

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

**TUESDAY, OCTOBER 4, 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, d'Souza

Commissioners Absent: Mayer, Wheeler

Staff Present: Community Development Director de Melo (CDD), Assistant Planner Gill (AP),  
City Attorney Rennie (CA), Recording Secretary Turning (RS)

**2. AGENDA AMENDMENTS - None**

CDD de Melo introduced new City Attorney Scott Rennie.

Kathleen Kane, former Interim City Attorney, had asked Chair Reed to relay her appreciation for the high level of skill, dedication and quality of work of the Community Development Department staff.

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

**4. CONSENT CALENDAR**

**4A. Minutes of August 16, 2011**

**MOTION: By Commissioner Horton, seconded by Commissioner Parsons, to accept the Minutes of August 16, 2011 as presented.**

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

**Noes: None**

**Abstain: Mercer**

**Absent: Mayer, Wheeler**

**Motion passed 4/0/1/2**

**4B. Minutes of September 6, 2011**

**MOTION: By Commissioner Horton, seconded by Commissioner Parsons, to accept the**

**Minutes of September 6, 2011 as presented.**

**Ayes: Horton, Parsons, d'Souza, Mercer, Reed**

**Noes: None**

**Absent: Mayer, Wheeler**

**Motion passed 5/0/2**

**5. PUBLIC HEARINGS:**

**5A. PUBLIC HEARING - 1100 El Camino Real**

To consider a Conditional Use Permit and Design Review to allow the installation of two storage containers for the purpose of selling and exchanging propane tanks. The outdoor storage containers will be located adjacent to the main building entrance of the existing Safeway Store.

(Appl. No. PA2011-0035) APN: 045-183-100; Zoned: C-2 (General Commercial)

CEQA Status: Categorically Exempt, Sections 15301

OWNER: Safeway Stores Inc.

APPLICANT: Kathy Nelson, for Blue Rhino

PROJECT PLANNER: Rob Gill (650) 598-4204

AP Gill summarized the Staff Report, recommending approval subject to the conditions attached. He noted that staff had not received any public comments. He added that staff had a conversation with Commissioner d'Souza at which time he requested that if the project is approved, the bike racks be located at least two feet away from the building wall to make them accessible.

Responding to Commissioner Parsons, AP Gill concurred that the installation will be at the northeast entrance/exit doors of the property rather than southwest and that there are handicap parking spaces in that area. Commissioner Parsons noted that the other Safeway and Lunardi's do not sell propane gas. He asked for details on how empty and replacement tanks will be handled, noted that he did not believe handicapped parking should be opposite the tanks, due to possibility of driver's stepping on the gas instead of the brake, and that smokers in the area are a safety concern.

Responding to Vice Chair Mercer's question about delivery arrangements, AP Gill stated that this could be discussed with the applicant. He added that the installation will be further than 10' from any doors. CDD de Melo added that large-scale deliveries occur after 9 p.m. at the loading docks and that the smaller trucks are not prohibited from delivering during other hours at other locations. The applicant could be asked what kind of truck they will be using to make the deliveries, when they typically make the deliveries and what their parking needs will be. U-Haul was identified as the only other retailer in Belmont selling the refill canisters.

Clarifying his request for placement of the bike racks 2' from the building, Commissioner d'Souza added that this will allow room for wheels. He added that, ideally, they should be perpendicular to the building, like they are at City Hall.

A representative of the applicant for Blue Rhino, stated that Safeway's normal method for tank exchange is to go directly to Customer Service as opposed to standing in a grocery line. Regarding any tanks being left outside, he stated that they do not want tanks taken into the store in the event that there is some propane left in the tanks. Tanks left beside the cage normally are harmless due to the fact that they

should be empty. They are delivered in a side-loading beverage truck just like those used by Coke or Pepsi and would be delivered early in the morning. They would park at the back of the parking lot and cart them up because they cannot bump docks. In this way they would normally not hinder the progress of any patrons trying to purchase goods. Tanks would be left outside for a brief spell and Safeway has been instructed to call if there is one there above and beyond the inventory in the cage. These would normally be picked up the same day. If there are additional cylinders left by individuals who no longer need the tanks they can simply ask Safeway to secure them in an open air area, possibly behind the building away from foot traffic, so they can be picked later in the day. He added that they take all competitors' tanks.

Judy Miner, Belmont resident, read a statement objecting to the Conditional Use Permit (CUP) due to safety concerns for both bodily injury and property damage. She noted that the site is currently set up on the north side entrance and she strongly objects to it being moved from the north entrance to the south entrance, due to its proximity to residences on Waltermire Street. She also objected to the fact that the facility had been built prior to approval of a CUP and added that Safeway Corp. has been a bad neighbor from the time it was built. She would strongly object to Blue Rhino delivering the propane on the corner of Waltermire and 6<sup>th</sup> across the street from the Police Department because that is only 20 feet from residences. She did not see a need for the installation since it is only a half mile to the U-Haul facility. Chair Reed pointed out that the facility is actually on the northeast corner, not on the Waltermire side. Ms. Miner concurred that that is more acceptable than the south side, and also that deliveries on the El Camino side of the parking lot would be more acceptable. She was also concerned about propane tanks being left out in the open where nobody is handling them except Safeway employees.

