

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, JUNE 21, 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, Mercer, Parsons, Horton, Mayer, Wheeler, d'Souza
Commissioners Absent: None

Staff Present: Acting Community Development Director Nolfi (ACDD), Senior Planner DiDonato (SP), Associate Planner Walker (AP), Acting City Attorney Hynes (ACA), Recording Secretary Turning (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of May 17, 2011

MOTION: By Commissioner Mayer, seconded by Vice Chair Mercer, to accept the Minutes of Tuesday, May 17, 2011, as presented.

Ayes: Mayer, Mercer, d'Souza, Parsons, Reed
Noes: None
Abstain: Wheeler, Horton

Motion passed 5/0/2

5. OLD BUSINESS

5A. Naughton Avenue, Lot 52 – Review of Final Landscape Plan

AP Walker summarized the staff Memorandum, recommending approval of the landscape plan. She noted that the property changed ownership in recent months.

MOTION: By Commissioner Horton, seconded by Commissioner Parsons,

Referring to the bare section of property above the patio on the south side of the lot, Commissioner Mercer asked that temporary measures be taken to prevent erosion until it is landscaped by the adjacent property. ACDD Nolfi suggested that they could require jute netting.

At the request of Commissioner d'Souza, AP Walker reviewed the background of the floor area transfers that were implemented for these properties, noting that the property was changed from five parcels to two parcels as a result of that process.

There were no requests to speak from the public.

MOTION: By Commissioner Horton, seconded by Commissioner Parsons, adopting the Resolution approving the Final Landscape Plane for Naughton Avenue, Lot 52 (Appl. No. 2010-0044).

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

Noes: None

Motion passed 7/0

AP Walker noted that a comment could be added to the Conditions of Approval regarding erosion prevention.

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

6. PUBLIC HEARINGS

6A. PUBLIC HEARING – 4515 Skymont Drive

To consider a Single Family Design Review to construct a 475 square foot addition to the existing 1,946 square foot single family residence for a total of 2,422 square feet that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. 2011-0022)

APN: 043-010-480, Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301

APPLICANT: Ken Hall

OWNER: Richard and Helen Gee

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

Responding to Chair Reed's inquiry if there had been any ex parte communications with anyone involved with this project, Commissioner Parsons stated that he had not discussed this item but had previously hired the architect.

SP DiDonato summarized the staff Memorandum, recommending approval subject to the conditions attached to the draft resolution.

Ken Hall, project architect, explained that the additional bedrooms are needed for the expanding family and reviewed the scope of the project.

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

MOTION: By Commissioner Parsons, seconded by Vice Chair Mercer, to close the Public Hearing. Motion passed 7/0 by a show of hands.

Commissioner Mercer thanked the applicant for keeping the addition modestly sized and suggested that they look at the concept of putting a small door in the master bedroom dressing area, move the garage door onto the back wall of the garage, thereby creating a 10-step trip to the garage with laundry rather than having to carry it out the front door.

Commissioner Parsons called attention to a discrepancy in the drawings regarding the width of the walkway at the edge of the driveway.

Commissioner Horton believed it is a great project.

Chair Reed appreciated the fact that the project includes the addition of a lot of usable, family-friendly space without increasing hardscape.

MOTION: By Commissioner Wheeler, seconded by Commissioner Parsons, to adopt the Resolution approving a Single Family Design Review at 4515 Skymont Drive (Appl. 2011-0022).

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

Noes: None

Motion passed 7/0

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

7. REPORTS, STUDIES AND UPDATES:

ACDD Nolfi reported as follows:

7A. Ralston/US-101 Landscape Project

No update at this time.

7B. San Mateo Development – North Road/43rd Avenue

ACCD Nolfi stated this item involves three separate issues, and reported as follows:

- **The dumpsters that are stored on North Road and belong to Planet Granite.** He explained that at the end of last year staff gave notice to the owners of Planet Granite that they needed to resolve the issue of the dumpsters by creating a platform and an enclosure that was out of the public right-of-way and out of view, except for during garbage day. It turned out that the project will require a retaining wall, relocation of a sewer line some other infrastructure and a sidewalk. Staff did not provide a deadline at that time, relying on the business owner to go forward with the requirement, and that did not happen. Since that time, Recology has taken over from Allied Waste and there is the possibility that they can handle their garbage and recycling using multiple smaller devices that can be safely manipulated. Staff has now written an ultimatum giving them 30 days to either

submit plans to create the landing with the retaining wall and relocation of the infrastructure or they consult with the Recology about using smaller devices that can be manipulated.

