

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, SEPTEMBER 21, 2010, 7:00 PM

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

1. ROLL CALL

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

Commissioners Absent: None

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

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Revised Resolution and Conditions of Approval - Conditional Use Permit Amendment - Koret Athletic Field for the Notre Dame De Namur University (NDNU) Campus - 1500 Ralston Avenue (Continued from 9/7/10 Planning Commission Meeting)

Commissioner Mercer recused herself from discussion of this item due to her personal connection with the University, and Commissioner Horton and Chair Frautschi recused themselves because they live within 500' of the subject property.

Chair Frautschi called a short break so that the recused Commissioners could leave the room.

Acting Chair Reed called the meeting back to order and reminded the members of the public wishing to speak on this topic that their comments would be limited to three minutes.

Gordon Seely, Belmont resident, made the following points:

- NDNU's solution to the noise problem is to propose making even more noise, ignoring the interests of the school's neighbors to reasonable peace and quiet in conformity with the Belmont Noise Ordinance.
- The CUP as presently written meets the athletic needs of NDNU and the high school.
- NDNU may be looking for money, and renting Koret Field could be one source. The neighborhood in which Koret Field is located is zoned R1 residential, not commercial.

- The proposed amendment is deficient because: 1) There is no protocol for assessing penalties or violations of the CUP. A system is needed for reporting violations and assessing penalties. He mentioned that out-of-state schools had been allowed to use the field twice in the previous week in direct violation of the CUP. 2) The proposed single black-out Sunday ignores the petition signed by over 40 affected neighbors representing 31 families. The only playing allowed on a Sunday should be the occasional league or conference game. 3) There is no explicit statement that NDNU has no intention now or in the future of installing lights at Koret Field. 4) There is no statement that the use of Koret Field is limited to NDNU and the High School.

Evelyn Seely, Belmont Resident, stated that she was representing 3 families in addition to her own. She raised the following issues:

- Safety of Koret Field. She had previously submitted an article detailing problems of lead and potential for bacterial infections associated with AstroTurf.
- Noise. She quoted from the City's website that "Belmont is a quiet residential community and that its small town ambiance sets it apart as a tranquil, safe desirable place." She does not feel that is now the case. The peaceful environment radically changed in 2003. She quoted from the 2005 Noise Ordinance as follows: "Any and all excessively annoying loud or unusual noises or vibrations shall be considered as noise disturbance if such noise or noises offend the peace and quiet of persons of ordinary or reasonable sensibilities or interfere with the comfortable enjoyment of life or property." She believes that this part of the Noise Ordinance is being ignored and asked that the Commission not make the situation worse by expanding use of the field until and unless NDNU installs sound-absorbing material along Ralston Avenue.

Margaret Davis, Belmont Resident, asked that the Commission address changes requested by the neighborhood group under the section entitled to "Restrictions Applicable to All Allowed Activities":

- Concerning amplified sound, the words "or when used by coaches or officials" should be struck.
- The document states that "live or recorded music is permitted in connection with a special event." They ask that this provision be struck and that no amplified music be allowed on special event days, of which there are 10, except for commencement.
- The document states that "live or recorded music is allowable in the pre-game activities of an interscholastic sporting event." They ask that this music be allowed for no more than 30 minutes prior to a major game. She added that they asked that the words "NDNU and ND High School" be inserted in the column headed "Allowed Activities/Uses" in hopes that the intent is for the use of the field by these two institutions only, with the exception noted in Paragraph 6.
- They further request that the 1-year trial period agreed to by the Commission be applied to the entire CUP, not just to the item concerning youth groups.

R. A. Davis, Belmont Resident, read a letter from Matt Covington, Belmont resident, into the record. The issues raised by Mr. Covington were in concurrence with those raised by the previous speakers.

Richard Hughes, Belmont resident, stated his opposition to the proposed amendment due to the noise generated to his home, and asked that the Commission do whatever necessary to limit the noise coming from the field and the parking lot.

Peter Fan, new Belmont resident, asked that the Commission place some restrictions on the use of the air horn, noting that Section 361A of the NCAA Rules suggests that the air horn is not required for the substitution process in soccer matches, and that the allowed hours be revisited.

RS Turning reported that there were no additional speakers regarding Koret Field, but that she had received a late Request to Speak under Community Forum. CA Zafferano advised that the late request could be held over until the end of the meeting.

Responding to Commissioner Parsons' question, CDD de Melo stated that staff did not have reports of violations since the last meeting, but he had information related to the events mentioned by residents. One was a tournament scheduled by NDNU to play 3 teams from 3 different states, during which NDNU played all 3 teams and then the out-of-state teams played each other. NDNU officials were present.

