

**CITY OF BELMONT**  
**PLANNING COMMISSION**  
**SUMMARY MINUTES**

**THURSDAY, AUGUST 16, 2011, 7:00 PM**

Chair Reed called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

**1. ROLL CALL**

Commissioners Present: Reed, Parsons, Horton, Mayer, d'Souza

Commissioners Absent: Mercer, Wheeler

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Gill (AP), Interim City Attorney Kane (ICA), Recording Secretary Turning (RS)

**2. AGENDA AMENDMENTS - None**

**3. COMMUNITY FORUM (Public Comments) - None**

**4. CONSENT CALENDAR**

**4A. Minutes of July 19, 2011**

**MOTION: By Commissioner Horton, seconded by Commissioner Mayer, to accept the Minutes of Tuesday, July 19, 2011, as presented.**

**Ayes: Horton, Mayer, d'Souza, Reed**

**Noes: None**

**Abstain: Parsons**

**Absent: Mercer, Wheeler**

**Morton passed 4/0/1/2**

**5. PUBLIC HEARINGS:**

**5A. PUBLIC HEARING – 2130 Ralston Avenue**

To consider a Conditional Use Permit and Design Review application to remove and replace an existing AT&T wireless antenna. The project includes the installation of three new antennas and associated equipment on the roof and within the existing equipment room of the subject property office building.

(Appl. No. 2010-32) APN: 044-274-120; Zoned: E-1 (Executive Administrative)

CEQA Status: Categorical Exemption per Section 15303, Class 3(e)

APPLICANT: Ana Gomez, for AT&T Mobility

OWNERS: David & Leslie Vallerga  
PROJECT PLANNER: Rob Gill, (650) 598-4204

Chair Reed determined that no one on the Commission had any ex parte communications with anyone involved with this project.

AP Gill summarized the Staff Report, recommending approval subject to the attached draft resolution and conditions of approval.

Commissioner d'Souza raised the following questions or issues:

- Asked how the standard on page 7 that requires that wireless facilities should avoid unreasonable views from neighboring properties is resolved. AP Gill explained that when the site first became a telecommunications facility, the requirements were that a parapet to screen some of the antennas was installed, the antennas were painted colors similar to the building or to blend into the background, and there was an associated landscape plan calling for trees that would get tall enough to screen them. The conditions for this project require that all the antennas are painted to match the parapet and any existing AT&T antennas be painted as well. Commissioner d'Souza quoted from page 9 under Conditional Use Permit Analysis: "A photo-simulation of the proposed project indicates each antenna that would be visible from all views surrounding the site". AP Gill responded that the photo simulation shows the areas where it would be visible and he did not know how one would make them totally non-visible and still allow them to do what they are supposed to do in terms of reception for the transmissions.
- Asked if Item C on the page 9 is referring to network traffic. AP Gill responded that it is not – it is referring to street traffic at times when an operator would need to go in to look at the equipment. Regarding network use, he asked if staff looks at upcoming capacity and whether facilities could be shared use for the infrastructure or will more towers be needed in the future and could they be co-located at this site or would they have to go somewhere else. AP Gill responded that they are co-located at this site; there are several carriers there now. Chair Reed interjected that this building already houses a number of antennas and this appears to be an equipment upgrade needed because technology has changed since they were installed. CDD de Melo added that the wireless ordinance seeks to create co-location opportunities and this is a prime example. This Item C refers to the streets surrounding the subject property. The only servicing that would go on would be maintenance of the facility and that is typically done on a monthly basis and during off hours. Ralston and the adjacent streets provide the capacity to service the site.
- Commented that there is no public benefit analysis of why we should do this. CDD de Melo responded that a public benefit finding is not a requirement for the Conditional Use Permit or the Design Review principles.

Ana Gomez, representing the applicant, AT&T Mobility, stated that this is a maintenance upgrade. They have found that there is a substantial hole in reception in the Academy neighborhood, and that their ultimate goal is to provide in-building coverage. This upgrade will provide in-building coverage and fuller neighborhood coverage. Regarding street traffic, she stated that it will be monthly maintenance during off-hours; about 20 minutes once a month.

Chair Reed opened the Public Hearing. There were no requests to speak.

**MOTION: By Commissioner Parsons, seconded by Commissioner Horton, to close the Public Hearing. Motion passed 5/0/2 by a show of hands, with Commissioners Mercer and Wheeler absent.**

Commissioner Horton commented that this appears to be updating equipment and satisfying customer complaints. It conforms to the ordinance and clusters several vendors in one location. She does not notice this facility when she drives by and had no issues.

