

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, MAY 6, 2008, 7:00 PM

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

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Mayer, McKenzie

Commissioners Absent: Mercer, Reed

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

2. AGENDA AMENDMENTS

CDD de Melo stated that there will be no report on Item 6F, 1105 Alomar Way. The item was referred back to staff for a comprehensive update at a later meeting.

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of April 1, 2008

MOTION: By Vice Chair Horton, seconded by Commissioner McKenzie, to approve the Minutes of Tuesday, April 1, 2008 as presented.

Ayes: Horton, McKenzie, Frautschi, Mayer, Parsons

Noes: None

Absent: Mercer, Reed

Motion passed 5/0/2

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 2556 Sherborne Drive

To consider a Conditional Use Permit to amend the Hallmark West Detailed Development Plan (DDP) by adding a 300 square-foot sunroom addition to the existing 2,707 square foot single-family residence for a total of 3,007 square feet which complies with the development guidelines for this DDP.

(Appl. No. 2008-0008)

APN: 045-472-030; Zoned: PD – Planned Development

CEQA Status: Categorical Exemption per Section 15303

Applicant: ASR Sunroom Co.

Owner: Hillman Lo

Project Planner: Rob Gill (650) 598-4204

AP Gill summarized the Staff Report, recommending approval with the conditions attached.

Hillman Lo, owner, was available to answer questions. Commissioner Frautschi asked why he had decided to put the sun room off the dining room and kitchen instead of off the family room. Mr. Lo explained that it

would have been too close to the neighbor on the other side of the house, and that as planned they will still have the view from the sun room and it will be used as a play room for his small children.

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

Motion: By Vice Chair Horton, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 5/0/2 by a show of hands.

Commissioner McKenzie asked if the Commission would be considering a sun room addition typically or is it just because of this Planned Development that this becomes an issue. AP Gill responded that it is because it is a Planned Development and is over 200 sq.ft.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Horton, to adopt the Resolution approving a Conditional Use Permit to Amend an Approved Detailed Development Plan for 2556 Sherborne Drive (Appl. No. 2008-0008), with Exhibit A, Conditions of Project Approval Conditional Use Permit.

Ayes: Frautschi, Horton, Mayer, McKenzie, Parsons

Noes: None

Absent: Mercer, Reed

Motion passed 5/0/2

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

5B. PUBLIC HEARING – 1400 & 1404 El Camino Real

To consider a Conditional Use Permit & Variance to allow use of an outdoor patio area in conjunction with an existing adjacent commercial restaurant. The project includes new outdoor seating and landscaping for the proposed patio area. (Appl. No. 2008-0020)

APN: 045-248-010 & 020; Zoned: C-3 (Highway Commercial)

CEQA Status: Categorical Exemption per Section 15301

Applicant/Owner: Golara Mokhtari

Project Planner: Carlos de Melo, (650) 595-7440

CDD de Melo summarized the Staff Report, recommending approval with the conditions attached.

CDD de Melo responded to questions from Commissioners as follows:

Commissioner Frautschi:

- Plans that have been provided do not indicate any plan for lighting.
- Potted plants would be sited in various locations throughout the patio; no in-ground landscaping proposed at this time.
- Lot merger was not a condition of this project. Both lots are owned by the same property owner.
- CA Zafferano confirmed that if the patio area and little house were sold, the Conditional Use Permit (CUP) and Variance rights would go with the property.
- Question regarding PG&E sign on back fence deferred to the applicant.

Commissioner Mayer:

- The adjacent building is a cottage. Question as to what it is being used for deferred to the applicant.
- Regarding the fence in front, the applicant has not indicated on the plans any sort of change to the overall scope, design or aesthetics of the fence.
- Anything that the Commission does at this meeting can only relate to the additional property – not to the already approved restaurant.

Commissioner McKenzie:

- Question relative to the function of the building and if it could be eliminated deferred to the applicant.
- The fencing that is there now is expected to be the fencing that would be going forward.
- The adjacent building was not part of the approval of the restaurant building. This is a completely different

item. Everything related to 1400 El Camino Real was on that building—there was no action or discussion relative to the quasi vacant piece of property when that approval was conferred in 2004.

Chair Parsons:

- Under this particular patio proposal, there would be no outdoor live music. The applicant is not seeking a cabaret or entertainment use associated with this outdoor patio. There could be no cabaret uses allowed within this space or within the restaurant. The conditions relative to noise issues were included because of the outdoor use and the desire to be sensitive to the adjacent neighbors. CA Zafferano confirmed that whatever activities they conduct would need to comply with the noise ordinance.