Commissioner Parsons asked for clarification of permitted use of air horns. CDD de Melo understood that air horns would not be used during practices; amplified sound associated with the air horn on the scoreboard would only be allowed with the CUP amendment for NDNU activities that are NCAA sanctioned.

Commissioner Mayer questioned the purpose of this meeting; it was his understanding that they were there to approve wording but not to make fundamental changes. CDD de Melo concurred, adding that they have been hearing public testimony but that two weeks previously the Commission had given staff very clear direction about the conditions to be included and that this meeting was not intended to be a hearing to change that direction. He concurred that a few word changes would be acceptable but if there are wholesale changes to the Resolution as proposed, staff would need direction to call another hearing.

Acting Chair Reed asked CDD de Melo for clarification of the following issues that were brought up by the residents who spoke:

- Is it correct that NDNU will have to comply with the City's Noise Ordinance? CDD de Melo responded that the amended CUP has a number of provisions that track back to the City's Noise Ordinance. Referring to the right-most column of Attachment B to the Resolution relative to live or recorded music, all of that must comply with the City's Noise Ordinance. The section under Special Events also refers to the City's Noise Ordinance.
- Is it correct that if NDNU wanted to install lights, they would need to come to the Planning Commission for another modification to this use permit? CDD de Melo responded that a change of that magnitude cannot be addressed on an administrative front; it would be an amendment to the original CUP from 2005 relative to the site plan that was approved for that field and which would require public hearing review.
- Is it correct that the safety of artificial grass is not in the purview of this body? CA Zafferano responded that the actual issue is whether we could have CEQA review of an existing facility and the answer is "no." The artificial turf is existing and it is therefore exempt from review under CEQA.
- Is it correct that it is the responsibility of the school to follow already written NCAA rules regarding the use of air horns during games? CDD de Melo responded that that is correct.

MOTION: By Commissioner Parsons, seconded by Commissioner Mayer, to adopt the Resolution Approving a Conditional Use Permit Amendment for the Koret Athletic

Field Notre Dame de Namur University (NDNU) at 1500 Ralston Avenue (Appl. No. PA2005-0038) with the associated attachments.

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

Motion passed 4/0/3

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

Acting Chair Reed called for a short break at 7:30 p.m. so that the recused Commissioners could return to the Council Chamber.

5. OLD BUSINESS

5A. Request for Extension of Approval - Single Family Design Review - Naughton Ave., Parcel A

CDD de Melo summarized the staff memorandum, recommending approval of the requested second extension to September 16, 2011.

Commissioner Mercer noted that the packet does not include a letter from the applicant requesting the extension. For the record, she stated that she believed it is important that applicants provide a letter explaining their request if that is what the City's regulations require.

MOTION: By Vice Chair Reed, seconded by Commissioner Mayer, adopting the Resolution approving extension of a Single-Family Design Review for Naughton Avenue, Parcel A (Appl. No. 2008-0034).

Motion passed 7/0 by a show of hands.

Chair Frautschi announced that this item is appealable within 10 calendar days.

5B. Request for Extension of Approval - Single Family Design Review - Naughton Avenue, Lot 52

CDD de Melo summarized the staff memorandum, recommending approval of this second extension to September 16, 2011.

MOTION: By Commissioner Horton, seconded by Commissioner Mathewson, to adopt the Resolution approving an extension of a Single-Family Design Review for Naughton Avenue, Lot 52 (Appl. No. 2008-35)

Motion passed 7/0 by a show of hands.

Chair Frautschi announced that this item is appealable within 10 calendar days.

5C. Request for Extension of Approval - Single Family Design Review - Construction of a new 4,490 sq. ft. Single Family Residence - 2007 Bishop Drive

SP DiDonato summarized the staff memorandum, recommending approval of this extension to October 7, 2011, noting that this is the second and final request for an extension for the subject property but the first request from the current owners. He added that there is a letter from the applicant in the file.

MOTION: By Commissioner Mayer, seconded by Commissioner Mercer, adopting the Resolution approving an extension of a Single-Family Design Review for 2007 Bishop Road (Appl. No. 2010-0037)

Motion passed 7/0 by a show of hands.

Chair Frautschi announced that this item is appealable within 10 calendar days.

5D. Final Landscape and Retaining Wall Plan – Construction of a new 2,990 sq. ft. Single Family Residence - 708 Alameda de las Pulgas

SP DiDonato summarized the staff memorandum, calling attention to a modification to the plan of the location of a planter box, and that the plantings within the planter boxes are small; staff recommends that they be increased to at least 5-gallon size.

