Minutes of Special (Study Session) and Regular Meeting of October 9, 2012

6:30 P.M. STUDY SESSION
(City Council Chambers)

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein
COUNCILMEMBERS ABSENT: Warden
Staff Present: City Manager Scoles, City Attorney Rennie, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, City Treasurer Violet, City Clerk Cook

Presentations from Potential Developers of City-owned Property in the San Juan Canyon
Community Development Director de Melo stated that the City of Belmont acquired several acres of land in the San Juan Canyon area and is exploring opportunities to develop a few parcels in order to repay the money used to purchase the property. He clarified that no decisions would be made this evening, and no development concepts have been made. He reviewed the property location and size, and stated that the City's financial obligation at this time is approximately $1.5 million. He explained that the City acquired this property as open space to preserve acreage, not for development. He clarified that the owner of the adjacent horse ranch property is interested in participating with whoever is selected as the master developer.

Community Development Director de Melo stated that the three potential master developers, as well as the owner of the horse ranch, would be making presentations for Council consideration.

Adele Della Santina, on behalf of Paul Goswamy, explained that Mr. Goswamy is aware that the goal is preservation and protection of open space, and to create the least impactful development. She acknowledged that other goals include protection of views, enhancement of the trail system, blending of homes to the neighborhood, and maximizing values. She clarified that Mr. Goswamy would attempt to preserve trees rather than replace them, and to incorporate existing heritage trees into the development. She pointed out that he lives in Belmont, has developed homes in Belmont, and has worked with the Ralston Ranch owners. She noted that 3,000 square feet is a popular home size, and that preliminary calculations indicate that the property to be developed would likely sustain seven to eight homes. She outlined other members of Mr. Goswamy's team and noted that all have experience in Belmont.

Stan Gamble, Mingstan Group, stated that he has 30 years of experience in the Bay Area, including in the San Juan Canyon area. He provided background of his development team and showed examples of their other projects. He noted that ten lots is likely feasible for this property, which would include density transfer from Bartlett and Ralston Avenues. He acknowledged the City's need to recoup its investment. He outlined the potential layout of the lots to be developed, and described the financial feasibility of this project. He stated that the size of the homes would be approximately 3,000 square feet.

Keith Christopherson, Mayacamas Partners, stated that he was raised in Belmont and has been involved in his family's homebuilding business for many years. He described community involvement in the development process. He noted that the company has built approximately 5,000 homes, and he described other developments in which he has been involved. He described how homes are created to fit the neighborhood. He outlined his hillside development experience, and described the business philosophy. He pointed out that his company has received awards, focuses on green buildings, and he described the project objectives and goals as outlined by the City.

Michael Mellier-Smith, Belmont resident, described the horse ranch property he owns which is adjacent to the City-owned property in the San Juan Canyon. He stated that the City asked him to put a four-lot subdivision plan on hold pending development of the City-owned properties. He stated that his property has been appraised for over $5 million as a four-lot subdivided parcel, which he is willing to sell to the City of Belmont for $2.5 million, the remaining value of which would be a donation to the City. He stated that the City could use the horse ranch property to transfer density to properties on Bishop Road or Marsten Avenue, or it could enlarge the lots on Marsten into the horse ranch property. He explained that he would be willing to cooperate with whichever developer is chosen by the City, he would like to affect a 1031 tax exchange at the end of the process.

Councilmember Lieberman noted that the City's investment to date is approximately $1.5 million, not including staff time and ongoing costs. He stated that the City would need to net approximately $200,000 per parcel assuming the development of 10 parcels. He requested feedback from the potential developers regarding the financial feasibility. He noted that should the City wish to purchase the horse ranch property, more lots would need to be developed in order to recoup the additional investment, or each lot would need to sell for more than $200,000.

Community Development Director de Melo responded that until such time as the location, number and size of lots to be developed is ascertained, and the size of the homes identified, land value is difficult to determine. He noted that value would be determined based on a developed lot after entitlements have been granted.

Keith Christopherson (Mayacamas), responded that value would be based on the location of the lots, and he explained that there would be less cost to develop lots on Bishop Road than on Marsten Avenue. He noted that any existing geotechnical issues will increase the cost of development.

