

**Minutes of the Planning Commission Regular Meeting of Tuesday, May 15, 2018
Council Chambers, One Twin Pines Lane, Belmont, CA**

ROLL CALL 7:00 P.M.

Planning Commission members Present: Kramer, Pyrz, Meola, McCune, Majeski, Goldfarb
Planning Commission members Absent: Hendrix

Staff Present: Community Development Director de Melo, City Attorney Rennie, Associate Planner Dietz, Principal Planner DiDonato, and Administrative Assistant Lynn

PLEDGE OF ALLEGIANCE

Led by Commission Chair Goldfarb

COMMUNITY FORUM

There were no speakers from the public

COMMISSIONER ANNOUNCEMENTS / AGENDA AMENDMENTS

None

CONSENT CALENDAR

A. Approved Minutes of May 1, 2018 Minutes as Presented

ACTION: Meeting Minutes approved 6 Ayes, 0 Noes, 1 Absent

STUDY SESSION

None

PUBLIC HEARINGS

7. A. Zoning Text Amendment to Floor Area Transfer Process

Associate Planner Dietz summarized the staff report on the proposed Zoning Text Amendment and gave a brief description of the San Juan Hills Area Plan; Plan area boundaries; project specific impacts, and goals and objectives to incentivize development to occur on the most developable lots and encourage transfer of development potential away from less developable lots. Additionally, Dietz provided information on the floor area transfers between two lots within the HRO-2 Zoning District. Staff analysis highlighted that the current procedures run counter to some of the goals, objectives, and policies in the General Plan and San Juan Hills Area Plan; the proposed ZTA would better implement the goals and objectives, and it is necessary to adopt the ZTA to achieve the objectives of the Zoning Plan and General Plan.

Maya Fallaha, Applicant, spoke on the size of livable floor space and she requests approval of the amended zoning text.

It was stated by City Attorney Rennie that no ex-parte communication is necessary for general policy.

COMMISSION COMMENTS

In response to Commission comments, Community Development staff stated that in the early 2000's, the City established a sliding scale for HRO-2 lots regardless of lot size or slope, whereas:

- The minimum size dwelling is 900 square feet and maximum is 1,200 sq. ft. irrespective of how many HRO-2 lots are part of a transfer request.
- The maximum home size on a receiving lot is 3,500 square feet.
- The sending lots would then become permanent conservation open space easement areas.

For recordation, a restrictive covenant is recorded against the sending lot acknowledging transfer of development potential from the property, as well as the obligation for the receiving property owner to maintain the sending property lot.

In response to Commissioner Meola, Community Development staff stated the decision-making process for a floor area variance goes to the Commission to consider approval. If the applicant is informed about constraints or challenges on making variance findings for a lot, the applicant still has the option of taking it to the Commission regardless of staff's guidance based on findings and experience.

In response to Commission comments, Community Development staff clarified the following:

- The floor area transfer space will net 1,200 sq. ft. on the receiving lot. Administrative review is required.
- The 3,500 sq. ft. maximum does include the garage.
- A two-car garage requirement has been in place since the sliding scale formula was established in 2002/2003.
- Encourage building on receiving lots located on existing streets, as they have infrastructure already in place versus building on undeveloped areas.
- In unimproved roadway areas, the hillside roadway improvement plan would need to be met and be consistent with the San Juan Hills Area Plan.
- There will be economic value by transferring challenging lots to more favorable, developable lots.
- Of 39 HRO-2 zoned lots along improved roads, 25 lots have existing homes; 14 vacant lots could be a potential benefactor of transfer.
- Sending lots become permanent conservation easements.
- HRO-2 lots are only located in the San Juan Hills area.
- The Floor Area Transfer Program is only available for HRO-2 lots.
- The process for an applicant to bring a ZTA item to Commission includes an application for the proposed Zoning Text Amendment; the City will evaluate the request, fees are collected, staff time is tracked, and then the item will be presented to the Commission.

Chair Goldfarb opened the Public Hearing.

21 Speaker Slips were submitted. Speaker comments ranged from opposed, some in favor, one speaker chose not to speak but marked the card in favor, and some speakers remained neutral. Comments ranged from concerns of congestion, opposition to updates, addition to ZTA language, and support of amendment.