**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 Meyer and Wheeler absent.**

Discussion ensued regarding whether or not the findings could be met. Concerns were expressed regarding safety issues, compatibility with other land uses in the neighborhood, both now and envisioned, whether or not Safeway needs to be in the business of selling propane, Safeway's poor record of maintaining the front of the store at an acceptable level, performance issues relative to deliveries and customers leaving and picking up the tanks, integration of the facility into the building, and functionality of the bike rack.

CA Rennie stated that the Commission's role is to work within the confines of the regulations that currently exist and not to anticipate what is envisioned for the future, and that the zoning regulations determined that it is a compatible use generically as an accessory use. In this particular proposal, the Commission needs to determine if it is compatible as proposed and if not is there a way to make it compatible. The question of whether it is appropriate or not to have propane gas tanks in front of the Safeway is already determined, generically speaking, through the zoning code. The question becomes how best to configure these tanks next to a store.

CDD de Melo quoted two sections of the zoning code for the commercial district confirming that this is an accessory use and it is a use that is conducted outside of a completely enclosed building. He believed that Safeway has the right to seek a conditional use permit for this project, and that through site planning and, performance-based conditions the Commission could come to a conclusion that they could accept

the use. However, he felt that saying that they could not have the use would be challenging because the zoning code allows it to be there.

**MOTION: By Commissioner Horton, to continue application PA2011-0035 to a date uncertain, in order to address screening so it is compatible with the design of the building, the screen shall provide an area for tank drop-off, and that conditions be attached that require Safeway to police the area and keep the tanks in their cages and that the bike rack be installed properly.**

Commissioner Parsons suggested adding a requirement for 1) appropriate safety signage but no signage on the fence or the screening that advertises the company name and 2) the landscaping be refurbished to replace dead or dying plants. CDD de Melo suggested that the landscaping is a separate issue and asked that staff be allowed to handle the Safeway issues on any non-compliance with the current CUP.

Commissioner Mercer suggested adding a condition requiring that instructions be posted on the front for customers on who they should see at the store to purchase or exchange the tanks.

Commissioner d'Souza suggested adding a condition to control smoking in the public places. It was determined that the City's smoking ordinance already prohibits smoking within 20 feet of the door and that there is a sign on the tanks prohibiting smoking.

**Chair Reed seconded Commissioner Horton's motion with the addition of instructions on how to purchase the tanks.**

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

**Motion failed 2/3/2**

**MOTION: By Commissioner Parsons, seconded by Commissioner Mercer, to add the requirement that landscaping is upgraded and restored.**

Commissioner Mercer asked for confirmation from staff that this is a CUP to Safeway, not to the gas company. CDD de Melo responded that the original CUP was issued for the construction of the Safeway store and the associated grounds and the landscape maintenance – this is not a trailer on that CUP. It is a separate, stand-alone CUP – not tied to the original 1997 CUP – for an accessory use outside of the building. CA Reane added that issues with the existing CUP are issues to be addressed independently. CDD de Melo noted that since the continuation would be to a date uncertain staff would have time to work with Safeway to highlight the issues that are out of compliance. Staff would review the issues and make sure that they have a dialogue with Safeway along with a plan for the fixes before they bring this item back to the Commission.

After further discussion, Commissioner Parsons withdrew his motion, in favor of a third suggestion that, in addition to Commissioner Horton's original motion, staff be instructed to work with Safeway to help them realize the full potential of their landscape plan before this item returns to the Commission. Commissioner Mercer suggested an additional amendment that the current containers be removed until

such time as they actually have a permit. CDD de Melo stated that staff could work with Blue Rhino and Safeway personnel to have them removed.

**CDD de Melo summarized the motion, indicating that it includes everything moved by Commissioner Horton in terms of performance matrix, storage of the units, screening of the units, drop off of the units, and instructions to Safeway personnel. Amendments are instructions to Community Development staff to address the landscaping issues associated with the original CUP prior to this item returning to the Commission, having the current storage units removed until such time as an approval actually occurs, posting of “no smoking” signs and customer instructions on how to purchase the tanks, and relocation of the bike rack.**

**Commissioner Parsons seconded the motion as summarized by CDD de Melo.**

**Ayes: Horton, Parsons, d’Souza, Mercer, Reed  
Noes: None  
Absent: Mayer, Wheeler**

**Motion passed 5/0/2**

## **6. NEW BUSINESS**

### **6A. Discussion Regarding Large Family Day Care (LFDC) Operations Ordinance**

CDD de Melo summarized the staff memorandum, noting that this is a priority calendar item in the Community Development Department for review and study, and that it was discussed at the City Council meeting of August 23, 2011. Staff was seeking feedback from the Commission in advance of preparing a draft ordinance.

