

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, JANUARY 19, 2010, 7:00 PM

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

1. ROLL CALL

Commissioners Present: Horton, Mayer, Mathewson, Parsons, Frautschi, Reed
Commissioners Absent: Mercer

Staff Present: Community Development Director de Melo (CDD), Assistant Planner Gill (AP), City Attorney Zafferano (CA), Acting Recording Secretary Tompkins (ARS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Minutes of December 1, 2009
Minutes of December 15, 2009

MOTION: By Commissioner Mathewson, seconded by Vice Chair Mayer, to approve the Minutes of December 1, 2009 and December 15, 2009 as presented.

Ayes: Mathewson, Mayer, Parsons, Frautschi, Reed, Horton
Noes: None
Absent: Mercer

Motion passed 5/0/2

5. PUBLIC HEARINGS

5A. PUBLIC HEARING – 2708 Monte Cresta Avenue

The applicant requests Single Family Design Review approval to construct a new 2,080 square foot single-family residence for this site. The project also includes a Variance request that would allow a deck located above the ground floor entrance to encroach into the required 18-foot front yard setback. (Appl. No. 2007-0034);

APN: 043-331-850; Zoned: R-1B – Single Family Residential

CEQA Status: Categorical Exemption per Section 15303
Applicant/Owner: Gurpreet Sachdeva
Project Planner: Rob Gill (659) 598-4204

AP Gill summarized the Staff Report, recommending approval of the Variance and the Single-Family Design Review subject to the Resolution and Conditions of Approval attached. He added that letters received from neighbors John and Judy Becker and Barry Heisler had been placed on the dais.

Referring to the letter received from Mr. Heisler, Commissioner Fraustchi asked staff to comment on the Commission's role in determining a project based on economics. CA Zafferano responded that economics is not one of the findings that the Commission has to make with respect to either a Design Review or a Variance.

Referring to the Becker's letter, Commissioner Fraustchi asked if the Commission can condition a project based on completion of another approved project. CA Zafferano's response was "no" in that the findings in front of them relate to this project and not to any project the applicant does or does not have in this city or other cities. He added that none of the findings relate to the three items that were raised in the email and that some of those matters are governed by separate ordinances of the City, such as the construction time limits ordinance. They would have to make a nexus in order to condition on any of those items.

CDD de Melo confirmed that there would be 83 truck loads of haul if they use trucks that carry 10 cubic yards. Commissioner Fraustchi's question if they plan to use double trucks was deferred to the applicant.

Referring to the left side of the lot that has a PD designation, Commissioner Fraustchi asked if the Commission can condition that an area on an applicant's lot, if it is undeveloped, be certified stabilized rather than just saying that we are not affecting it. CDD de Melo responded that they have extensive geologic reviews by the applicant's geotech consultant and three different reviews by the City's third party consultant and that there are extensive conditions proposed that require further sign-offs by geologic parties to confirm that the construction techniques proposed are suitable for this hillside and for this project. He added that, since the project came to the Commission as a Preliminary Design Review in 2007, there has been extensive work on the lot to confirm that this project at least meets the test from a geologic stability standpoint by two registered professionals.

Commissioner Fraustchi asked if there is anywhere in the current code that guarantees reasonable outdoor recreational space as a standard for developing a lot. CDD de Melo responded that there is not a specific section of the Zoning Code that mandates, requires or prescribes a certain amount of open space for a property. The applicant's only active recreational open space that is proposed for this project is the deck that takes its entrance from the main portion of the home. There are no other areas within this property that the applicant proposes for open space use. Staff believed it appropriate in making the Variance findings for this property that it is not an unreasonable request for them to seek open space opportunities on this lot via this design that would necessitate and warrant a Variance.

Vice Chair Mayer and Commissioner Mathewson questioned if two cars parked in the parking spaces shown on the drawings would block the entrance to the house. The question was deferred to the applicant.

Chair Horton's questions regarding the lack of a window in the office/bedroom and venting for the house were deferred to the applicant.

Gurpreet Sachdeva, applicant/owner, introduced his team and described the history of the project and the revisions made to the design concept as a result of the Commission's direction at the last meeting. Responding to the feedback received regarding the existing project, he thanked the neighbors for their support and apologized that it has taken so long to complete that project. He explained the difficulties caused with the general contractor as a result of the economic downturn. He stated that their goal is to get the project under discussion built as quickly as possible and that they do not anticipate another economic meltdown or issues with another general contractor.

John Rider, Engineer/Designer for the project, gave a power point presentation showing design concepts that were abandoned and iterations of the current proposal for an earth-sheltered home. Responding to the question regarding ventilation, he explained that the skylights are oversized and will be used for venting and that the laundry room and bathrooms will have mechanical vents. Regarding the office space, it wasn't clear to him that there was a zoning ordinance regarding the size of the room and they will make any required changes.

Commissioner Frautschi questioned why they put the office space at the back of the house where there are no windows and suggested that it be incorporated into the master suite. Mr. Rider said that he will pursue that concept with the owner.