Public speakers in attendance:

Alex Rybkin, Valerie Rybkin, Russ Blagg (Submitted card in-favor but did not speak), Linda Ehrlich, Amar Desai, Warren Gibson, Max Reinhardt, Yvonne Ong, Kip Leong, Phillip Hertel, Mark Herbach, Xueyao Lzang, Carol Rossi, Adam Nasser, John Caulfield Tan Tseng, Laura Schulte, Faye Lee, Rami Bailery, Jeff Kraft, Hashim Abdulkader

Chair Goldfarb closed the Public Hearing and moved to take a short break.
Meeting called back to order at 9:07pm.

Development Director deMelo thanked the public for their interaction and comments and stated that a 300-foot radius mailing was used for all HRO-2 zoned lots; as such, a Public Notice was sent to over 730 property owners that contained meeting information. He also noted that the ZTA item before the Commission tonight is as proposed by the applicant and they can make a motion for continuance recommending Council approval or disapproval of the ZTA. Additional HRO-2 policy considerations outside of the applicant's item would need to be discussed in a different agenda item on a separate meeting.

COMMISSION DISCUSSION

Commissioner McCune – Can see merit to both sides of public comments

Commissioner Majeski—Likes idea of exchange and understands concept of not building in undeveloped area. He can make the findings.

Commissioner Kramer- Received confirmation from staff that transfer lot would net 1,200 sq. ft.

Commissioner Meola- Would like more time. She likes the idea and is not necessarily opposed but she stated it was unclear when applicant sent notices and does not feel there was enough time due to the topic. She also believes this is a broader change, understands need for more housing, and consider eliminating requirements for a 2-car garage, consider floor area ratio process, and prefers to set minimum/maximum floor area tied to actual lot.

Commissioner Pyrz- Would like more time and understands the concerns of the public.

Commissioner Kramer- Liked the original intent in the 80's to have the local residents benefit from open space that's transferred within the area. Posed the question if the distance between sending and receiving lots could be more approximate; within 500-yards so the benefits can go to the residents affected. Commissioner Majeski stated this could be more restrictive being on the same street.

Chair Goldfarb- Likes the overall idea of retiring sending lots to open space. Not comfortable making decision at this time.

Staff addressed additional comments from Commission and public to bring clarity to items discussed.

- The difference of intensity versus density: Intensity increases amount of home, whereas increased density refers to subdivisions of land.
- Commission to give recommendation as proposed, recommended with changes, or not recommended as item is proposed, and item will go on to City Council.
- Staff will compile information based on Commissioner requests to provide background/context:
 - Applicant sending and receiving lot sizes
 - Location of the specific 14 lots under consideration as well as the 39 total lots
 - Larger version of the HRO2 map with location of lots that were discussed
 - Map of lots that had transfers and have already been set aside and conserved

- Open Space Management Plan document showing language of maintenance responsibility of lots
- Additional neighborhood outreach details
- Staff report from 2001 that summarized the changes to floor area exception process, and staff report from 2003 that summarized the ZTA sliding scale that were eventually adopted by the Commission and Council

City Attorney Rennie advised the Commission that the old staff reports should be used for background information and cautioned the use of this information to re-write policies that have already been established.

Many Commissioners were in agreement the older documents would provide valuable background information, context, and reasons something is being presented to a governing board.

Community Director deMelo stated staff would gather documents and information for Commission in a reasonable time for the Commission and be respectful to the timing for the applicant in order to proceed. Public Noticing for the next meeting discussing this item will be mailed by postcards in a timely manner.

ACTION: Community Director de Melo moved to a formal motion to continue item to an uncertain date. Commissioners concurred on a continuance motioned by Commissioner McCune, seconded by Commissioner Meola 5 Ayes, 1 No, 1 Absent

OTHER BUSINESS / UPDATES

There is no meeting on May 29th. The next meeting will take place on June 5th.

The City Council will be introducing the 2019 budget on May 22nd. The Commission is required to make a General Plan Consistency Finding for the City's Capital Improvement Program associated with the budget. This item will be on the June 5th agenda.

ADJOURNMENT at this time being 10:00 PM to a regular meeting of the Planning Commission to be held on June 5, 2018.

Diane Lynn
Administrative Assistant

Meeting televised and web streamed