Discussion ensued regarding the hypothetical use of the property next door and the issues that could come up relative to the parking requirements, the Variance and CUP rights going with the property.

Golara Mokhtari, applicant/owner, addressed the Commission, noting that there is already in-ground lighting at 1404 and it is fully paved. They plan to complement it with vines and potted plants. The sign in the back was there before they became the owners but they do intend to change it and the sign will be gone. In terms of putting the two properties together, she stated that she answered that question 4 years earlier. The restaurant is owned by several investors, of which she is one but for the sake of simplicity she is the only one listed, and the cottage belongs to her so they cannot put the properties together for that reason. The cottage is currently a licensed real estate office but they may want to use that to complement the restaurant business in the future. Commissioner Frautschi asked if she had thought about merging the patio area with the restaurant property – i.e., subdividing the property. He explained that she is increasing the restaurant capacity, 2/3 of the 1404 lot is being assumed by the business next door and if they give her a Variance for parking it goes with that property. If the investors decide to get rid of the restaurant and she wanted to keep the cottage property, those rights would go with that property. Ms. Mokhtari stated that she did not understand the problem, adding that if the restaurant were sold the patio could be leased to the new owner.

Vice Chair Horton asked the City Attorney if there is a way to dispose of the CUP if the restaurant goes away. CA Zafferano replied that only if the City takes action on it or the applicant requests that the CUP be modified or otherwise vacated. He added that it is not clear to him whether the ownership structure of the buildings on the property is the same as or different than the ownership of the actual lots in question, and that that is the issue that needs to be determined. He also stated that it seems odd to have a restaurant use with an ancillary patio use and have those two properties be entirely separate so that rights conferred to one are unrelated to rights conferred to the other and vice versa. He felt that staff and the applicant needed to do some additional work before they could answer all of the Commission's questions.

Ms. Mokhtari felt that Vice Chair Horton's option made sense. The CUP could be issued for this restaurant only, and if the restaurant goes away the CUP goes away, or if the restaurant is sold the patio could be leased.

Responding to a question raised in the earlier discussion, CDD de Melo stated that permitted uses in the C3 district are accounting, law, investment, real estate, medical, professional or other general business offices. If that building had been established prior to a certain date, no parking would be required for that building. Parking has not been provided for that particular lot so there are some questions to be answered. Chair Parsons added that if the applicant were to convert that real estate use into, for example, an extension to the dining room or kitchen of the restaurant or a bar area, then it would need a parking Variance.

Ms. Mokhtari stated that they currently have seating for 85, standing for 170, and that they do not intend to have even 85 seats in the restaurant. They are not needed at this point and the patio is intended just as a complement, not necessarily as an additional seating; it would be either/or.

Commissioner McKenzie stated that if the project is continued the intended use of the adjacent building needs to be clearly defined. Responding to Commissioner McKenzie's question, Ms. Mokhtari stated that the type of restaurant is considered to be Mediterranean fusion similar to Café Borrone in Menlo Park, serving a mix of items with a nice ambience where it could be a hang-out place. The patio is an integral part of their vision and if they were to sell the restaurant she would not keep the cottage; therefore, it does not make sense to turn it into anything that would jeopardize their vision. Again responding to Commissioner McKenzie, she stated that the front fence is not necessarily the fence that they would like to

have there but they have had a major burden with all the requirements over the past 4 years, and believe the vegetation they have planned will make it look really nice. Making a new fence a condition would be a burden for them at this point.

Chair Parsons opened the Public Hearing.

Larisa Naples, Belmont resident, stated that she drives to Café Borrone all the time and would be pleased to not have to drive so far for a similar restaurant.

MOTION: By Vice Chair Horton, seconded by Commissioner Frautschi, to close the Public Hearing. Motion passed 5/0/2 by a show of hands.

Vice Chair Horton was in favor of the patio, was not concerned about the fence at this point, and felt that there is plenty of parking at the CalTrain station. She hoped that they could craft a CUP that is advantageous to everyone and felt it could be conditioned to say that it runs with the use at 1400. CA Zafferano responded that staff will consider that and that the problem is how to make a use on one property subject to a conditional use on an adjacent property.