Adele Della Santina (Goswamy), stated that details as described by Councilmember Lieberman would be part of an exclusive negotiating agreement with the chosen developer. She noted that carrying costs will increase if the length of the process is extended.

Stan Gamble (Mingstan), stated that the per-lot improvement costs would be approximately $50,000. He commented that his intent is not to build the houses but to sell the lots after they are improved.

Vice Mayor Wozniak noted that at this time, being 7:30 p.m., this Study Session would be concluded and public comments and further discussion on this matter would be considered during the regular meeting.

REGULAR MEETING
CALL TO ORDER 7:35 P.M.

ROLL CALL
COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein
COUNCILMEMBERS ABSENT: Warden
Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Fire Chief Fry, Human Resources Director Dino, Senior Planner DiDonato, Interim Information Services Manager Eggers, Technology Specialist Martinez, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE
Led by Notre Dame de Namur University students.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Burgess, Belmont Chamber of Commerce, announced an upcoming community leader workshop on October 23rd on the topic of entrepreneurship.

Perry Kennan, Belmont resident, noted that the City of Belmont's audit report would be presented at the next City Council meeting, and that the report would be reviewed by the Audit Committee prior to the presentation. He stated that he has been studying audits of other cities. He requested a meeting with the subcommittee regarding internal control prior to their meeting. He expressed concerns regarding pension costs.

Alan Sarver, Save the Music, outlined activities and musical offerings that would be taking place at the upcoming Save the Music Festival on October 14th.

Casey Bayer, Silicon Valley Leadership Group, invited the City Council and other City leaders to the upcoming Turkey Trot on Thanksgiving Day as a fundraiser for several local nonprofit organizations.

Michelle Lindeman, Brocade, explained that points are awarded for City leadership participation in the Turkey Trot.

Kathleen King, Saratoga resident and former Saratoga Mayor, issued a challenge to the City of Belmont to participate in the Turkey Trot.

AGENDA AMENDMENTS
Council concurred to continue the Study Session topic to hear public comments after the Consent Agenda.

Councilmember Braunstein requested removal of Consent Item 8-F (Resolution Opposing the Sale and Purchase of Rat and Mouse Poisons for separate consideration. Vice Mayor Wozniak suggested tabling this item until later in the meeting.

ITEMS APPROVED ON CONSENT CALENDAR
City Attorney Rennie read aloud the title of the Ordinance Amending the Belmont Zoning Ordinance related to Temporary Real Estate Signs on Private Property.

Approval of Minutes of Special and Regular Meeting of the City Council of September 11, 2012
Motion to Receive Monthly Financial Reports
Adoption of Ordinance 1067 of the City Council Amending Belmont Zoning Ordinance Section 23.09.04 Regulations Related to Temporary Real Estate Signs on Private Property (2nd reading and adoption)
Approval of Resolution 2012-106 of the City Council Authorizing a Purchase Order to Jensen Precast for Storm Drain Inlet Grates to be Installed at Various Locations throughout the City for an Amount not to Exceed $13,150
Approval of Resolution 2012-107 of the City Council Authorizing the City Manager to Execute a Service Agreement with Coplogic for Online Police Reporting in an Amount not to Exceed $15,000
Approval of Resolution 2012-108 of the City Council Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed $25,000
Approval of Resolution 2012-109 of the City Council Authorizing a City Holiday Closure
Approval of Resolution 2012-110 of the City Council Authorizing Purchase of a Server to Support the City's Permitting System in an amount not to exceed $7,000

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a show of hands (4-0, Warden absent).

Continued Discussion Regarding City-owned Property in the San Juan Canyon (continued from Study Session held earlier)

Leigh Simpson, San Mateo resident, stated that the City Council acquired this property to preserve open space. She expressed support for saving the open space for wildlife habitat.

Jeannette Sacco-Belli, Belmont resident, stated that she supports no development of any of the property, and supports a ballot initiative to preserve the open space. She stated that there will be infrastructure needs with the development of any parcels. She commented that the neighborhood received very little notification of tonight's meeting.