Commissioner Frautschi expressed concern about the stability of the area to the left of the lot. Charles Kissick, registered geologist and certified civil engineer, came to the podium and noted that the area is not on the subject property but on the lot next door. He was not worried about it, noting that there will be some drainage systems that will help de-water the whole hillside behind the retaining walls that make up the house and there will also be some surface drainage measures above the house to capture the water and get it off site. He added that the landslide to the left could be stabilized if needed by removing what is there and putting in something that is engineered and stable. He stated that this project will not have any impact on that area and it will not have any impact on the subject property.

Commissioner Frautschi questioned how they will get the equipment above the house to store the dirt and place it on the roof. Mr. Kissick responded that it will be tricky for the contractor and he will have to be creative in moving the dirt around. He did not believe it would be practical to try to retain some of the dirt on the site.

Mr. Sachdeva asked for permission to comment after the public has had a chance to speak in order to address any of their concerns. Chair Horton responded that there will not be a discussion but questions could be answered.

Chair Horton opened the Public Hearing.

John Becker, Belmont resident, stated that his home, which is directly across the street, is the one that will be most impacted by the proposed construction. He thanked the City Attorney for the response to his letter, and clarified that the first concern raised in his letter related to the construction at 2702 Monte Cresta and the other two referred to 2708 Monte Cresta. He pointed out that the project that was originally approved was expected to take a year or a little more to construct, it has become a 2-1/2 year nightmare for the neighborhood, and that it does not resemble the plans that were originally approved. He believes that the conditions that caused the delay in completing the first project still exist. He reiterated the points

made in his letter and asked what assurances could be made that that all of the factors that still exist today will not delay construction again and put them in the position of having to live with a construction site for 4 or 5 years.

Warren Gibson, Belmont resident and former Planning Commissioner, believed the proposed plan is a big improvement. He was concerned about the area between the parking pad and the street that shows green but is actually a rock cliff. He questioned how they are going to retain it, noting that the danger is that they could end up with a huge tall retaining wall instead of the green slope that shows on the plans.

Jaime Dal Porto, Belmont resident, concurred with her neighbors about the length of time the current project has taken and about the possible slide area mentioned earlier. She stated that the current unfinished project does not look at all like the plans that the Commission approved. The last time she was at a meeting she heard Commissioner say that this is an unbuildable lot and wondered how many times they will have this conversation. She asked that Commissioners go look at the current project and asked if that is what they want in Belmont; it looks like a prison and has no windows.

Responding to the public comments, Mr. Rider returned to the podium to state that his firm was not hired to design the original home and he could not speak to the accuracy of whether or not it was built to the renderings or the drawings. He added that this is a different team and the preliminary plans that are presented are very accurate. Regarding the section between the driveway and the road, they have not yet come up with a complete design about what to do there but the end result will not be a tall retaining wall; it will be made aesthetically pleasing and tie in with the house.

Mr. Sachdeva stated that there are more regulations in place in the contractor and bank environments, that there are similar homes built in the same exact fashion, and he invited anybody to look at the approved plans for the current house – they are identical to what has been built – and it is two weeks away from being finalized. He believes that the new design is more aesthetically pleasing and they do not expect the project to take longer than planned.

Vice Chair Mayer asked the applicant who told him, when he bought the property, that these were buildable lots. Mr. Sachdeva responded that her name was “Marge” and that since they were zoned as buildable lots they took it at face value. CA Zafferano pointed out that comments made by staff are not binding on the City so what the staff said or did not say had no bearing on this application.

Mr. Kissick commented that he purposely designed the driveway slope and retaining wall so they could preserve the slope. They have to preserve the slope because they have to work around the anchored power pole.

Responding to Commissioner Frautschi, CDD de Melo stated that typically 18% is the maximum driveway slope allowed by the Public Works Department, though there are a few exceptions.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to close the Public Hearing. Motions passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

Commissioner Frautschi appreciated that the applicant answered most of the Commission’s comments from the last meeting, hoped that there was a possibility of leaving more dirt on the site and did not like to

grant Variances in the Canyon but would vote with the rest of the Commission on that. He thought the landscape plan was great but suggested keyholes in the pavement on the left side of the driveway in the area of the retaining wall and plantings below the trash enclosure area. He suggested that the applicant look at a house on Terrace that has the same type of retaining wall. He stated to the neighbors that the Commission has no control over how fast a project moves along, adding that there is now a time limit ordinance and that construction on this new project cannot begin until April due to a moratorium on digging. He stated that he has always felt that something should not be built on this property. He thought it was a nice design but he did not like a bunker-type building in Belmont – it has to fit into the character of the neighborhood and because of the haul, cut and fill he thought he could withhold his approval.

Commissioner Parsons questioned why anybody would want to build houses on these lots and why anybody would want to live in them. The project seemed feasible to him, has greatly reduced the amount of soil disturbance and the visible impact of the front of the building from the street, and the materials appeared to him to be attractive. He supported amending the landscape plan to require plantings along the stone wall on the face under the porch. He could support the Variance and could support the project.

