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

ACTION MINUTES

TUESDAY, DECEMBER 7, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners:	Gibson, Dickenson, Long, Wozniak, Horton
Absent, Commissioners:	Parsons, Frautschi
Present, Staff:	Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), Zoning Technician Froelich (ZT), Deputy City Attorney Zafferano (DCA), Recording Secretary Flores (RS)

CD Ewing noted for the record that Zoning Technician, Brian Froelich accepted a position with the City of Los Altos Hills and this would be his last Planning Commission Meeting with the City of Belmont.

CD Ewing thanked Brian for his exceptional service to the City over the past two years and wished him continued success.

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. Planning Commission Minutes 11/03/04

Motion: By Commissioner Long, seconded by Commissioner Dickenson, to accept the Minutes of November 3, 2004 as presented.

Ayes: Long, Dickenson, Horton, Wozniak, Gibson
Noes: None
Absent: Parsons, Frautschi

Motion passed 5/0/2

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2835 Wemberly Drive

To consider a Single Family Design Review to add 747 square feet to the first and second floor of the existing single family residence for a total of 3,467 square feet that is below the zoning district permitted 3,500 square feet for this site. (Appl. No. 2004-0046)
APN: 045-402-010; Zoned: R1-A (Single Family Residential)
CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)
Applicant/Owner: Colette Sylver

ZT Froelich summarized the staff report, recommending approval of the Single-Family Design Review with the conditions attached.

Collette Sylver, property owner, was available to answer questions.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Long, seconded by Commissioner Wozniak, to close the Public Hearing. Motion passed.

Commissioners complimented the owner/applicant on the expansion plans, C Horton noted that the driveway length listed in the staff report should be corrected to 25', and ascertained that the gravel area next to the gate is an area for dogs.

Motion: By Commissioner Long, seconded by Commissioner Dickenson, to adopt the Single- Family Design Review to construct a 747 square-foot addition to the existing 2720 square-foot residence at 2835 Wemberly Drive, subject to the attached conditions in Exhibit A. (Appl. No. 2004-0046)

` Ayes: Long, Dickenson, Horton, Wozniak, Gibson
Noes: None
Absent: Parsons, Frautschi

Motion passed 5/0/2.

Chair Gibson noted that this item may be appealed to the City Council within ten days.

Since the applicant for item 5B had not yet arrived, the Commission consented to hear Item 5C ahead of 5B.

5C. PUBLIC HEARING – Zoning Code Amendment – Notice of Administrative Approvals
Project Description: To consider revisions to Sections 4.2.10.J, 4.7.11(g), 9.5.2, 10.5.2, 11.7.1, 12.12.D, 13.5 and 14.9.2 of the City of Belmont Zoning Code, amending the procedures for providing notice of administrative decisions to include notification to the Planning Commission and City Council. (Appl. No. 2004-0078)

CEQA Status: The proposed amendment is not a "project" as defined by Section 15378 of the State Guidelines for the implementation of CEQA and is therefore not subject to the provisions of the California Environmental Quality Act.
Applicant: City of Belmont

CDD Ewing summarized the staff report and recommended that the Commission adopt the attached resolution recommending support of the amendment to the City Council.

Responding to questions from the Commission, CDD Ewing stated that: 1) the cost of mailing these notices would be minimal in that copies to the Commission and Council could be sent via e-mail; 2) the Council request for these notices stemmed from an appeal of an administrative approval on Oak Knoll Drive; and 3) there might be a higher likelihood of a project being appealed because more people will know about it.

No member of the public came forward to speak on this item.