Community Development Director de Melo outlined the tentative schedule for subsequent actions to be taken on this matter. He noted there will be opportunities for future public outreach, and clarified that there are no details to present at this time. City Attorney Rennie noted that the milestones include the selection of a development partner, the development of an exclusive negotiating agreement, and the entitlement process.

Jeff Margolis, Belmont resident, expressed the need to diminish traffic and he expressed concerns regarding the condition of Marsten Avenue. He commented regarding the generous offer of the horse ranch property. He expressed support for a parcel tax to purchase the property and leave it as open space. He does not support any development.

Chris Parker, Belmont resident, stated that he received a notice about tonight's meeting, and that a neighborhood meeting was held over the weekend. He noted that the City of Belmont has been planning this project for some time and no notification has been made to the community. He pointed out that other homes in the neighborhood are not 3,000 square feet. He commented that Marsten Avenue is the main thoroughfare for the neighborhood and is not in good condition.

Karl Mittelstadt, Belmont resident, congratulated the City of Belmont for acquiring this property. He noted that the intent was for there to be a trade-off with the development of a few lots in order to preserve the majority of the land as open space. He noted this will also provide better access to the open space from Bishop Road.

Michael Schmitz, San Mateo resident, stated that the goal should be to sustain the environment, not pay back the debt. He stated there is an opportunity to save all of the property as open space. He recommended keeping the development to a minimum, if development is needed. He suggested consideration of impact on neighbors and the wildlife. He pointed out that this open space connects to Sugarloaf Mountain. He does not support homes of 3,000 square feet. He recommended protecting the open space through an easement in perpetuity.

Sandra Sanvido, Belmont resident, stated that the purpose of development of some of the property is to recoup costs, and she suggested exploring other ways to do so. She recommended that the City Council not consider the horse ranch property, which could result in the need to develop more lots. She expressed support for a parcel tax, and expressed concerns regarding the lack of communication on this matter.

Councilmember Lieberman pointed out that Mr. Goswamy is in attendance at the meeting.

Councilmember Feierbach stated that she would not have supported the acquisition of this property if it meant developing more than two or three homes on Bishop Road, and she supports developing the fewest number of units in order to repay the loan. She stated she would not support a cul de sac on Bishop Road, and does not support purchasing additional property. It is her desire to protect the

environment and the trees, and to have development that results in the least environmental effect. She wants to keep the open space in perpetuity. She noted that any development should be required to conform to the provisions of Measure F. She stated that she could support larger homes if it means fewer of them. She expressed support for craftsman style homes and recommended individual styles using green building standards. She noted that an initiative is a difficult process due to the threshold of a two-thirds majority vote required for passage. She expressed support for public outreach.

Councilmember Braunstein stated that the City Council's decision would be made based on tonight's presentations, and he expressed support for ongoing public input and conversation regarding this matter.

Councilmember Lieberman noted that he voted against the purchase of this property due to his concern that it would result in the development of too many parcels in order to pay back the money. He expressed concern about the City's ability to be able to pay the money back.

Vice Mayor Wozniak stated that whichever developer is selected will need to work with the neighbors. She noted that the plan was to pay back the money by developing the fewest number of units that will result in a realistic development. She pointed out that this property could have been purchased by others. She stated that public outreach is important, and that no decisions have been made regarding this matter. She commented that anyone can pursue an initiative.

RECESS: 8:30 P.M.
RECONVENE: 8:45 P.M.
(Councilmember Lieberman not on the dais at the time of reconvening.)

HEARINGS

Public Hearing to Consider a Tentative Map, Vacation of Public Utility Easement, and Establishment of a 100-Foot No Parking Zone Along Carlmont Drive to Allow for Construction of Ten Condominiums on a vacant lot on Carlmont Drive (adjacent to 1114 Village Drive)

Senior Planner DiDonato outlined the Planning Commission's recommended approval of various entitlements for a 10-unit condominium project on Carlmont Drive, contingent upon approval of a mitigated negative declaration.

(At this time, being 8:50 p.m., Councilmember Lieberman returned to the dais.)