Commissioners Parsons and Mayer concurred and could make the findings.

Commissioner d'Souza stated that he could not make the findings based on Design Review A.

Chair Reed stated that he could make all of the findings, adding that he never realized there were antennas there until the project came before the Commission.

**MOTION: By Commissioner Parsons, seconded by Commissioner Horton, to adopt the Resolution approving a Conditional Use Permit and Design Review to allow an AT&T Wireless Communication Facility at 2130 Ralston Avenue (PA 2010-0032) with the attached conditions.**

**Ayes: Parsons, Horton, Mayer, Reed**  
**Noes: d'Souza**  
**Absent: Mercer, Wheeler**

**Motion passed 4/1/2**

Chair Reed stated that this item can be appealed to the City Council within 10 calendar days.

**5B. PUBLIC HEARING – Vacant Lots on Alhambra Drive (APN: 043-232-080 & -043-232-230) (Continued from May 17, 2011 Meeting)**

To consider a Single Family Design Review to construct a 2,816 square-foot single-family residence on two vacant lots with a total land area of 11,915 sq. ft. The project request also includes a General Plan consistency determination for Vacation of a 1,327 sq. ft. portion of the adjacent public right-of-way.

(Appl. No. 2010-0035); APN: 043-232-080 & 043-232-230; Zoned: HRO-2 (Hillside Residential and Open Space);

CEQA Status: Categorical Exemption per Section 15303

APPLICANT: Jeffery Rice

OWNERS: Eugene and Laura Tan

PROJECT PLANNER: Damon DiDonato, (650) 637-2908

Chair Reed determined that no one on the Commission had any ex parte communications with anyone involved with this project.

SP DiDonato summarized the Staff Report, reviewing changes made to the plan as a result of the Commission's comments at the 5/17/2011 hearing. Staff recommended adoption of the draft Resolution

approving the Design Review and the Resolution finding that the project is consistent with the General Plan.

There were no questions from staff.

Property owner Eugene Tan thanked Commissioners for their review and suggestions on the plan, his development team and the Planning staff for their guidance and advice and for suggestions from neighbors, and asked that the Commission consider this a project that would be beneficial to the neighborhood and the City.

Using a model of the project, pictures and a power point presentation, Jeff Rice, applicant/designer, reviewed the revised project in detail and asked for the Commission's support.

Callum Prentice, Belmont resident, raised a concern about the inevitable construction noise and dust congestion. They have a baby girl and his wife suffers from asthma. He understands that the project is expected to take 9 months to complete and will go much longer than that due to the rainy season.

Tim Robertson, Belmont resident, felt that the Tans had done a tremendous job trying to address all the concerns and would be a wonderful addition to the citizenry of Belmont. However, he believed that this is not a buildable site and that it violates the spirit of the zoning codes and the San Juan Hills Area Plan (SJHAP). Looking at slope, bulk, floor area ratio, height, wildlife protection, geotechnical hazard mitigation, setbacks and density he believed that in every case it is right up against the limits of what is allowed in those areas. He noted that the SJHAP says that in this range of 30-50% slope the most stringent restrictions should be put on development and completely prohibits development above 50% slope; this is at 48% slope. He also raised the issue of floor area ratio as another example. He believed there is a contention with the spirit of the law, and encouraged the Tans to move into the neighborhood in an existing unit; there is no need to build on this spot.

Joe Betts-LaCroix, Belmont resident, distributed pictures to Commissioners for their review. The SJHAP states over and over again that the constraints or guidelines should be most strict in areas of high slope and more permissive in areas of low slope, and this pair of lots is far extreme on the end of slope at 48%. On page 46 it says that it should be the most restrictive on lots that are greater than 30% and this lot is far beyond that. He added that the SJHAP talks repeatedly about certain soil types, particularly the pdf and the md, and Cotton Shires geotechnical reports says the zone designated at pdf is mapped at the base of the property. He had two geotechnical consultants look at the site, both of whom have experience in the area and were incredulous that someone would try to build in that ravine. He added that the house across the street has had significant problems with settling and geotechnical issues.

**MOTION: By Commissioner Parsons, seconded by Commissioner Horton, to close the Public Hearing. Motion passed 5/0/2 by a show of hands, with Commissioners Wheeler and Mercer absent.**

Responsive to the comment about dust and allergies, Chair Reed noted that one of the conditions of approval discusses dust control measures that must be taken as part of the construction.

