

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

**TUESDAY, DECEMBER 4, 2012, 7:00 PM**

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

**1. ROLL CALL**

Commissioners Present: Mercer, Parsons, Reed, Horton, Herbach  
Commissioners Absent: d'Souza, Frautschi

Staff Present: Community Development Director de Melo, Senior Planner DiDonato,  
Management Analyst Walker, City Attorney Rennie, Recording Secretary Turning

**2. AGENDA AMENDMENTS - None**

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

**4. CONSENT CALENDAR**

**4A. Planning Commission Minutes of 8/8/12, 8/22/12 and 9/4/12**

**MOTION: By Commissioner Horton, seconded by Vice Chair Parsons, to accept the Minutes of August 8, 2012 as presented.**

**Ayes: Horton, Parsons, Herbach, Mercer**

**Noes: None**

**Abstain: Mercer, Reed**

**Absent: d'Souza, Frautschi**

**Motion passed 3/0/2/2**

Commissioner d'Souza arrived at 7:03 p.m.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Reed, to accept the Minutes of August 21, 2012 with minor corrections as submitted by Chair Mercer.**

**Ayes: Parsons, Reed, Herbach, Horton, Mercer**

**Noes: None**

**Abstain: d'Souza**

**Absent: Frautschi**

**Motion passed 5/0/1/1**

**MOTION: By Commissioner Horton, seconded by Vice Chair Parsons, to accept the Minutes of September 4, 2012 as presented.**

**Ayes: Horton, Parsons, Herbach, Reed, Mercer**

**Noes: None**

**Abstain: d'Souza**

**Absent: Frautschi**

**Motion passed 5/0/1/1**

## **5. PUBLIC HEARINGS:**

### **5A. PUBLIC HEARING – 2461 Hallmark Drive (Continued from October 16, 2012 Meeting)**

To consider a Conditional Use Permit and Single Family Design Review to construct an approximately 575 square-foot first and second story addition to the existing 2,844 square foot single family residence for a total of 3,419 square feet within this Planned Development Zone.

Chair Mercer determined that no Commissioners had any ex parte communications with anyone involved with this project.

Management Analyst Walker summarized the project, calling attention to the changes that were made as result of the October 16, 2012 Commission review.

Responding to Commissioner d'Souza's question, applicant and designer of the project Auggie Peccei, stated that the rear patio had always been scheduled to be a tile patio, which does not work very well as a permeable surface. He tried to make all other surfaces permeable wherever possible.

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

**MOTION: By Vice Chair Parsons, seconded by Commissioner, Horton, to close the Public Hearing. Motion passed 6/0 by a show of hands, with Commissioner Frautschi absent.**

Commissioners Reed, Parsons and Horton appreciated that the applicant listened to the Commission's recommendations and could make the findings.

Commissioner Herbach thought that the applicant had done a good job of responding to the Commission's concerns. He had two comments:

- The window in the front hallway looks awkward and he was not sure why it is needed.
- The residence has a hardscape increase of 283 square feet and they're adding a 515' non-permeable patio. If that were to be made permeable it would offset the increase of the 283 square feet. He brought this up because the hardscape area is roughly half the lot, which seemed high to him

Commissioner d'Souza also had concerns about the high percentage of hardscape.

Management Analyst Walker noted that she had neglected to mention that the applicant is removing the concrete driveway, but they still have over 46% hardscape.

Chair Mercer commented as follows:

- The house is really “pushing the envelope” in terms of the floor area ratio; they have one of the smaller lots on the block and the biggest house on the block. It is going to skew the neighborhood average.
- Staff needs to begin a policy of examining the floor areas of each of the properties that are averaged in and using their original floor areas to make sure we don’t get floor area “creep.” She does not want this oversized house to impact the entire feature of the neighborhood.
- They have the same problem with setbacks in some of the neighborhoods; the average is getting higher and higher.
- She could by close call make the findings.
- She agreed that it is a high hardscape percentage, noting that the only thing that could be mitigated is the patio.

Commissioner d'Souza added that the NPDES permit for the San Francisco Bay Area says that if you have this kind of hard surface it should be sloped so that the water drains off into a swale or holding area before it goes off into other soil where retention rates may be rather low.

Community Development Director de Melo stated that the Public Works Department has issued Conditions of Approval that typically track the NPDES standards and the best management practices for construction projects. They keep abreast of the latest information out there and requirements that can be put into projects of this size and scope.