Responding the questions from Commissioners, SP DiDonato clarified that the parking pad on the south side next to the street will be of decomposed granite and he assumed that the plantings over the garage will be watered manually or with a drip line.

Responding to Chair Frautschi's question, Bahram Mozayeny, property owner, stated that the princess flower identified as #7 will be a tree type standing about 6' and will be in the highest level planter just before entering into the entry patio, with smaller flowers at the bottom.

Commissioner Mercer commented that the landscape plan fell short of her expectations and that approval of the house was a close call because of the bulk, the huge amount of surfaces facing the street and its brilliant red/orange color. She had the following concerns:

- At the street level, the boxwoods will not thrive in the foot-wide wedge between the parking space and the street. She envisioned something wider and more significant directly in front of the wall to screen the wall, not so much the parking pad.
- Going further up to the planter box on the stairs, she would not recommend putting agapanthus where the deer live.
- It needs to be specified that the planter box over the garage will have irrigation.
- Adjacent on one side or the other, she was looking for something that would grow taller and some trees to help the large orange box settle into the landscape.

Commissioner Mathewson concurred with Commissioner Mercer's comments.

Commissioner Parsons recalled that the Commission had suggested that a designer or landscape architect be engaged, and agreed with Commissioner Mercer that there needs to be sizeable trees. Any effort to add more landscaping and bigger sized plants would be a better answer.

Commissioner Horton concurred with previous comments. More plants would be acceptable but she felt that smaller plants would do better but there are not enough of them. She was not sure how the 6' tree would fill up the large box. The species are small and widely spaced. The existing Oak trees, if they survive the construction, will provide some amount of large tree and will shade some of the new trees.

Vice Chair Reed recalled that he had voted against the original Design Review due to the 52' height from the street and thought some of the height could have been mitigated by larger plantings at the front. He could not support the Landscape Plan as presented.

Chair Frautschi concurred with earlier comments that the Landscape Plan is inadequate. He was disappointed at the misspellings in the plan and reiterated that the house visually is very, very bulky. He advised that the proposed Buckeye tree is not an appropriate tree for the right side of the driveway because they need broad space to survive. He suggested that there are 25 or more lily-type plants available that are deer resistant.

MOTION: By Commissioner Mercer, seconded by Commissioner Parsons, to continue the Final Landscape and Retaining Wall Plans for 708 Alameda de Las Pulgas (Appl. No. 2009-002) to date uncertain for revision and re-submittal, including either larger or more numerous plantings, reconfiguration of the planting strip by the parking pad, clarification of the retention of Oaks, inclusion of an irrigation plan for the planter over the garage, substitution of the Buckeye with a more appropriate species, and substitution of the lavenders or “deer candy” with other deer-proof species, with emphasis on the need for more sizeable trees at the front.

Motion passed 7/0 by a show of hands.

Chair Frautschi asked for two corrections in the draft resolution: In the third line of italics, change the word “son” to “on” and in the fourth line, change the word “sued” to “used.”

RS Turning noted for the record that this was not a Public Hearing.

6. PUBLIC HEARINGS:

6A. Public Hearing - 11 Briarwood Way

To consider a Conditional Use Permit and Design Review to amend the Woodbridge Park Detailed Development Plan (DDP) by adding an 809 square-foot addition to the existing 3,005 square foot single-family residence for a total of 3,814 square feet, which complies with the development guidelines for this DDP. (Appl. No. 2010-0024)

APN: 040-384-080; Zoned: PD – Planned Development

CEQA Status: Categorical Exemption per Section 15303

Applicant: Design Max Construction

Owner: Tom Nam Loui

Rob Gill, Planner: 650-598-4204

AP Gill summarized the Staff Report, recommending approval of the CUP with the conditions attached. He called particular attention to the Condition of Approval requiring inclusion of a deed restriction prohibiting the creation of a second kitchen or permanent provisions for cooking on the property.

Responding to Commissioners' questions, staff confirmed that there was an addition to the house in 1996, that the swimming pool no longer exists, the applicant calculated the total hardscape at around 50%, not including the deck, and that the definition of a family has not been modified by the City. CA Zafferano added that the City is starting an effort to modify that definition to bring it into compliance with current case law.

Tom Loui, property owner, explained that the reason for the addition is that he has parents moving in and will need wheel chair access and space for maneuverability.

Chair Frautschi opened the Public Hearing.

