

Minutes of the Planning Commission Special Meeting of Tuesday, April 30, 2019
Council Chambers, One Twin Pines Lane, Belmont, CA

ROLL CALL 7:00 P.M.

Planning Commission members present: Meier, Finley, McCune, Majeski, Pyrz, Goldfarb
Planning Commission members absent: Kramer

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 McCune.

COMMUNITY FORUM

Chair McCune opened the Community Forum.
No public speakers came forward.
Chair McCune closed the Community Forum

COMMISSIONER ANNOUNCEMENTS / AGENDA AMENDMENTS

None

CONSENT CALENDAR

Regular Meeting Minutes April 16, 2019

ACTION: On a motion by Commissioner Majeski, Seconded by Commissioner Pyrz to approve the Special Meeting Minutes of April 16, 2019.

Motion passed 4-0-2 (4 Ayes, 0 Noes, 2 Abstained)

PUBLIC HEARINGS

7 A. 2908 San Juan Blvd. – (Tree Removal Permit)

Commissioners stated no ex-parte communications were made.

Associate Planner Dietz provided an overview of the staff report and a presentation to consider a Tree Removal Permit to remove one protected tree as part of a previously approved Single-Family Design Review that took place at the April 16, 2019 Planning Commission Meeting. The tree removal is for one protected Locust tree. The arborist's report recommends removal of the tree due to its risk of failure and poor condition. The Conditions of Approval would require the applicant to pay a tree replacement fee upon obtaining their building permit. Application No. PA2019-0006. Staff stated all findings were made in the affirmative and recommended approval.

Chair McCune invited the applicant to address the Commission. The applicant provided no additional comments.

COMMISSION QUESTIONS TO STAFF

Chair McCune invited Commission questions to staff.
No questions were presented.

Chair McCune opened the Public Hearing.
No public comments were made.
Chair McCune closed the Public Hearing.

COMMISSION DISCUSSION

Commissioners concurred in favor and made the findings for the tree removal permit.

ACTION: On a motion by Commissioner Goldfarb, seconded by Commissioner Pyrz to approve the Tree Removal Permit for 2908 San Juan Blvd., Application Number PA2019-0014

Motion passed 6-0 (6 Ayes, 0 Noes)

Chair McCune stated this item is appealable within 10 calendar days.

7 B. 2908 Windy Hill Residential Project - 1325 Old County Road, 1301 Old County Road, Vacant Lot (City of Belmont); 1304 Elmer Street, and 633 O’Neill Avenue (San Mateo County)

Commissioners stated there were site visits but no ex-parte communications were made.

Principal Planner DiDonato provided a summary of the staff report and a presentation on the Windy Hill-Artisian Crossing Project. Presentation overview covered the context and background relating to the General Plan (GP) and Belmont Village Specific Plan (BVSP), development standards for parking, Floor Plate, , project location and background, a street scape plan, and Environmental Impact Review (EIR). Key points of the presentation is provided below:

The new apartment building would include the following:

- Four story-224,000 Sq. Ft.
- 250 units and 258 Vehicle parking spaces
- Affordable Housing-15% (38 Units below market)
- Approximately 1,352 Sq. Ft Flex Space
- Annexation of 2 lots and portions of right-of-way

The project includes an Environmental Impact Report Addendum which falls under the General Plan and Belmont Village Specific Plan EIR; the project can be approved without additional environmental review. There are specific mitigations for development and mitigation measures and statement of overriding considerations, however, mitigation measures still need to be adhered to in the Mitigation Monitoring and Reporting Program (MMRP). Staff concluded from the analysis of the evaluation impacts that no conditions required additional environmental review. The Outdoor Noise Exception is part of this review and identified in the GP EIR and the BVSP. Traffic Impact Fees are associated to project-related direct impacts to the Ralston Avenue at Elmer Street intersection whereas the city can collect a fair share. This intersection was studied in the Ralston Corridor study and included in the EIR for the BVSP to base impacts on, and a trip fee (requires TIF).

Staff provided two exemptions for the Development Standards: Floor Plate Design and Ground Floor Transparency.

1. Floor Plate design suggests the intent to reduce the affect of a “boxy” building, requires a “wedding cake” design approach where it tapers in for mitigation of bulk. However, it does not work for all projects. Due to the accessible ground floor area use for a large plaza area, wide

setbacks, and an extra building setback, this will not necessarily allow for the wedding cake design. There is a significant amount of vertical articulation and the design does address bulk reduction. Staff can make the findings and recommends exemption for approval.