Commissioner Horton asked that staff clarify the issue of the floor area ratio. SP DiDonato responded as follows:

- The intent of the SJHAP and the reason it was created was to recognize that there were legal lots of record owned by individuals and that these individuals will want to develop those properties and to allow them to do that in a way that made the most sense for the area and in a way that relieved the fragmentation of lots.
- The 30% standard comes into play all the time. There is a policy that says to avoid slopes of 30% whenever possible. It does not say that no development is permitted on slopes of 30%. It is not prohibitive. If it were prohibitive, a corresponding implementation in the Belmont Zoning Ordinance and/or the Municipal Code would have stopped all development in the San Juan Hills area on slopes over 30%. Instead, it creates a procedure for allowing that but reduces the total floor area that would be permitted.
- There are properties all over the San Juan hills that have no roads or utilities and have very significant geotechnical hazards like pdf and md. To get those essentially off the rolls and so that development makes more sense, it allows for floor area transfers within the same statistical subarea to properties that do not have these geotechnical hazards, and properties that do have roads and utilities.
- The subject property is one of those properties – it has roads and utilities but it requires that we evaluate the geotechnical concerns – the drainage and the biology of the property.
- It allows for that sensitive, measured, well-studied development to occur in areas where it should occur and allows for a process to still have some sort of economic benefit to owning a piece of property because you can transfer that floor area to a property where it makes the most sense to build.
- This particular property is surrounded by homes on all sides, including on Sequoia Way behind it. It has been evaluated for geotechnical, drainage, and biological issues. Staff believes that it meets all those tests and therefore is recommending approval.

Commissioner d'Souza raised the following concerns:

- The view is deteriorated as soon as something is placed at the peak where the trees are.
- Regarding grading, he believes that the project can come forward more and if the size is reduced it could reduce the 831 cubic yards of fill.
- He would like to see data and drawings depicting the meaning of a report that states that the sluggish runoff could be easily controlled.
- He would like to see a drawing and write-up regarding working with Public Works on erosion control.
- He is not sure how to address the tree issue. He believes bringing the development closer to the road would reduce the impact of the trees up to the top.
- Regarding the HRO-2 zoning, he believes the runoff for the road is an issue, noting that the City has had problems on Marburger, and suggested that the applicant could post a bond for issues related to the road and runoff. He believes the setting is completely compromised in that regard and the geotechnical review raises additional concerns, on which he would like to see more data.
- He concluded by saying that he could not find for this property based on the view, grading, trees and bulk.

Commissioner Mayer recalled that his first impression of this property was that development would be extremely problematic, but noted that the limitations in the General Plan on slope development above 30% is not a single prohibitive requirement. He believed the owner and planners have made a good faith effort to address the issues and have done a good job of that. He has walked above and below the property during a wet season and saw no signs of water problems. He wondered if the neighbors are

afraid to live in their own house. He believed that all development has a certain amount of risk – there’s no absolute certainty in life – and that these plans represent a good faith effort to develop a positive project for this neighborhood. He liked the design and could make the findings to approve this project.

Commissioner Parsons stated that the applicant and staff did a good job answering his concerns expressed at the last meeting about the stability of the hillside, the amount of cut and fill, the applicability of the SJHAP and the General Plan, and the safety aspects with respect to Police and Fire. He added that he still has some issues with the bulk but believed that has to be resolved by revisions to the City’s height ordinance and how they calculate the height of buildings. The fact that the property is in the hillside alleviates the bulk and the fact that there will be a lot of trees at the top will help. There is no public view blocked. He could make the findings and support the project.

Commissioner Horton thanked SP DiDonato for putting together the great 3-year history of this project. She recalled that when they first looked at the project the proposal would have involved 3000 cubic yards of cut and fill and 13’ high retaining walls. She felt that they have come a significant way from that and concurred with most of what every one else had said. She noted that in this country, if you own property and if you follow the rules you can develop your property, and the applicant has followed the rules and responded to their requests and is willing to spend the money it will cost to build. She felt that the original design was a little less bulky, but that this one is not as imposing as many of the houses she drove by to get there. She could make the findings.

Chair Reed thanked the Tans for being patient, for addressing the issues and for permanently retiring a lot that will never be built on. He believed the house will be less bulky than the houses around it that perch out over the hillside. He really liked the design and could not tell the difference in between the house that is 20’ back and the one that is 15’ back but was glad that there will be a savings in the amount of dirt that has to be hauled off the site. He believed it was a great example of a future homebuilder who was willing to work with staff and the City.

Commissioner Mayer mentioned that he recalled a previous Commissioner’s remarks about a similar project that sometimes development can actually help to stabilize a lot like this. Commissioner Horton added that the foundation is a giant retaining wall.