After discussion of the options presented in the staff memorandum, Commissioner Parsons asked what the Planning Commission’s role will be after the ordinance is enacted by Council. CDD de Melo responded that draft language will be reviewed by the Planning Commission and because it will be a codified section within the Zoning Ordinance, the Planning Commission will conduct a public hearing and provide a recommendation on the text changes or additions. After that the Commission will have no further role. If the regulations are adopted commensurate with Option 3, and a LFDC use is proposed, a hearing would then be held before the Commission. He cautioned the Commission that its scope of review will be narrow – there will not be findings – but they will confirm that reasonable standards have been met in the review and approval of the particular facility.

RS Turning stated for the record that Carrie McDonald, who had completed a Request to Speak but could not stay, wanted to voice her support for LFDC.

Guy Carlson, Belmont resident, stated that he lives in a small cul de sac with 6 homes, including a day care center, and spoke about the impact that 14 cars 2 times a day has on his life. It disturbed him that if a resident wants to establish a day care it is not very difficult because the City is reluctant to enforce any jurisdiction due to the State mandate, and that once a day care center is established it does not require any City approval. He hoped that some rules are established so that people who are impacted will have

some say about what goes on. Employee parking is an issue. Property values are impacted. The day care business should be incidental to the residence and there should be a limit on the square footage devoted to the business within the framework allowed by the State.

Responding to Chair Reed's comment that he did not see language in the State code that mentions square footage, CDD de Melo stated that staff is researching that. The City's rules cannot be any stricter than they are for a single-family dwelling. Staff is evaluating how this kind of business would be compared to a typical home occupation and they want to understand how much area is required per child.

Commissioner d'Souza asked Mr. Carlson if he had ever called the Police about traffic concerns. Mr. Carlson replied that he could do that very time he sees somebody speeding, which is often. They have made a genuine effort to ask the people to drive slower but somebody is often late and speeding.

Discussion continued with Commissioners giving staff their comments on the issues and concerns regarding the proposed ordinance. Mr. Carlson concluded his comments by stating that he thought it would be more appropriate to have the LFDC facilities in a community center rather than a residential neighborhood.

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

CDD de Melo reported as follows:

### **7A. 940 Emmett Street – Site/Landscape Improvements**

Copies of a landscape plan and façade improvements for this property are available for review in the Community Development office.

### **7B. North Road Right-of-Way**

The Planet Granite dumpster issue is solved and Chair Reed gave credit to Commissioner Parsons and CDD de Melo and his department for the progress made at this site.

### **7C. Ralston/US 101 Landscape Project**

No update at this time. Focus is on completion of the bike bridge.

### **7D. Sixth & O'Neill Reconstruction Project**

PG&E activity with undergrounding the pipes is near completion. Commissioner d'Souza wanted to reward PG&E for the traffic calming that they have done on O'Neill to Broadway. Estimate is 1 month for completion of the project.

Commissioner Horton stated that it appeared that the sidewalk from the front door of the Emmett House to the street is not going to make it. There is a pool of water around a dead tree, which means there is an irrigation problem, possibly a water leak. CDD de Melo will check with the appropriate Department. He added that the sidewalk problems will be taken care of with completion of the project.

### **7E. US 101 Pedestrian/Bike Bridge Reconstruction Project**

The grand opening event may take place October 26th if Caltrans has granted the approvals to install railing on the bridge. Date will be confirmed.

**7F. High-Speed Rail (HSR)**

The Ad Hoc Committee has met the previous week. Commissioner Mercer reported that the next two meetings will be in the mornings of October 18<sup>th</sup> and November 15<sup>th</sup>, and that the Peninsula City Coalition will meet in Belmont Council Chambers at 8:15 the following Friday morning. They meet the first Friday of every month. CDD de Melo reported that there was a presentation by CalTrain on the blended option at the last City Council meeting.

Commissioner d’Souza reported that he had attended a meeting in Palo Alto that morning regarding the blended approach. Mark Simon was in attendance and took questions from the audience. He had pointed out that the entire process is only looking at rail and Belmont has 3 busses that run in the same corridor and a shuttle. They have not been taking that into account and that is where the additional demand is coming from. It will be included in the “what if” scenarios in the future. He added that there were two council members from Mountain View there who made a statement that they do not want a passing track in Mountain View.

**8. CITY COUNCIL MEETING OF TUESDAY, OCTOBER 11, 2011 – 7:30 P.M.**

Liaison: ~~Commissioner Horton~~ – changed to Commissioner Parsons  
Alternate Liaison: ~~Commissioner d’Souza~~ – changed to Commissioner Mayer

**8. ADJOURNMENT:**

The meeting was adjourned at 9:25 p.m. to a Regular Planning Commission Meeting on Tuesday, October 18, 2011, at 7:00 p.m. in Belmont City Hall.

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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.*