- **A mixed-use development northeast of the area where staff sought certain improvements relative to the landscaping and the right-of-way.** By way of review, ACCD Nolfi stated that the City held a \$10,000 bond to make sure that the improvements were made and that an 18-month maintenance and irrigation period was realized and was followed through with. Since it about to expire, staff checked it out and determined that the landscaping looks good but there are a couple of issues that they need to deal with – erosion control items left lying around and they need to apprise their tenants that per the agreement they bring their garbage cans and recycling inside to an enclosure in the garage. A letter has gone out that conditions the return of that \$10,000 on taking care of those items.
- **A commercial property to the northwest that is in San Mateo and which abuts Belmont's right-of-way.** ACCD Nolfi stated that hardscape was installed in Belmont's right-of-way without checking with anyone, and then approval was sought after the fact. Public Works was in favor of the leaving the hardscape in order to prevent sediment running off and going into the gutter during rainy periods. Therefore, there is no motivation by Public Works to seek some sort of redress from the hardscape that was installed. In addition, the property owners are keeping their dumpsters on Belmont's right-of-way and there are abandoned sofas and garbage and recycling bins in the right-of-way. A code enforcement letter has been sent to the owners regarding removal of those items. In addition, the Parks and Rec Department has been asked to abate the weeds running all the way up North Avenue.

Commissioner Parsons reminded that there had been agreement that requiring them to replace a fence that had been removed. He believes that otherwise it will continue to be a problem parking and dumpster lot. Regarding access across the roadway, ACDD Nolfi stated that he believed it had been determined that they have access through one driveway, and that driveway has been in place as long as the development has been there. He added that it would be difficult for staff to cite a law that could force the developer to erect a fence, but a solution could be for Belmont to erect a fence on its right-of-way. Responding to Commissioner Mercer, ACDD Nolfi stated that Belmont never approved the hardscape, either before or after the fact and it is within the City's right to demand removal.

Responding to questions from Chair Reed and Vice Chair Mercer, ACA Hynes stated that Belmont could demand that the developer seek an Encroachment Permit from Belmont to leave the hardscape there. If they are interested in pursuing that route, some of the conditions of the Encroachment Permit would be a way to get what the City wanted, and they could then be forced to even consider an Encroachment Permit would be under threat that if they didn't get a permit to allow what's there. Belmont could then either do self help by tearing things up because it's encroaching on the right of way, or actually seek a court order forcing them to either get an Encroachment Permit or remove their encroaching material, which would be an expensive alternative. Absent some type of a City Ordinance that allows the City to proceed on a nuisance and collect costs, what the City would have to spend would simply be money that they would not want to spend in order to get it resolved. Discussion ensued. Chair Reed reminded that at the last meeting Commissioner Parsons had asked for a staff report of all the issues that have gone on here. He concurred that he would like to see a report that includes a recommended course of action and a cost/benefit analysis so that the Commission could make an informed decision.

7C. Residential Design Guidelines

Responding to Chair Reed's questions, SP DiDonato stated that the only comments he had received since the last meeting were from Vice Chair Mercer and Chair Reed, and he thought the way to proceed was to look at what they have to date and go through the text page by page to determine if they are in agreement with the way the text is laid out and then either at this meeting or at another meeting, look at the graphics that illustrate that text.

Discussion ensued regarding the best way to proceed. The consensus was that the topic should be noticed as an in-depth Study Session, perhaps at the first meeting in July. All Commissioners should have their comments included, members of the former Permit Efficiency Task Force should be asked for input, the track changes should be accepted and revised graphics should be inserted. The possibility of providing a short glossary or appendix was discussed, and it should be clear that the items in the checklist are advisory and not mandatory.

7D. Sixth & O'Neill – Street Reconstruction Project

No update at this time.

7E. US-101 Pedestrian/Bike Bridge Project

No update at this time.

7F. High-Speed Rail (HSR)

No update that this time.

Other Items

Commissioner Parsons reported as follows:

- **He walked on either side of the El Camino Safeway** and noticed that a couple of the **tree rings** on both sides of the street need to be cut.
- **At least two of the larger trees that were planted on the 6th Avenue side of the Emmett House** are dead. These trees are under warranty and should be replaced.
- Regarding **neighborhood reps for the Downtown Zoning Task Force**, he spoke to David Long, President of the Central Homeowners Association, and Brian and Sue Korn, both of whom expressed interested in being on that committee. He suggested that CDD de Melo contact these people.
- Commissioner Parsons requested clarification on a memo received from Kathleen Kane, Interim City Attorney, regarding the **300' and 500' radius map**.

8. CITY COUNCIL MEETING OF TUESDAY, JULY 12, 2011 – 7:30 P.M.

Liaison: Commissioner Horton
Alternate Liaison: Commissioner d'Souza

8. ADJOURNMENT:

The meeting was adjourned at 8:05 p.m. to a Regular Planning Commission Meeting on **Thursday**, July 7, 2011 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department
Please call (650) 595-7417 to schedule an appointment.*