MOTION: By Commissioner Long, seconded by Commissioner Dickenson, that the Planning Commission recommends that the Belmont City Council amend Sections 4.2.10.J, 4.7.11(g), 10.5.2, 11.7.1, 12.12.D, 13.5 of the Belmont Zoning Ordinance to read as listed in the resolution, with the addition that email is an acceptable substitute for U. S. Mail for notices to Planning Commissioners. (Appl. No. 2004-0078)

` **Ayes: Long, Dickenson, Horton, Wozniak, Gibson**
Noes: None
Absent: Parsons, Frautschi

Motion passed 5/0/2

5B. PUBLIC HEARING - 1000 Sixth Avenue
To consider a Conditional Use Permit to expand the hours of operation for the existing Caprino's Restaurant/Bar until 2 AM and to allow live entertainment. The proposal includes no increase in building floor area and no additional parking. (Appl. No. 2004-0037)
APN: 045-181-010; Zoned: C-2 (General Commercial)
CEQA Status: Categorical Exemption per Section 15301
Applicant: Anthony Awad
Owner: Willetta Steventon

AP Swan summarized the staff report, recommending approval of the Conditional Use Permit with conditions as attached. She also referred Commissioners to a recent letter of support by two property owners in the vicinity, provided the music is not heard outside of the restaurant. In addition, the City Attorney's office had reviewed the conditions of approval suggested by the Police Department, and recommended some edits to improve the flow and to tie the condition more specifically to the Conditional Use Permit. Condition of Approval III.3.(e) should read "Any

incident requiring multi-agency response or riotous situation response may be charged for police services as established by current Police Department Policy."

Discussion ensued regarding requirements for the second exit. Commissioners were concerned about the possibility of deliveries being taken at that door and the noise that would disturb the neighborhood if it were left open. C Dickenson suggested signage at the door and ground rules that would assure that it will be a "sealed" environment—the windows and back door closed, and the entry door staffed at all times. C Wozniak felt that they need more specific language about a noise level measurement.

Mr. Awad, applicant, stated that the new door will not be accessible from the outside–deliveries will continue to be made at the kitchen—and his plan was to have a table at the door during lunch and dinner hours and take it away when the music starts. He noted that the facility has double-paned windows, insulation in the attic, air conditioning and ceiling fans. He also wanted Commissioner to keep in mind that it will not be a night club but rather they will have jazz, blues or a dj; a place for the locals to hang out instead of going to neighboring cities for live music. CDD Ewing advised the applicant that it is possible that the Building Official will say that the exit door will have to be clear and accessible at all times, in which case they would lose a table at lunch and dinner hours. Mr. Awad stated that this would not be a problem.

Sgt. Mike Braké, Belmont Police Department, concurred that one of the concerns that the Police Department has will be noise. He stated that the noise can be magnified and will resonate if any of the windows and doors are open, and it takes a lot of good management to insure that this does not increase to the level that they start generating complaints. The 1000 block of Ralston includes a number of apartments and past experience is that equipment that is running, noise from Twin Pines Park, etc., will generate a level of complaints. The Police Department does not have a sound level meter, so that it will be up to the officer responding to make a judgment call as to whether or not the noise is disturbing the peace. There are no businesses in the City of Belmont that have live entertainment, so this is not something with which they have prior experience. To his knowledge, there have been no noise complaints at any restaurant over in the last few years.

C Horton added her concern about noise generated by people talking outside during the late hours. Sgt. Braké stated that the responsibility is going to be on the staff, management and owners to control that, and the Police Department will need to have the ability to deal with it. It was noted that the project description includes employment of a doorman.

Responding to C Horton's questions, Mr. Awad stated that: 1) he does not have an agreement with Wells Fargo for parking, but that the Manager has stated that she has no problem with his customers parking there during dinner or after hours; 2) he has an ash tray outside; 3) he does get some Notre Dame students as customers but does not have a particular program for the college; 3) he will not have a cover charge, and 4) he had not thought about having dancing.

C Long asked Mr. Awad what he is prepared to do if the number of people starts to exceed his capacity, and how he would turn people away who want in. Mr. Awad's response was that he plans to have people call ahead and make reservations for the late night music so that eventually

there will be a list of certain people who can attend. As to how he would handle noise complaints, Mr. Awad stated that it is a privilege to be able to offer something to the City of Belmont that they've never had before. He stated that he will not have anybody hanging out in front of the restaurant; anybody who wants to have a conversation or a cigarette will have to go to the Wells Fargo parking lot, and they will control the crowd to where there are no more than 5 to 6 people outside at the same time. In addition, people who come to the restaurant will have to respect his policies, and if they misbehave they will not come to the restaurant any more. Additionally, Mr. Awad stated that he does not have any additional lighting to go along with the music.