Vice Chair Mayer stated that his original main question was the buildability of the lot due to the 52% slope, noting that the General Plan discourages building on lots in excess of 30% slope, but also believed strongly in property rights and the rights of owners to take their property and do the maximum within the codes to allow them to develop that property for their economic use and benefit. He felt that the applicant had addressed most of the major concerns that were raised at the preliminary design review and could make the findings for the Variance and could approve the project.

Commissioner Reed stated that the proposal seemed to be a huge improvement over what was submitted before he was on the Commission, but he did not believe he personally would build on a 52% sloping lot, especially with small children since there is very little usable outdoor space. He could support the Variance and the project.

Commissioner Mathewson was not comfortable with building anything on a 52% slope and was not sure about the Variance.

Chair Horton concurred that this was a far better design than the one reviewed in the study session and is probably about all that can be done. She suggested that the City might want to do something about assuring completion of this project given the situations they have seen in the past. She wanted the neighbors to know that since the first house was approved, which has nothing to do with this application, there has been an ordinance passed that requires builders to complete their projects within a certain period of time or pay very hefty fines.

MOTION: By Commissioner Frautschi, seconded by Commissioner Parsons, adopting the Resolution approving a Variance at 2708 Monte Cresta Drive (App. No. 2007-0034).

Ayes: Frautschi, Parsons, Mathewson, Reed, Mayer, Horton
Noes: None
Absent: Mercer

Motion carried 6/0/1

MOTION: By Vice Chair Mayer, amended and seconded by Commissioner Parsons, adopting the Resolution approving a Single-Family Design Review at 2708 Monte Cresta Drive (Appl. No. 2007-0034), with the addition of a condition to add some type of vine to grow up the walls along the side of the garage.

Ayes: Mayer, Parsons, Reed, Horton
Noes: Mathewson, Frautschi
Absent: Mercer

Motion carried 4/2/1

Chair Horton announced that this action may be appealed within 10 calendar days.

Chair Horton called for a short recess at 8:15 p.m.

6. REPORTS, STUDIES AND UPDATES:

Responding to Chair Horton, CDD de Melo agreed to delete Chuck's Donuts from future lists. He reported on the balance of the items as follows:

6A. Ralston/US-101 Landscape Project

He has participated in two meetings with representatives of CalTrans as well as the City of Redwood City. They have obtained some bids for construction of the landscaping in all four quadrants but are running into budgetary issues. Belmont is insisting that the plan include maintenance costs. If the budget issues can be resolved, construction could potentially start in late spring. Chair Parsons asked that staff let former Councilmember Dickenson know when they actually break ground.

6B. San Mateo Development – North Road/43rd Avenue

There are some follow up issues associated with trash enclosures and responses by neighbors along North that the City will continue to pursue. The second encroachment permit has not yet been issued. Responding to Commissioner Reed, CDD de Melo stated that restoration of a minimum 10' asphalt-covered area to the west is a condition of the encroachment permit and there will be consistent sidewalk, tree and shrub plans with some continuity from El Camino at least through the first three properties. The owner of the dumpsters has not yet been determined.

6C. Parking Study – Downtown Village Area

No report at this time.

6D. High-Speed Train (HST) Project – San Francisco to San Jose

Commissioners all acknowledged that they are receiving HST notices that CDD de Melo is forwarding by email. There are several town hall meetings scheduled in various cities

6E. Chuck's Donuts – 641 Ralston Avenue – Will be removed from list.

6F. Emmett House

He is expecting specs from the contractor that he will share with the subcommittee. A future plan is to coordinate a quick walk-through for the entire Commission.

6G. 1000 South Road

Construction loans have been secured to rehab the building to enable rental of the 20 units for 18-24 months, which will include new landscaping and refinishing the driveway, with activity starting in March or April. The developer still hopes to build the 24 residential units as previously approved. Responding to VC Mayer, CDD de Melo stated that they will need to seek some extensions of their approvals but will not need to go through the entire process again. If they resume the exact project that was approved, they will be looking at a Detailed Development Plan.

6H. 2230 and 2260 Ralston Avenue

Nothing new to report. Chair Horton noted that she had seen some people walking around the property.

Other Items

The **Priority Calendar** process is likely to start soon but the size and scale will be based on Council direction after their 1/30 retreat. Staff is looking at another round of budget corrections city-wide.

The **Housing Element** will probably come back to the Commission at the first meeting in March.

He reminded of the **Commission Appreciation Dinner** on Friday, March 5th and the **retirement party for Jack Crist** on Friday, February 5th.

Two Commissioners' terms are up in March – Chair Horton and Commissioner Reed.

7. CITY COUNCIL MEETING OF TUESDAY, JANUARY 16, 2010

Liaison: Commissioner Frautschi

Alternate Liaison: Chair Horton

8. ADJOURNMENT:

The meeting was adjourned at 8:30 p.m. to a Regular Planning Commission Meeting on Tuesday, February 2, 2010 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) 595-7416 to schedule an appointment.*

I:/Planning Com/Min01192010