2. Ground Floor Transparency intent will allow view to retail, art and restaurants. The alternative use is a unique operation and Residential use; therefore, the project meets the alternative use for requiring privacy of residential use. Staff recommended alternative for approval.

To allow increased development potential, the project is proposing a Floor Area Ratio (FAR) of 2.0-2.46 for public benefit. Proposed items in exchange for the increase of FAR, which some are not required and others are more than required, are a public plaza, public art installation, O'Neill undercrossing study, TMA Seed Fee, Wayfinding Signage Fee, a 1,352 sq. ft. space made available for non-profit art instruction, bike kitchen-bike repair area, and a transportation impact fees. Staff recommended approval for FAR increase of 2.46.

The Annexation includes two additional parcels located at 1304 Elmer Street and 633 O'Neill Avenue that are currently in the San Mateo County jurisdiction, and an adjacent portion of right-of-way located on O'Neill Avenue between Elmer Street and Dairy Lane. Staff recommended approval.

The Development Agreement includes vested rights for the applicant in exchange for the benefits proposed in the FAR and a term of 5 years. The Commission would need to make the findings that it is compliant with the GP, BVSP, and Belmont Zoning Ordinance (BZO). Staff can make the findings and recommended approval.

The Vesting Tentative Map consolidates five lots into one parcel for the construction of the project. Staff conducted evaluation for consistency and were able to make the findings and recommended approval.

The Conditional Use Permit (CUP) would allow ground floor residential use. It is compatible with neighboring uses and does not have a transportation and utility burden and does not create traffic impacts or adverse effects on property and general welfare. A construction management plan is required. Staff recommended approval of CUP.

The Grading Permit will be required for excavation for underground garage. Geotechnical reports and reviews were conducted, and no site stability issues were found. Best Management Practices for erosion and water quality are required and no streams will be impacted, and tree protection measures are required for trees on adjacent sites. Staff recommended approval of Grading Permit.

The Tree Permit would require the removal of 5 trees. This project will replant 43 trees which equals 8:1. Only 1:1 is required. New trees will be from a preferred list in the Tree Ordinance and is consistent with the BVSP described in Chapter 4. Staff recommended approval of a Tree Permit.

The Design Review section of the current ordinance is not entirely consistent with the update of the GP and BVSP and will be updated in the near future. However, there are principles identified in that section that is consistent with those principles. (Scale and mass, Avoid Extreme Color, Accessory Feature Screening, Signage, Layout and Orientation, Vehicular/Bike/Pedestrian circulation, and Landscape)

Principal Planner DiDonato concluded that the project is consistent with the GP and BVSP, the GP EIR is adequate to address impacts, all entitlement findings can be made, and the Outdoor Noise Exposure Exception meets EIR and BVSP Standards. Staff recommended the 5 Resolutions (listed below) and Noise Exception, and Public Benefits for approval in one action.

Chair McCune invited the applicant to make their presentation.

Jamie D'Alessandro, Applicant, thanked staff for their detailed presentation, named the representing project team members, and provided a presentation on the Artisan Crossing-Windy Hill Project. The presentation overview consisted of company background, their current projects in San Mateo County and Santa Clara County, history of outreach, community benefits with this project, project overview, site overview, potential transportation demand management strategies, and project endorsements.

COMMISSION QUESTIONS TO STAFF

Chair McCune invited Commission questions to staff.

In response to Commissioner Meier, staff stated the findings can be made for the public benefits for the increased FAR, and stated that if Commission felt the findings could not be made for the recommending public benefits, staff could make that recommendation to City Council for consideration.

In response to Commissioner Goldfarb, the applicant, Jamie D'Alessandro, stated they tried to purchase one building located on an adjacent parcel to the project and was unsuccessful. This adjacent building is not included in the overall project.

In response to Commissioner Pyrz, Staff stated the project is required to have unbundled parking. Commissioner Pyrz had concerns for tenants that did not want to pay for parking and vehicle overflow would end up on other residential streets such as Elmer and O'Neill and inquired about mitigation measures and a residential parking permit program for this area. Staff stated there were no mitigation measures identified in the EIR for the General Plan that address this type of situation. The establishment of a parking program is a policy decision by the City Council and is typically in response to a current situation. Any parking concerns could also be brought to the Public Works Department for the Parking, Traffic and Safety Committee for initial review.

In response to Commissioner Pyrz, staff stated the annexation of half of the right of way (one side of the street is currently in County, the other side is in the City) and is not part of the project, however, because it is in the vicinity it was requested by the City and County to annex into the City of Belmont.