MOTION: By Commissioner Long, seconded by Commissioner Dickenson, to close the Public Hearing. Motion passed.

C Long stated that he would like to see a condition that clarifies that the entertainment stops at 1:30 a.m. and that there should be a staff member at the front door between 11:00 p.m. and 2:00 a.m. He commended the applicant on his diligent effort in pushing this through and looked forward to the added revenue in Belmont's downtown.

C Wozniak stated that she would like to clarify the condition about noise—something that says no audible noise within a certain number of feet outside the building rather than "reasonable" as stated in the staff report. CDD Ewing stated that the adoption of a noise ordinance is a priority for the City Council for the beginning of next year, and a condition has been included that this CUP will be subject to whatever noise ordinance is adopted. He did not have a recommendation as to what the db level should be and commented that his concern with noise is that it does not lend itself easily to a single measure.

C Horton suggested that there needs to be a sign stating the maximum occupancy and believed the doorman should be responsible for maintaining the occupancy of the space as part of his job. She also felt it would be a good idea to have a discreet sign reminding smokers that they are standing outside in what some people consider the middle of the night and should keep the noise down. Mr. Awad commented that that would be the doorman's responsibility.

C Long asked staff for clarification of the "Entertainment Permit" as discussed in the staff report, suggesting that if it is new it is a legislative act not within the purview of the Commission. CDD Ewing explained that in this case it is intended to be more of a condition of approval than a separately legislated entertainment permit, noting that Condition 4 in Exhibit A is entirely struck by the City Attorney in the memo the Commission received at the meeting. The City Attorney is saying that they have to go through the legislative process for revoking a CUP, and that's a significant difference between the legislative permit and this conditional permit.

C Long asked if the annual approval is only one time after the cabaret license is issued, or if it annually thereafter. AP Swan stated that staff would make a recommendation at that time under "Reports" but it would not be agendized unless the Commission called it up and requested a public hearing, which they could do at any time; they would not have to wait for a year if things were upsetting to them.

Mr. Awad asked if Safeway and Starbucks, both of which are open until 2:00 in the morning, have the same conditions that he has. Staff responded that all conditional use permits are subject to the revocation process and that a key difference is that each CUP is granted and the conditions are tailored to a particular site. CDD Ewing added that when the Commission and Council considered adding cabarets to the list of uses for C-1 and C-2 zones they heard from residential uses not far from the applicant's corner that noise was a concern.

Chair Gibson stated that he thought that this project would be a welcome addition to Belmont, adding that noise is such a tricky thing the way it propagates up hillsides and the fact that Belmont Vista has old folks sleeping 300 feet away. He felt that a lot rests on the applicant's reputation, since he does have a very high quality establishment, and he believed the Commission and staff are assuming that the music is going to fit in with the character of the restaurant but they can't be absolutely sure. The applicant needs to understand that they are putting on his shoulders some responsibility in the hopes that he will see that the customers and staff observe the conditions of the CUP. He did not feel it wise to try to put a db number on it because there's a lot more to it than that, and since they are going to be revisiting the noise ordinance he would leave it at that. C Long concurred with Chair Gibson's comments. C Wozniak reiterated that her preference would be to put a db level into the conditions right away.

MOTION: **By Commissioner Long, seconded by Commissioner Dickenson, to approve the Conditional Use Permit to allow extended hours until 2:00 a.m. and live musical entertainment for Caprino's restaurant/bar at 1000 Sixth Avenue, subject to the conditions attached as Exhibit A, plus the following additional conditions of approval: 1) exit door signs facing the interior demanding that door remain shut; 2) windows and secondary doors always remain closed from 11:00p.m. to 2:00a.m. or anytime cabaret activities are happening within; 3) a staff member of the restaurant/bar must remain at the door from 11:00p.m. to 2:00a.m. enforcing occupancy level and smoking rules; 4) a maximum occupancy sign must be posted as is legally required to give guidance to the staff member at the door and to the public, and 5) the entertainment stops at 1:30 a.m. Additionally, Condition 6 will be amended to say that staff will review the CUP after six months of actual use, and then every six months thereafter until a noise ordinance is enacted. (Appl. No. 2004-0037)**

Ayes: **Long, Dickenson, Horton, Wozniak, Gibson**
Noes: **None**
Absent: **Parsons, Frautschi**

Motion passed 5/0/2

It was agreed that staff would bring to the meeting of December 21st a draft resolution for of the wording of the Conditions of Approval.