Chair Mercer added that she noticed that on this particular lot the back patio drains to the back of the lot on to lawn, which should allow it to absorb.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Horton, to adopt the Resolution approving a Conditional Use Permit and Single Family Design Review at 2461 Hallmark Drive (Appl. No. 2012-0033) with the conditions attached, an added condition requiring photo documentation of the current landscape.**

**Ayes: Parsons, Horton, d’Souza, Herbach, Reed, Mercer**

**Noes: None**

**Absent: Frautschi**

**Motion passed 6/0/1**

Vice Chair Parsons asked that the requirement for photo documentation of landscaping be included in the conditions of approval for all projects.

Chair Mercer stated that this decision may be appealed to the City Council within 10 calendar days.

## **5B. PUBLIC HEARING – 2847 San Juan Boulevard**

To consider a Single Family Design Review to construct a new 3,245 square foot single-family residence, which is the below the maximum 3,285 square feet permitted for the zoning district. The project would also include a Variance for retaining wall height, parking and front setback, and a Major Encroachment Permit for retaining walls within the public right-of-way.

Chair Mercer determined that no Commissioners had any ex parte communications with anyone involved with this project.

Chair Mercer confirmed that staff has asked that the Commission provide direction rather than voting on this project at this meeting because they had not yet prepared a resolution, the Major Encroachment Permit would go to City Council and that this project had been continued from the April 17, 2012 meeting.

Senior Planner DiDonato summarized the project, asking for Commission direction on preparing a resolution for this project. He stated that staff believed that the findings could be made in the affirmative but that there should be some latitude to the Commission for addressing project constraints. He answered questions from Commissioners Parsons regarding the City arborist's recommendation, d'Souza regarding water draining off the site into the public right-of-way, and Chair Mercer regarding mitigations required because of the steep slope, drainage of the V ditch and discrepancies regarding tree removal and driveway slope.

Steven Lesley, applicant/architect, provided Commissioners with hard copies of colored renderings of the proposed home, which included neighboring houses and trees, and described the project plans. He and James McRory, arborist, answered questions from the Commission.

Chair Mercer opened the Public Hearing.

John Boykin, Belmont resident, asked staff for an explanation of the street parking arrangements and stated that he hoped that his view from across the street would be of more trees and less house. He called attention to a drainage pipe downhill from the house that has a huge amount of water flowing through it. He commented that the lot is full of poison oak and asked that contractors be careful about containing it so that it does not spread all over the street and neighborhood. He told of a recent incident where someone had put weeds from the lot in front of his home and did not clean them up.

Senior Planner DiDonato responded that staff can craft a condition of approval addressing the poison oak removal. Regarding drainage, he believes there is an easement and he will check with Public Works to be sure they are aware that it is draining at a high rate of speed. Regarding parking, he showed Mr. Boykin that the parking would occur on the public right-of-way but not on the street. The street has a red curb and Public Works has indicated that they will not require a sidewalk at this time.

**MOTION: By Commissioner Reed, seconded by Commissioner Horton, to close the Public Hearing. Motion passed 6/0 by a show of hands, with Commissioner Frautschi absent.**

Commissioners commented as follows:

Commissioner Reed:

- The Variance seems appropriate in order to reduce the amount of cut. He would like to see the cut minimized and believed bringing the house forward is the way to do that and is the appropriate thing to do on this particular lot. He would not be in favor of moving it back and increasing the amount of cut.
- Could make the findings for Design Review.

Vice Chair Parsons:

- Concerned about a 5-bedroom house on a lot as steep as this one. The need for such a large encroachment easement in order to have two additional parking spaces bothered him and he believed that a 5-bedroom house would eventually have more than two drivers with cars.
- He was willing to consider a much longer driveway and pushing the garage back, even at the cost of 100 more yards of fill. He would have trouble making the finding for bulk.
- He noted that the City's General Plan discouraged development on property over 30% and this is 60%.
- The height of the walls for the Variance did not bother him as long as they are not unsafe.
- If the project is approved he hoped they would at least make sure that the patio is permeable.

Commissioner Horton:

- It is a lot in the public right-of-way, but she noted that the Commission asked for this.
- Would not be opposed to pushing the garage back and getting a little more parking; she understood what Commission Parsons was saying.
- Could not find a reason to deny the project. By not having to haul out more dirt they have to grant more Variance and since that is what the Commission directed she thought they should stand by it.
- Regarding the Single Family Design Review, she appreciated this design since she is opposed to vertical houses. She does not think a 3,000 sq.ft. house is overly large.