Commissioner Frautschi pointed out that the applicants built the fence at their own risk since they did not have input or approval from the Commission. He had no problem with the parking Variance because lots are impossible in this area of town, but felt there were unanswered questions about the zoning implications of Finding c) and hoped that staff could come up with solutions about whether it is going to be mixed use, can they merge these properties in some way, and can they do a conditional CUP that can be revoked if the property is sold separately. Regarding the design, he felt that they could put another street tree outside the fence and preferred that the fence be put back a bit so that they could create a green strip in front of it to soften the look. He suggested that vines would do far better if the concrete was cut out in those areas so that they could grow in the ground, and that they need a more robust landscape plan. He needed to know what the future use and the permanent use of the adjacent building is going to be with respect to this patio.

Commissioner Mayer was sure that staff could come up with wording that will pull the Variance and use issues together to make it more understandable and workable, but felt that architecturally this project is bland and does nothing to add any kind of distinction to that stretch of El Camino. He did not believe the patio fence was adequate and agreed that setting it back would be a minimal step to make it tolerable, in addition to covering it up as much as possible with the vines and so forth. He had no problem with the concept of the restaurant and patio set-up, and could support the findings if staff comes up with the proper wording for the use of the adjacent structures.

Commissioner McKenzie stated that the use of the adjacent building has to be defined but liked the overall concept. He felt that they have a chance to rescue the ambiance of the whole restaurant if they pay attention to the fencing in front of the patio, and concurred that setting it back is an excellent suggestion and would allow them to do some things with the fence to make it attractive. He suggested some type of trellis arrangement with hanging vines or other vegetation that would soften the look and create a much more positive ambiance for the property. He asked for a landscape design plan that shows what is intended for the frontage and would show that they have addressed this issue of the frontage.

Chair Parsons had the same concerns about the design as the other Commissioners and agreed that they have an opportunity to push the fence back and add some landscaping to make the restaurant look better. He suggested that they might not want to hide the patio from El Camino; that perhaps glass on the top part of the fence would show that there is a patio and outdoor dining and would draw people in. He felt there needs to be a better landscape plan that incorporates at least 10% of in-ground plant materials and a more sophisticated layout of plant materials in pots, etc. Another concern was that the hardscape could create a drainage issue and potential for a lot of noise. Another suggestion was that pursue an arrangement with the building next door to cut the pavement along the building to put some plants in the ground that would vine up on the buildings. His concerns were that staff identify some of the issues that still need to be resolved and that they come back with a landscape plan.

Ms. Mokhtari stated that the reason they built the fence without Commission approval was because a major storm in January broke part of the fence and they were at risk of it blowing away into the traffic. They had

no option but to change it right away.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mayer, to continue the Variance and Conditional Use Permit request for 1400 and 1404 El Camino Real, (Appl. No. PA2008-0020) to a date uncertain.

Ayes: McKenzie, Mayer, Frautschi, Horton, Parsons

Noes: None

Absent: Mercer, Reed

Motion passed : 5/0/2

5C. PUBLIC HEARING – 1300 El Camino Real & Adjacent Civic Lane Right-of-Way

To consider a Conceptual Development Plan (CDP) Amendment, Tentative Subdivision Map, Tree Removal Permit, and Mitigated Negative Declaration to allow construction of a new 29,008 square-foot three- & four-story mixed-use structure within a vacant 8,563 square-foot lot & adjacent Civic Lane Right-of-Way area. The proposed building includes a sub-grade basement level containing 14 parking spaces and storage area, a ground floor containing commercial space, and second, third, and fourth floors containing a total of nine residential units. (Appl. No. 2006-0012)

Zoning: PD (Planned Development)

APN: 045-244-010 & portion of adjacent Civic Lane Right of Way

CEQA Status: Mitigated Negative Declaration

Applicant: Parviz Kamangar

Owner(s): Parviz Kamangar & City of Belmont Redevelopment Agency

Project Planner: Carlos de Melo, (650) 595-7440

CDD de Melo summarized the Staff Report, recommending adoption of the resolutions and performance standards attached.

Commissioner McKenzie asked for clarification of the reason for this amendment to enlarge the project. CDD de Melo's response detailed the City's vision for redevelopment of the balance of the block, noting that the previous iteration seemed short-sighted and the underground parking opportunities would have been severely compromised. He confirmed that the amendment was really driven by the City but that the applicant has been a willing participant.