Responding to Mr. Awad's understanding that he would have six months to come up with some money to put in the emergency door but would be allowed to use the place for music in the interim, CDD Ewing stated that he could not—the CUP is not active until all the conditions are met.

5D. PUBLIC HEARING – Zoning Code Amendment – Single Family Residential Parking Standards

Project Description: To consider revisions to Sections 2.16 and 8.1.4 of the City of Belmont Zoning Code, amending the definition of a "bedroom" and threshold for requiring a parking upgrade (to conform to the standard of two garage spaces and two additional spaces) for single family residential projects. (Appl. No. 2004-0079)

CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment.

Applicant: City of Belmont

PP de Melo summarized the staff report noting that, based on staff's analysis of the finding for the zone text amendment to Section 8.1.4 and Section 2.16, staff believes the proposed zoning text amendments achieve the objectives of the Zoning Plan and the General Plan.

C Horton asked if an applicant having a non-conforming two-car garage would be obligated to add a foot to it. PP de Melo responded he would be with this ordinance change. Responding to C Horton's suggestion that they deal with that situation, PP de Melo stated that it then becomes a question of what do you change it to; they would need some sort of language as part of the ordinance that all existing homes that have 20 x 18 or similar garages are not required to upgrade. CDD Ewing added that the cost of a variance would be almost as much as the cost of expanding the garage and the findings are not always easy to make. He suggested that another way to go would be an exception for existing non-conforming garages down to a certain size.

Regarding the definition of bedroom, C Horton suggested rather than saying a "wall opened up" perhaps they could use the phrase "containing less than four walls" because opening up implies closing up at some future time. It would be a room with an opening vs. a room with less than four walls. CDD Ewing stated that it would be tough to come up with one rule that will fit all circumstances.

Discussion of the survey of other jurisdiction's definitions of "bedroom" in relation to parking ensued. Only three of the cities surveyed have a bedroom as a trigger for parking requirements.

Referring to page 3, the language "Any floor area modifications that result in the dwelling totaling four or more bedrooms," Chair Gibson asked if everybody was comfortable with that language. After review, CDD Ewing agreed that there should be some reference to an increase to four bedrooms from some lower number.

Lengthy discussion of the pros and cons of the suggested amendment ensued. Key points made by Commissioners, and staff's responses, were as follows:

- Chair Gibson: Homes in areas like Sterling Downs, where the garages would be non-conforming, could not possibly expand.
- C Long: It would either be impossible for people to add on to their house or possible only with a variance, thereby creating a greater incentive to Belmont residents to go outside the Planning and Building processes.