In response to Commissioner Goldfarb, staff explained the language of each of the conditions in the Vesting Tentative Map are listed as a "not", and therefore is listed as a double negative.

In response to Commissioner Majeski, the applicant stated the community did not want to max out every last foot in height. Horizontal and vertical articulation and stepping back took away some of the true "wedding cake" design, and they did not build out to the corner to allow for the plaza area to create the current design.

In response to Commissioner Finley, the Applicant stated the parking is secured-gated and not accessible to the public.

In response to Commissioner Goldfarb, the architect spoke on environmental efforts for the building that included a high efficiency boiler for hot water with the potential of solar panels, efficiency air conditioning units, windows and LED lighting.

In response to Commissioner Pyrz, staff stated that the Flex Space is offered as a public benefit. Should the art school not work out or move, would continue to be required for public benefit use.

Jennifer Menere, the Program Manager for Art for Schools at the Community School of Music and Art, spoke regarding what type of programs they offer per Commissioner Goldfarb request.

In response to Chair McCune, the applicant stated the environmental issue with soils was due to light industrial contaminants from a previous business and a soil and groundwater management plan is in place. No underground storage tanks were identified.

In response to Commissioner Goldfarb, staff clarified that this project location is not a housing opportunity site as identified in the Housing Element. This project location is a “bonus” site for additional housing.

In response to Commissioner Pyrz, staff stated the developers will pay a school impact fee based on the fee schedule derived from the State and District. The applicant sends their plans to the District for certification of fees based on the Districts requirements. Fees are then collected during the Building Permit process. The anticipated school impact fee for this project would be 780K to 1 million dollars. Staff also stated in response to Commissioner Pyrz that the applicant will be submitting a regulatory housing agreement that will address affordable housing units.

Chair McCune motioned to take a 5 minute break.

Chair McCune opened the Public Hearing.

14 Speaker Slips were submitted. The speaker forum comments were all in favor of the Windy Hill Residential Project.

Public speakers in attendance:

Nina Rizzo, Alexander Melendrez, Adele Della Santina, Judy King, Michele Beasley, Mary Morrissey Parden, Diane Bailey, Nikita Sinha, David Pollack, Kathleen Wortham, Tim Hoffman, Alison Ten Cate, Nicolas Nagle, and Laura Peterhans.

Chair McCune closed the Public Hearing.

Staff responded to public comments stating in the Development Agreement that the Flex Space is to be used at no charge to a community serving nonprofit. Regarding the all-electric heat for the water heater, the project has been reviewed for consistency with the Climate Action Plan and Greenhouse Gas Policies Conditions of Approval and mitigations measures identified in the EIR. The project would need to meet Title 24 and be consistent with the Green Building Code for the State. At this time, requiring something beyond that can not be imposed.

Chair McCune asked if the Applicant had a response.
Applicant had nothing to add.

Commissioners were informed that all five resolutions may be bundled and approved as one group if there is a comfort level with the Commission to take action to move the resolutions per staff recommendations.

COMMISSION DISCUSSION

Chair McCune asked the Commissioners if anyone would like to pull any of the resolutions to address in a separate discussion. Commissioners concurred to take action on all five entitlements as a group. Commissioners thanked staff for their efforts in the work and presentation in a clear and concise manner, and all concurred to bundle all five entitlements and two recommendations and take one action for the grouping and made the findings.

ACTION: On a motion by Commissioner Majeski, seconded by Commissioner Finley to approve the draft resolutions grouping as presented by staff. The resolutions and two recommendations are as follows:

1. Resolution – Environmental Impact Report Addendum
2. Resolution-Annexation
3. Resolution-Vesting Tentative Map
4. Resolution-Development Agreement
5. Resolution- Design Review, Conditional Use Permit, Grading, Tree Permit, Exemption and Alternative
6. Recommendation-Public Benefits Provisions
7. Recommendation- Outdoor Noise Exception

Motion passed 6-0-1 (6 Ayes, 0 Noes, 1 Absent)

This item is anticipated to go to the City Council on May 14, 2019.

STUDY SESSION – NONE

OTHER BUSINESS / UPDATES

Tuesday, May 7th- Firehouse Square is slated to be presented at the Planning Commission Meeting.

ADJOURNMENT at this time being 9:25 PM to a regular meeting of the Planning Commission to be held on May 7, 2019. Public Notice as required will be issued in advance of the next Commission Meeting.

Diane Lynn - Administrative Assistant

Meeting televised and web streamed