Senior Planner DiDonato provided an overview of the project including architecture, grading, drainage, hardscape and tree removal. He noted that tree mitigation will be required. He reviewed the parking to be provided on site, and explained that some street parking would need to be removed to address sight lines. He also explained the need to vacate a public utility easement, and clarified that no utilities exist within the easement. He outlined the environmental review and mitigations, and

provided an analysis of subdivision requirements. He pointed out that minor modifications were made to the resolutions provided to the City Council for this item.

Councilmember Braunstein noted that this property is a dilapidated vacant lot. He pointed out that the neighborhood is used as a cut-through access for students and recommended building during summer months. He stated that when he visited the property, few neighbors were aware of pending development and he recommended better notification, including to Belmont Oaks Academy.

Senior Planner DiDonato stated that the applicant would need to submit a Construction Management Plan ahead of construction. He explained that it might be difficult to restrict construction to summer only. City Attorney Rennie stated that staff can work with the developer regarding the construction time. Public Works Director Oskoui stated that the Construction Management Plan can address these issues and can place restrictions.

Bahram Mozayeny (on behalf of applicant), stated that contractors do not like to work during rush hour.

Councilmember Lieberman noted that Allied Waste was named as the solid waste provider in the environmental document. Senior Planner DiDonato explained that this document was prepared during the transition of the solid waste franchise. He confirmed that the environmental report was forwarded to Recology.

Councilmember Feierbach stated that she has followed this project through the Planning Commission, which considered the matter carefully. She expressed support for the project.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, Resolution 2012-111 Approving a Mitigated Negative Declaration of Environmental Significance and a Mitigation Monitoring and Reporting Program for the Construction of ten Condominiums Located on Carlmont Drive, was unanimously approved by a show of hands (4-0, Warden absent).

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, Resolution 2012-112 Approving a Tentative Subdivision Map for the Construction of ten Condominiums Located on Carlmont Drive, was unanimously approved by a show of hands (4-0, Warden absent).

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, Resolution 2012-113 Establishing a 100-Foot No-Parking Zone Adjacent to a Vacant Lot on Carlmont Drive was unanimously approved by a show of hands (4-0, Warden absent).

CONSENT CALENDAR ITEM (cont. from earlier)

Resolution 2012-114 of the City Council Opposing the Sale and Purchase of Rat and Mouse

Poisons Deemed An Unreasonable Risk to Children, Pets and Wildlife
Councilmember Braunstein noted that the proposed resolution does not mandate the ban of poisons, and he questioned how this information would be communicated within the community.

City Clerk Cook explained that the verbiage for the resolution was the same as resolutions adopted in other cities.

City Attorney Rennie stated that the use of such poisons is regulated at the State level only. He suggested that local businesses could be encouraged to discontinue offering such products for sale.

Vice Mayor Wozniak suggested that if the City of Belmont currently uses these products, it could discontinue doing so.

Discussion ensued regarding options for communicating the adoption of this resolution.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, Resolution 2012-114 of the City Council Opposing the Sale and Purchase of Rat and Mouse Poisons Deemed An Unreasonable Risk to Children, Pets and Wildlife was unanimously approved by a show of hands (4-0, Warden absent).

OTHER BUSINESS

Consideration of General Plan Amendment, Planned Development Rezoning, and Conceptual Development Plan for 6, 8, 10 Davis Drive (Crystal Springs Uplands School) (continued from 9/11/12)
This item was continued to October 23, 2012.

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

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments
Vice Mayor Wozniak stated that the Audit Committee will be meeting on October 18th. She noted that the Peninsula Cities Consortium for High Speed Rail will begin meeting in Menlo Park for the next quarter.

City Treasurer Violet stated that in addition to reviewing the City of Belmont's audit report, it would also be reviewing the Request for Quotation for the next audit.

Verbal Report from City Manager
City Manager Scoles noted that the Belmont Fire Department and City Attorney Rennie were both having their one-year anniversaries with the City of Belmont.

ADJOURNMENT at this time being 9:20 P.M.

Terri Cook
City Clerk

Meeting audio-recorded and videotaped.

DRAFT