- C Horton: Belmont is losing its inventory of relatively affordable housing because people are creating large houses on the tiny lots and they really do not belong there, and now there is no entry-level housing. From a planning perspective, if an owner can't get all the bedrooms they want crammed onto a 5,000 square-foot lot, maybe they need to move. CDD Ewing: Not sure that parking regulations are a good affordable housing policy, noting that single-family homes are not entry-level housing in the Bay Area. The key policy question is, what kind of housing expansions do you want to allow and what kind of parking do you want to go along with it. The question is, what do we do with parking as homes get bigger?
- C Horton: An element of the population believes there is too much parking on the streets. CDD Ewing: That suggests that they should require a lower threshold and only allow tiny increments before they have to add the parking. Maybe 400' isn't the right number, but if the position of the Commission is that the community wants to get parking off the street and on to property, then that number should be lower rather than higher.
- C Long: Goals are not well defined. Do we want to avoid paved yards, do we want to force people to move out of the neighborhood and move to San Carlos, do we want garages full of clutter and our cars, is there a way to deal with that? There's a huge financial incentive for Belmont residents to add a bedroom or bedrooms and what we're basically saying is we're going to try to put the brakes on that.
- C Wozniak: Does not think it's a burden on people to ask them to bring their house up to code and believes the current parking ordinance is giving people exemptions. The new ordinance would just help to get the cars off the street.
- C Long: Adding a bedroom does not always mean an additional car on the street; he does not believe a logical trigger point should be based on bedrooms. 400 sq.ft. as a trigger point makes more sense. It is a well-meaning but arbitrary standard in pursuit of a goal, and he believes the goal is getting cars off the street. Does not believe redefining a bedroom is the one thing that can address that goal.
- Chair Gibson: Agreed with C Long, but wanted to know what other methods there are. Earlier attempts to require permit parking on the streets were not successful.
- CDD Ewing: Council is looking at additional red curbing markings on corners that might create site visibility hazards–that will remove certain spaces that are now being used for on-street parking. Council heard Commissioners' concerns that people were getting around the definition of bedroom but he did not think they limited the Commission to dealing with the bedroom issue. It comes back to the question of how much of an expansion of the house they want to allow, if any, before bringing parking to the current standard is triggered.
- C Long: Asked if it would be inconceivable to require a Parking Plan, similar to the Landscape Plan, as a requirement of any addition, with a certain trigger point. There needs to be a different standard for a hilly neighborhood than for a flat neighborhood. CDD Ewing: A Parking Plan could be required but it has to be measured against something. There needs to be a nexus between the requirement and the project–something that relates one to the other—in the way that a Landscape Plan requires that existing trees that are removed must be replaced with new trees. There may be something that could be developed. A parking study of Hallmark and Cipriani and all of the various neighborhoods, each of which has a very unique characteristic in the housing stock and the street design and slopes, could each justify a separate parking standard. A smart thing to do in a

community that has such discreet but different neighborhoods would be to create separate rules tailored to those neighborhoods. It would take a significant study and a commitment of staff time beyond what they're scheduled for, but it is a direction the Commission could ask the Council to go.

MOTION: By Commissioner Dickenson, seconded by Commissioner Long, to continue this topic to a future meeting. (Appl. 2004-0079)

CDD Ewing asked for further direction on what to bring back, other than to put it on the agenda and continue the discussion.

C Long did not believe they were ready to send it to Council and was not prepared to support it with any amount of modification.

Chair Gibson did not feel prepared to make a decision and stated that he was weary of making changes that have a drastic bottom line effect on applicants.

PP de Melo stated his understanding that the Commission had concerns with the three thresholds provided in the staff report, and asked for a summary of what the Commission would like staff to look at with alternative language.

C Long stated that the real issue in his mind is that they do not know yet what it is they're trying to accomplish. He believes their goal is to not have paved yards, to have garages that have less clutter, fewer cars on the street, and maybe room in garages for SUVs. He believed the goals need to be stated and then they need to go about those goals in a fashion that they can meet those goals, rather than having just the goal of bringing the parking up to conforming standards.

C Wozniak stated that she agreed with a lot of the points in the staff report and would add one about non-conforming garages. She endorsed having better definitions and asking applicants to come up to a standard, and if they cannot they could get a Variance.

Chair Gibson disagreed, referring to one-car garage homes in the Robin Whipple and Sterling Downs areas that could not have added a garage.

C Long and C Horton debated whether the Commission could have legally denied applicants who they felt were calling bedrooms hallways or dens.

C Dickenson asked if staff had enough of an outline of what they should bring back to us, reminding that his motion was on the floor.

C Horton reiterated that she believes that bedrooms actually drive an occupancy level on a house and probably the number of drivers, and that there is a correlation between the number of bedrooms and the number of cars, and that in the year 2004 they need to have a two-car garage minimum and two parking spaces outdoors. C Long asked if C Horton would be willing to support dropping the FAR cap to add the 3rd and 4th space, because on a 5- or 6-bedroom house you need a 4-car garage. C Horton replied in the affirmative.