Parviz Kamangar, applicant, stated that the reason for the change was the addition of Civic Lane to the project. He described the events leading up to this meeting and spoke about the financial and emotional difficulties as well as the excellent cooperation he has experienced with City staff. He believes that if the City's vision for the block works it will be a very nice development, and that not being successful is not an option. He expressed confidence that the project is a "smart" project and felt that it is very important that in the future not only Belmont but everyone should think about building "smart" projects – projects that are efficient so that residents who live there can go five places in one day without pulling their cars out of the garage five times. He is also confident that no matter what happens to the real estate market in the next year, the project will be successful if it is done right and priced reasonably. He hopes the projects next to his property will come soon, adding that they have designed this in a way that connecting it to the next phase will be easy and cost effective. He asked Commissioners to do everything they can to encourage development of the next phase and hoped that by the time his project is finished a new one will be under construction.

Responding to Commissioner Frautschi's question as to when construction will start, Mr. Kamangar stated that he believes it is reasonable to predict that they can break ground in 5 months. He explained that a problem with the title search has delayed the project but believes most of the problems have been worked out.

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

MOTION: By Commissioner Mayer, seconded by Vice Chair Horton, to close the Public Hearing. Motion passed 5/0/2 by a show off hands.

Commissioner Frautschi stated that he has absolutely no problems with this project, and thanked Mr. Kamangar for being such a gracious person. He added that he believes this project has a real potential for not falling short and being a wonderful landmark project that will bring people to Belmont. He reminded the applicant to review the Commissioners' suggestions from the last study session on the project.

Commissioner McKenzie echoed Commissioner Frautschi's comments, thanked Mr. Kamangar for believing in Belmont and for being a catalyst in bringing a lot of positive change in development to this community, and wished him the best of luck.

Chair Parsons expressed his appreciation to Mr. Kamangar for being willing to make his project work so that the rest of the block can work in the future.

MOTION: By Commissioner McKenzie, seconded by Commissioner Frautschi, to recommend City Council adoption of a Negative Declaration of Environmental Significance for a Planned Development Amendment and Construction of a Mixed-Use (Commercial/Residential) Building at 1300 El Camino Real and Adjacent Civic Lane Alleyway (Appl. No. 2006-0012), and all attached conditions.

Ayes: McKenzie, Frautschi, Mayer, Horton, Parsons

Noes: None

Absent: Mercer, Reed

Motion passed : 5/0/2

MOTION: By Commissioner McKenzie, seconded by Vice Chair Horton, to recommend City Council adoption of a Conceptual Development Plan Amendment, Rezone to Planned Development, and a Tentative Subdivision Map for Construction of a Mixed-Use (Commercial/Residential) building at 1300 El Camino Real and adjacent Civic Lane Alleyway (Appl. No. 2006-0012), and all related conditions attached.

Ayes: McKenzie, Horton, Mayer, Frautschi, Parsons

Noes: None

Absent: Mercer, Reed

Motion passed : 5/0/2

6. REPORTS, STUDIES, UPDATES AND NEW BUSINESS

CDD de Melo reported as follows:

6A. Motel 6 – 1101 Shoreway Road
Nothing significant to report from Motel 6.

6B. NDNU (Koret) Athletic Field
As soon as the revised acoustical study is received it will be distributed to the task force.

6C. Charles Armstrong School – 1405 Solana Drive
Parks and Rec will be taking an action the follow night to designate a representative who will work with staff to meet with Charles Armstrong School to discuss the landscape plan for the project, as well as any operational questions or concerns.

6D. Ralston/US-101 Landscape Project
He had received two phone calls from the CalTrans architect and they continue to work with CalTrans on the landscape plan project. He believes the biggest issue is the cost differential between the CalTrans landscape plan and the augmented landscape plan that includes the additional plantings. Commissioner Frautschi asked if, in the meantime, someone could call them and ask them to at least cut the weeds.

6E. Tentative Planning Commission Overview Meeting – Friday May 16, 2008

This meeting will be held in the morning and will be similar to the joint study session recently held with the City Council. Suggestions for agenda topics would be welcome.

6F. 1105 Alomar Way
Staff continues to do research on this item.

The Tentative Parcel Map project for the adjacent parcel at 1109 Alomar, which was recently disapproved by the Planning Commission, has been appealed to the City Council and will probably be heard the first or second meeting in July.

Chair Parsons reported that the Fence Subcommittee has discussed signage on the fence and came up with four positions that will be submitted to the City Council for consideration.

7. CITY COUNCIL MEETING OF TUESDAY, MAY 13, 2008

Liaison: Commissioner Frautschi
Alternate Liaison: Vice Chair Horton

9. ADJOURNMENT:
The meeting was adjourned at 8:50 p.m. to a Regular Planning Commission Meeting to be held on Tuesday, May 20, 2008, at 7:00 p.m. at 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.