**MOTION: By Commissioner Horton, seconded by Commissioner Parsons, to approve a Single-Family Design for Vacant Lots on Alhambra Drive (APN 043-232-080 and 043-232-230) (Appl. No. 2010-0035) with the attached conditions.**

**Ayes: Horton, Parsons, Mayer, Reed**  
**Noes: d’Souza**  
**Absent: Mercer, Wheeler**

**Motion passed 4/1/2**

**MOTION: By Commissioner Horton, seconded by Commissioner Parsons, that a request to Vacate Right-of-Way Adjacent to Two Properties on Alhambra Drive APN 043-232-080 and 043-232-230 Conforms to the Belmont General Plan**

**Ayes: Horton, Parsons, Mayer, Reed**

Noes: d'Souza  
Absent: Mercer, Wheeler

**Motion passed 4/1/2**

Chair Reed stated that this action can be appealed within 10 calendar days to the City Council.

**6. REPORTS, STUDIES AND UPDATES:**

CDD de Melo reported as follows:

**6A. North Road Right-of-Way**

No update at this time.

**6B. Ralston/US-101 Landscape Project**

No update at this time.

**6C. Sixth & O'Neill – Street Reconstruction Project**

The project continues to move along. Some portions of the road have been closed. The construction has been underway for about 5 weeks, with 5 months as the anticipated total project time. He stated that he appreciated photos provided by Commissioner d'Souza and will pass them on to Public Works. He recommended referring any specific questions to the project engineer.

Commissioner d'Souza stated that he did not see any justification for taking away the curb cut and the mid-block crossing at the park alley, and noted that it is difficult to make to make a left turn on a narrow sidewalk in a wheelchair. Further, he did not believe there was justification for removal of the bulb-out, noting that other cities can design bulb-outs that the same garbage trucks can get around.

**6D. US-101 Pedestrian/Bike Bridge Project**

There have been a couple of night closures of the freeway for bridge painting. Railing is next to go up. Biggest challenge is working with Caltrans on these freeway closures, which may jeopardize the scheduled grand opening on 9/28. The date is still being held but it may have to change.

Commissioner Mayer asked why the bridge is being painted. CDD de Melo responded that it was part of the design specs, reviewed at the Council level, so it will stand out from other structures.

**6E. High-Speed Rail (HSR)**

A letter will be sent by the City Council to the April press release issued by Simitian, Gordon and Eshoo. The Ad Hoc Committee has been working to spruce up the website.

There is a new partnership group of cities called San Mateo County Rail Corridor Cities. Meetings are now open to the public; the next one was scheduled for the following day in the City of San Mateo Library.

**Other Items**

Since the Council passed the **Tree Ordinance**, Commissioner Parsons asked when the Tree Board will formed. CDD de Melo responded that the second reading of the Ordinance would be the following Tuesday followed by 30 days before it becomes effective. He and Parks and Recreation Director Gervais have been working on their next steps strategy and hope to have a board formed by the end of the year. He intends to bring an item to the Commission in the next few months to solicit two Commissioners to serve on the Board.

Referring to the revised **Sign Ordinance**, Commissioner Parsons stated that he has not seen any indication that it has been implemented, noting that one could not walk down Hallmark on Sunday because there were so many real estate signs on the sidewalks and in the median. He suggested that perhaps the Code Enforcement Officer needs be on duty on the weekends, or else involve the police or deputize some people in the City and other employees to pick up illegal signs. He believed that an ordinance needs to be enforced or at some time they will not be able to enforce it because they have been selective in how it is enforced. CDD de Melo reported that the Code Enforcement Officer went to the Tuesday broker's open houses that afternoon and placed notices on the "open house" signs that state that the signs are not in compliance with the City's Sign Ordinance. Additionally, the Code Enforcement officer's Friday working hours are being modified so that he will make a once-a-month sweep on a Sunday. Commissioner Parsons did not believe the Code Enforcement Officer could totally accomplish the enforcement; it didn't seem to him that anything is happening from the standpoint of the City as a whole. Chair Reed suggested that they allow time for the changes to work and if not they will bring it back for discussion.

**7. CITY COUNCIL MEETING OF TUESDAY, AUGUST 23, 2011 – 7:30 P.M.**

Liaison: Commissioner Mayer  
Alternate Liaison: Commissioner Parsons

**8. ADJOURNMENT:**

The meeting was adjourned at 8:30 p.m. to a Regular Planning Commission Meeting on Tuesday, September 6, 2011, at 7:00 p.m. in Belmont City Hall.

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Carlos de Melo  
Planning Commission Secretary

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Community Development Department  
Please call (650) 595-7417 to schedule an appointment.*