C Long stated that there needs to be consistency in this code and there's not—they're trying to "squirrel" people into this two-car garage and 2800 square-foot home on a flat lot.

C Horton stated that there are lot sizes that are too small to accommodate what the applicant is trying to do.

C Dickenson asked for a roll call vote on his motion. C Horton agreed that the item should be continued since two Commissioners were absent and would probably have a lot to say about the issue.

Ayes:	**Dickenson, Long, Horton, Wozniak, Gibson**
Noes:	**None**
Absent:	**Parsons, Frautschi**

Motion passed 5/0/2

CDD Ewing stated that they will bring back some additional language about the non-conforming garages.

6. REPORTS, STUDIES, UPDATES AND COMMENTS
Status Report – Safeway – 1000 El Camino Real

PP de Melo reported on the revised landscape plan for the replacement plantings in the Safeway parking lot, as well as providing a status report on the code compliance issues raised by the Commission at it's meeting of November 3rd.

- The applicant is proposing 18 trees for the site and 21 trees need to be planted, so that three extra trees that need to be replaced were not reflected on the plan. Staff will work with the applicant on this issue.
- The optimal time to plant these trees would be February or March, as it is difficult to have them take shape in the winter months.
- The applicant was available and will provide copies of their maintenance plan for the landscaping and their shopping cart retrieval plan.
- The applicant painted the rear rails of the store the previous week.
- The vending machines have been removed.
- Staff has been informed that the loading gate is currently operational.
- The loading gate has not always been closed during the certain time period.
- The unpermitted outdoor displays have been taken care of. The applicant obtained permits for the pumpkins but have not applied for any sort of Christmas tree sales.
- The applicant has informed the store manager as well as the drivers to not store deliveries outside of the permitted hours.
- All four elevations of the clock tower have been working for the last few weeks.

Staff feels the applicant is making good progress and asked for feedback from the Commission relative to the application for outdoor display carts and a Revocation Hearing.

Jeff Fergot, Design Manager for Safeway Northern California, thanked the City for bringing some of the issues to their attention and expressed disappointment that he was there pleading for the pullback on the revocation; he thought they were a pretty good neighbor—they've invested a lot of money in the store and are trying their best to make good on what they promised they would do. He commented on the issues raised by the Planning Commission as follows:

- The gates are a heavy metal and the actual mechanism that automatically closes them is broken. They're trying to get it fixed and their receiving clerk is well aware that when the trucks come in and leave in the evening the gates need to be closed. They are doing their best and will strive to do a better job as they keep going.
- They just had the sidewalks steam cleaned as part of ongoing maintenance, and they are steam cleaned quarterly or, if they need to be done more often than that, the store manager, Martin West, will take of it.
- They have two different programs for the carts. They have instilled in all of their employees that literally every half hour it is their job to go out and walk the entire perimeter and bring in every cart and place it behind the cart corrals. That includes down the side streets and back behind City Hall. They also have Mendoza cart service that patrols both in the morning and in the afternoon to bring back those that are off-site. Additionally, Martin has contacted the various adjacent apartments and told them to call and they'll pick up the carts. Mendoza will be doing the rounds to make sure, but if there are carts there, within a 24-hour period they'll make sure that they're out there and they will take care of those carts.
- As per the CUP, semi-trucks are allowed to make deliveries from 9p.m. until 6a.m., and smaller direct delivery trucks are 7a.m. till 11p.m. He believes they have been meeting those expectations.
- The clock tower has been taken care of—all four sides should be showing the correct time. If not, they'll get them back out there.
- They have taken care of some of the painting–the higher trim still needs to be done but they've picked up some of the painting – that is on going.
- Regarding maintenance, the lot is swept daily. They try to get to it early in the morning and through the course of the day, but not before 8:00a.m. and during the lunch time and at 5:00 so that they're not conflicting with customers. They hand water all the potted plants that are on the property, including the shop buildings, once a week as part of their agreement. Landscape maintenance is done once a week. That's blowing, cleaning, mowing, whatever needs to be done. Fertilizing is done twice a year and tree pruning is done once a year. They need to make sure that they have the right people out there pruning the trees and doing what they need to do. The watering schedule is established by the landscape contractor.
- As Carlos stated, their landscape architect has recommended that they install the plants after the dormant season is over; in the early spring and no later than mid-March.

