the existing building square footage, then he could work with the applicant on that, making sure that they address issues relating to privacy and neighborhood outreach, but they need some sort of an action on this project because if the Commission is open to some square footage increase, which triggered the CUP, they need to know that.

C Long commented that if the applicant raised the square footage and changed the envelope it would be at his peril – it is clear that his colleagues might not support whatever he comes back with.

CLARIFICATION OF ABOVE MOTION: C Long explained his motion to state that the item be continued until they come back with some significant improvement in finding D, and for Finding A, once they have additional data, he is flexible on having some additional square footage if Finding D is still made. C Wozniak rescinded her second to the motion. C Gibson seconded the motion.

Ayes: Long, Gibson

Noes: Horton, Wozniak, Frautschi, Dickenson, Parsons

Motion failed 2/5.

MOTION: By VC Dickenson that they continue the project, attaching some of the previous conversation that, whatever the square footage may be, they do not move outside

the existing envelope – the roof pitch, exterior walls, front, back, side will not change – and will work with staff on whatever they need to do to move in that direction.

Motion failed for lack of a second.

MOTION: By C Horton, seconded by C Wozniak, to continue the item to allow the applicant to revise the envelope to improve the design aesthetic but not increase the square footage, and to continue to maintain the privacy and the views of the neighbors of the neighbors.

Ayes: Horton, Wozniak, Gibson, Long, Parsons

Noes: Frautschi, Dickenson,

Motion passed 5/2

6. REPORTS, STUDIES, UPDATES AND STUDIES:

C Horton stated that the maps provided this evening were much nicer than previous maps.

VC Dickenson asked about Wendy's and McDonald's Conditional Use Permit issues. ICDD de Melo stated that in 1983 there was an action that allowed Wendy's to be open later than 11:00 p.m. Regarding McDonald's, staff is still doing research on that. VC Dickenson reported that he had researched Wendy's file and learned that the CUP is to be reviewed annually by the Planning Commission, and that there is a real issue with the landscaping that needs to be agendized.

C Horton reported that she will not be able to attend the next meeting.

ICDD de Melo reported that they are waiting for a new landscape plan from the Safeway on Alameda, but the one on El Camino is completed. VC Dickenson stated that one of the store managers approached him as to when they would get approval to move things outside and that the CUP needs to be spelled out for the Safeway staff.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 13, 2005

Liaison: Chair Parsons

Alternate Liaison: Commissioner Horton

9. ADJOURNMENT:

The meeting adjourned at 8:30 p.m. to a regular meeting on Tuesday, September 20, 2005 at 7:00 p.m. at One Twin Pines Lane, 2nd Floor Council Chambers.

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Carlos de Melo

Interim Planning Commission Secretary

CD's of Planning Commission Meetings are available in the

Community Development Department.

Please call (650) 595-7416 to schedule an appointment