Joe Gillanders, Belmont resident, addressed the Commission to credit Commissioners for holding builders to very high standards in terms of aesthetic and attractiveness of homes in his neighborhood, but did not think that the proposed west elevation of the planned addition looked attractive and in keeping with the rest of the neighborhood. He likened it to plastic surgery; if you could tell that it was an addition it was not a good addition. He noted that the home is on an angle with respect to the street and the addition actually juts closer to the street than the existing part of the home.

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

Chair Frautschi commented that this property exceeds the normal Single-Family Design Review (SFDR) maximum by 314 square feet, but added that this is allowed in a Planned Development (PD). He felt that the intention of rules for PD's is to allow modest additions and changes, and agreed with the neighbor who spoke that this addition is not well integrated into the property; it looks added on, there is no setback and the two front doors give the appearance of a duplex. This is already the largest property in the PD and the large addition would set a precedent. He also thought that the 50% hardscape was excessive and that the project should have been analyzed with the deck counted as hardscape. He could not support it for Finding D, for the SFDR for the way it is integrated, the bulk, and would require an enhanced landscape plan.

Commissioner Parsons called on his experience with having seniors living in his home, pointing out that the bathrooms are badly designed for handicapped people and there should be a ramp rather than stairs at both new entrances. He agreed that the bulk is excessive and the square footage sets a new high for the neighborhood. The full size refrigerator, wet bar and door to shut it off from the rest of the house make it look like a secondary unit to him. In addition, he concurred with Commissioner Frautschi's comments and could not support this project.

Commissioner Horton commented that if the front elevation is going to be flush with the front elevation they should both have the same finish, and the door on the addition is odd and perhaps should be a French door. She was concerned about the unattractive elevation that faces the neighbor and did not understand why they did not just make it a second unit as it is clear to her that this is the intent. The addition needs to be truly integrated into the house rather than just being tacked on since it is in the front of the house and facing a neighbor.

Vice Chair Reed concurred that the addition is just stuck onto the front of the house with minimal effort to integrate it into the whole. It would make a very large house and the landscaping is very poor and does nothing to hide it. He would have a problem making multiple findings.

Commissioner Mathewson was very uncomfortable with the 3800 sq.ft. house in that neighborhood and concurred with everything that had been said, adding that he had received many notes to that effect. His advice to the applicant was that he listens to what the other Commissioners suggested about ways to reduce the bulk and volume and matching things better so that he will be a much better neighbor.

Commissioner Mayer agreed with some of the things that have been said, but pointed out that a) this is the largest lot in the neighborhood, and b) it is within the limits of the FAR. He questioned what defines the DDP in terms of building size, which when an addition is made, exceeds the average. He had no problem with the size of the house but was concerned when he counted up to 9 bedrooms and wondered what they are for. He did not see a conflict with the Detailed Development Plan (DDP) but agreed with the comments about the design element and that the Commission is right to ask for a better landscape treatment from the ground up.

Commissioner Mercer concurred with Commissioner Mayer regarding the square footage of the house since the lot is over 2000 sq.ft. bigger than some of the adjacent lots and the project is not exceeding the FAR. She appreciated that it is on a single level and they are not building up. However, she felt that the addition is far below the standards that the residents of a PD deserve; they deserve an addition that is properly integrated with roof lines and the fascia, has balanced windows, and one that is pleasurable and enjoyable. She felt it was transparent, that by putting a second front door on the house they are building a second unit, and that if it were truly for handicapped usage they would not have standard width swinging doors throughout, a door into the bathroom that is only 2'8", a door on the water closet and a shower that does not have adequate clearance for a wheelchair. She would not be opposed to seeing another plan that has additional family space built onto it. It's not so much the size; it's the poor design quality.

Chair Frautschi stated that the Commission has the option of either continuing this item or denying it outright. Commissioner Horton asked if a second unit is allowed in this PD. CDD de Melo responded that he could not answer the question conclusively without a full reading of the Detailed Development Plan for this development and cross-checking it with the State's new law. Chair Frautschi asked for a motion to continue the item.

MOTION: By Commissioner Parsons, seconded by Commissioner Mayer, to continue this item for redesign to a date uncertain.

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

Motion passed 5/2.

Delayed Item 3, Community Forum

For the record, RS Turning announced that Charles Rinaldi, Belmont resident, who's Request to Speak regarding "circular driveways" was submitted after closure of the Community Forum agenda item, had left the meeting. CDD de Melo agreed to contact Mr. Rinaldi.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. Ralston/US-101 Landscape Project

Nothing new at this time.

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

Resolution of the issues related to this project is delayed due to the resignation of the Public Works construction inspector.

7C. Parking Study – Downtown Village Areas

Nothing new at this time.