Commissioner Herbach:

- Believed the applicant did a good job of balancing the requirements for reducing the cut by about 50%.
- Was o.k. with the driveway as is, but some good points were brought up. He wouldn't be opposed to pushing the garage back, especially since there is 6' of empty space above the garage.
- Could find for all of the Variances – the retaining wall and the encroachment. He was concerned about the retaining walls being lined with rough concrete but could recommend it if it was a stone veneer like the balance of the house.
- It is a big house. It could be stepped back but would require more grading so he believed it is a decent balance.

Chair Mercer questioned the applicant about the lining of the retaining wall. The applicant responded that it will be stone veneer.

Commissioner d'Souza:

- Was concerned about the 30% to 60% slope vs. the General Plan, the problems being created with stormwater, parking on the street, and bulk. The landscape plan is also a problem because he did not see a way to insure in the future that imports that carry sudden oak won't be planted in that area.

- Agreed that they can minimize the cut with the Variance and liked the color drawing that shows how the trees will be mitigating the bulk.
- The patio should be permeable.
- Because of the problem with imports, he suggested they stay with the arborist's recommendation. He did not see a way in the future to keep the imports out.

Commissioner Herbach had additional comments:

- He had a question about the water distribution from the V ditch at the house. The applicant pointed out on the civil drawings that it goes down to a distribution box that keeps the flow from going through at a constant rate; it's like a catch area. He believed that the Civil Engineer knows the codes and rules and that it will be done to help dissipate the water over a period of time.
- He could support the landscape architect's recommendations; he would rather see it done properly now.

Chair Mercer:

- Felt that a 3,000 sq.ft. house on a 60% slope is the issue here and this project pushes the limit of the floor area ratio allowance on that kind of slope. The applications for this property have had "floor area creep." What the Planning Commission approved in 2005 was a 3-bedroom 2,300 sq.ft. home with a family room. Then in April it was for 3,200 sq.ft. and now it has crept 50 sq.ft. above that.
- Had trouble making the finding for the Variance because she sensed that what they were doing was approving a Variance to move the garage farther forward so they could have a bigger house. That's a grant of special privilege. She stated that the applicant has a right to build on their lot but they don't have a right to the Encroachments and the Variances when they're already pushing the envelope on the floor area ratio.
- Concurred with Commissioner Parsons' concern that a 5-bedroom house, especially when its way up in the hills, inevitably comes with more cars and there's no place to put more cars on this street.
- Appreciated that the applicant heard everything that the Commission had said – she thought the house is far better balanced on the lot, she had less trouble with the bulk and she thought it was appropriate that it is a linear house that minimized the cut, but thought it had taken a little bit of liberty with what she had pictured. She had pictured less cut but not taking an extra bite out of privilege in order to get the absolute maximum biggest house possible.
- Could make the findings for Design Review.
- With respect to the landscaping, she did not like to differ with the City's arborist but thought in this situation there might be an advantage to go ahead and get some small appropriate plantings under the Oaks in order to help hold the very steep slope that drops down to the street. For the sake of soil retention, she could concur with the landscaping plans and requested documentation of the landscaping.
- Wanted a condition about poison oak.
- Would like the patio surface to be permeable.
- Concluded that with those conditions she could make the findings for Design Review but not for the Variance.

Senior Planner DiDonato stated that the applicant has prepared an elevation of a project that has 4 bedrooms instead of 5, and they are willing to adjust the home in terms of its setback, its overall look and its size.

Discussion ensued regarding whether or not the Commission should review the revised elevation without having a chance to thoroughly review the drawings. Vice Chair Parsons was not in favor of discussing it. Commissioner Horton was not opposed to looking at the revised rendering, noting that she did not support removing everything above the garage. Commissioner Herbach did not see what would be gained by moving the garage back a few feet since it would not make enough room for two additional parking spaces.

Applicant Leslie explained his renderings of a 4-bedroom 3,053 sq.ft. house and distributed copies to the Commission.

At 8:30, Chair Mercer called for a 5-minute break.

Meeting reconvened at 8:35.

Commissioner Reed stated that he was willing to look at what would happen if they could get 6 parking spots on this lot without dramatically increasing the amount of cut. He was in favor of minimizing the amount of cut and added that he would be willing to look at a project that had more parking and a smaller home. He concurred with Chair Mercer's earlier comments and would not now approve a Variance with the house having increased by 40 some feet.