Responding to C Dickenson's questions and comments, Mr. Fergot stated that: 1) the "challenge" with BFI was at the on-grade receiving gate, not the large gates for the semi's; 2) if there is some language that he'd like to see on signage on the outside and inside of the gates, they can do that; 3) the sidewalks can be cleaned on an as-needed basis rather than just quarterly; and 4) Mendoza cart service can go by the Belmont Post Office and City Hall on a daily basis.

At C Dickenson's request, PP de Melo reviewed the landscape plan and identified which trees will be replaced and with what species of trees.

C Horton questioned why the trees have been topped. Mr. Fergot stated that their new landscape architect would not be topping the new trees.

C Long questioned Mr. Fergot about the organization of the company, noting that the store manager does not report to him directly. Mr. Fergot indicated that the store manager, Mr. West, is very on top of the issues and has been coordinating through him to make sure that they get the maintenance and cart agreements, and is well aware of what the conditions are and what he needs to do. Regarding the gate mechanism, Mr. Fergot stated that it can be operated manually but the original manufacturer for the gearing is no longer in operation and they need to find somebody who can make new gears so that it can close the gate automatically. He understood that they need to make sure that they are better about closing it every time a truck leaves.

C Long expressed his feelings that the issues are all execution issues and he is concerned about them. He reminded Mr. Fergot that when he was last in front of the Commission they talked about these issues and that he had said he'd be happy to put them in into an SOP Manual in the store. Mr. Fergot stated that the conditions of approval have been re-distributed to the District Manager and they are both keeping herd on Mr. West to make sure that stuff happens as it is supposed to.

PP de Melo stated that staff needed to know if the Commission still wanted to press forward with a Revocation Hearing for the 1995 CUP.

C Dickenson stated that, since he was the one who brought forth and argued to have the Revocation Hearing put on as an agenda item, he was willing to back off on having it calendared and let them move forward with the current application, but he wanted to have it included on the Commission's Consent Calendar as a standing item to go through each of the punch list conditions that needed follow through, and they could pull it off once everything is executed.

C Long suggested instead that they continue the item to a date certain when their colleagues are there and to give the applicant a little more time to get his house completely in order.

CDD Ewing stated that the CUP that they are requesting for outdoor carts stands on its own, and he did not believe they could hold up one application for CUP for other items.

MOTION: **By Commissioner Long, seconded by Commissioner Dickenson, to direct staff to calendar a hearing to consider revocation of the 1995 CUP for the Safeway Store at 1100 El Camino.**

Ayes: **Long, Wozniak**
Noes: **Dickenson, Horton, Gibson**

Motion failed 2/3/2

CDD Ewing confirmed that there will *not* be a Revocation Hearing, based on their review at this meeting, and that the item can be raised again at any time.

The Commission agreed, by consensus, that staff will attach a punch list to each future agenda until such time as the list is complete.

PP de Melo added that staff would bring back the CUP that is currently on the table for the outdoor display.

C Dickenson, with concurrence of the remaining Commissioners, thanked staff for going through this exercise, as well Mr. Fergot for stepping up as a good neighbor.

6. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, DECEMBER 14, 2004

Liaison: Commissioner Dickenson
Alternate Liaison: Commissioner Gibson

Chair Gibson reminded Commissioners of the joint 90-minute meeting with City Council at 6:00 p.m. on December 14th. CDD Ewing will email Commissioners the final four- or five-item list of topics to be discussed.

CDD Ewing added that, unlike past years, the Council, will have a meeting on Tuesday, December 28th , to cover some business, including discussion of the make-up and purpose of the Permit Efficiency Task Force and a few zoning issues.

Chair Gibson added that there is also a Special Council meeting on Thursday, December 9th regarding the Emmett House project.

8. ADJOURNMENT:

The meeting adjourned at 10:00 p.m. to a regular meeting on Tuesday, December 21, 2004 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP
Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department
Please call (650) 595-7416 to schedule an appointment.