7D. High Speed Train (HST) Project – San Francisco to San Jose

Council has regular updates on its Council Agenda. Application period for the ad hoc subcommittee will close at the end of the month. An outreach event was scheduled for the following night at 6:00 p.m. as well as a second event on Thursday, 9/23 at 10:00 a.m. Thanked Commissioner Mercer for the tremendous amount of work she has put into this project.

Chair Frautschi thanked Commissioners Mercer and Parsons for walking from one end of Belmont to the other along both El Camino Real and Old County Road, contacting every business along the way about the potential impact of the HSR.

Commissioner Parsons stated his concern that they have not received economic data from the Finance Department as to what the tax role loss will be. He does not feel it is too soon to develop this data, since owners along the way told them they are unable to lease vacant spaces because of the risk of having to move out when construction starts and some tenants were already in the process of moving out. He believes it is going to have a long-term economic effect and is already having an economic effect on the City of Belmont. CDD de Melo responded that the ad hoc committee being formed will be in a position to work with the Finance Department to try to quantify this issue and the Draft EIR due in December will include all of the environmental categories.

Commissioner Mercer referred everyone at the meeting or watching on-line to go to the Belmont web page, where there is a link to a significant amount of high-speed rail information.

Responding to Vice Chair Reed's question, CDD de Melo stated that the City Council took a formal position on this issue on September 14th by adopting a Resolution supporting HSR but only with the two alignments that would consist of a cut-and-cover trench or a full tunneling. That Resolution was forwarded to the Federal Rail Authority and is also on the City's website along with a letter explaining the City's position.

CDD de Melo added that the last meeting in Belmont of the HSR Peninsula Cities Consortium was scheduled for Friday, September 24th at 8:15 a.m.

7E. Emmett House

The fence looks good and the interior is coming along. The flooring was due to be installed the following week. He invited Commissioners to take a tour of the house. The house and landscaping are slated to be completed in early January, the associated street work will be directly afterwards. Plans for roadway work are in the Public Works Department – feedback invited.

7F. US-101 Pedestrian/Bike Bridge Project

Project continues to be on schedule for completion in March of next year.

7G. Discussion - Rescheduling of Tuesday, 11/2 Planning Commission Meeting to Monday, 11/1 due to State/Local Election

There was consensus to move the first meeting in November to Monday, November 1.

Other Items

Commissioner Parsons had asked that Public Works do some research about the Comcast or other utility equipment installed throughout the City of Belmont and was told that the file had been found but that no one has gone through it. He reported that a green box had been installed on his neighbor's yard and moved to under ground after complaints to the City, and that stop work orders have been placed on three more boxes in the Hallmark neighborhood. He wanted to alert the other neighborhoods that this is going on and thought the City should notify Comcast that most of the neighborhoods in this town do not want above-ground boxes and they need to get proper permits and notify neighbors before doing any work.

Chair Frautschi asked that Public Works do an analysis of the Comcast file and that they report back to the Commission exactly what their expectations are and how it is handled. CDD de Melo concurred that staff needs to get in touch with Comcast before any additional installations occur without permits.

Delayed Item 3, Community Forum

Resident Charles Rinaldi had returned to the meeting and was given permission to address the Commission. He reminded staff and the Commission that he has been waiting for about a year for a decision on his proposed circular driveway. He feels like his request is buried in red tape, is disappointed and would like it to be resolved before the rainy season. He stated that he has the support of about 99% of the neighbors on his street, with one or two who do not like it. CDD de Melo stated that he will alert Mr. Rinaldi when it is rescheduled for a Planning Commission meeting.

Mr. Gladyn d'Souza, Belmont resident, stated that he had attended a Grand Boulevard meeting the previous week where Donald Shoup was the guest speaker. Mr. Shoup concluded his talk by reading the vision statement of the Grand Boulevard project, which is to make the Boulevard walking, pedestrian and bicycle friendly, and stated that the vision would fail if the parking is not addressed. Mr. Shoup's proposed solutions were 1) congestion priced parking, 2) return the revenue to the district, whether it's a business or a neighborhood district or community benefit district, and 3) reduce the supply by coming up with other uses – for example using parking spaces in front of a restaurant for restaurant seating the way Castro Street has done it in Mountain View. Mr. d'Souza asked that the City think about those points when addressing parking in the downtown area. Chair Frautschi asked Mr. d'Souza to send them an email summarizing his comments.

8. CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 28, 2010

Liaison: Chair Frautschi
Alternate Liaison: Commissioner Horton

9. ADJOURNMENT:

The meeting was adjourned at 8:50 p.m. to a Regular Planning Commission Meeting on Tuesday, October 5, 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.*

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