Vice Chair Parsons was willing to consider a project that was at least one bedroom smaller. He believed that there was a lot of loose space when going into the front door and the upper level had large, wide hallways where they might be able to reduce the square footage. He was concerned about the bulk, the lack of ability to park cars there, especially with the red curb, and putting that big a house on such a steep slope. He would like to see what the difference in cut would be if they pushed the garage further back and pushed it further up the hill. He assumed they could get several smaller cars in the 12 feet. He thought the smaller house would be a much better answer for this lot than what has been proposed. He added for the record, as being the only landscape architect on the Commission, that he did not have any problems with the proposal to put the small shrubs in, especially if they're not down on the steep bank around the Oaks but up against the foundation; that will not affect the Oak trees.

Commissioner Horton agreed if they can push the garage back and reiterated that they will need to be able to get 2 cars in the garage and potentially 4 in the driveway, or never invite anybody over and not have a large family. She added that she does not want to see a garage without at least one floor above it and thought that the drawing they were given was a good compromise.

Commissioners Herbach and d'Souza concurred with everything that had been said and had nothing to add.

Community Development Director de Melo summarized that there will still need to be a Major Encroachment Permit but that the Commission is more supportive of a lesser Variance for the length of the parking spaces in the uncovered area and a home with less square footage.

Chair Mercer asked that when the project comes back, tree removal will be specific, and stone veneer for the driveway walls, poison oak removal and patio surface will be conditioned.

Commissioner Reed pointed out that to accommodate a full size car they will need more than 12'.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Herbach, to continue Appl. 2010-006 to a date uncertain.**

**Ayes: Parsons, Herbach, Horton, d'Souza, Reed, Mercer**  
**Noes: None**  
**Absent: Frautschi**

**Motion passed 6/0/1**

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

Community Development Director de Melo reported as follows:

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

Commissioner Reed reported that it appeared that an enormous amount of mulch had been placed at the site, which was a move in the right direction. Community Development Director de Melo added that he believed Parks & Recreation had done a thorough sweep and cut down of the weeds and mulched it.

### **6B. Caltrain Modernization Program/High-Speed Rail (HSR)**

There was a Caltrain Modernization meeting scheduled for the following week.

Chair Mercer stated that she would be attending the Peninsula Consortium Meeting on the following Friday in Menlo Park, sitting in for Councilmember Wozniak. She added that there has been another lawsuit on High-Speed Rail, this time on behalf of Kings County, based on the fact that the current proposal does not comply with Prop 1A Guidelines; it is not what the voters voted for.

### **6C. Ralston/US-101 Landscape Project**

The Public Works Director and Engineering are in dialogue with the City Manager's office and Redwood City in order to complete this project. It is a funding issue, not a land use issue, and there is still \$450,000 available.

## **Other Items**

The **second meeting of the Tree Board** was scheduled for the following night at 6:00 p.m. One item on the agenda is discussion related to tree removal fees as it is associated with development projects, and more specifically the fees that are currently required for trees that were previously considered undesirable, and may still be considered undesirable. The Acacia, Monterey Pine and a species of Eucalyptus were not protected at any size but are now protected under the current Tree Ordinance. He is hoping to get a recommendation on that topic so it can be considered as part of the Master Fee mid-year review in February or March.

The last official **meeting of the City Council** for the year on December 11<sup>th</sup> will be the annual Council reorganization meeting.

Responding to Community Development Director de Melo's recommendation, the Commission agreed to change the **January meeting schedule** to hold its meetings on January 15<sup>th</sup> and on the fifth Tuesday, January 29<sup>th</sup>.

Community Development Director Melo noted that **5 Guys Burgers**, which is occupying a portion of the former U Buffet space, are moving fast with their tenant improvements and expect to be operational no later than the end of the year. He added that the other **two spaces in that building are close to being leased**, which will refill that complex, that there is movement on the **Blockbuster building**, and that he former **Salvation Army building** is going to be a **Mediterranean Market and Deli**. Also, at the December 18<sup>th</sup> meeting they will be reviewing a Conditional Use Permit for Off the Grid – a mobile food truck use that is proposing 9 food trucks operating on Mondays at the CalTrain parking lot from 5 – 9 p.m.

#### **7. CITY COUNCIL MEETING OF TUESDAY, DECEMBER 11, 2012 7:30 P.M.**

Liaison: Vice Chair Parsons  
Alternate Liaison: Commissioner Frautschi

#### **8. ADJOURNMENT:**

The meeting was adjourned at 8:56 p.m. to a Regular Planning Commission Meeting on Tuesday, December 18, 2012 at 7:00 p.m. in Belmont City Hall.

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Carlos de Melo  
Planning Commission Secretary

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