

**CITY OF BELMONT**  
**PLANNING COMMISSION**  
**SUMMARY MINUTES**  
**TUESDAY, MAY 15, 2012**

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

**1. ROLL CALL**

Commissioners Present: Mercer, Reed, Horton, d'Souza, Frautschi  
Commissioners Absent: Herbach, Parsons

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Recording Secretary Turning (RS), City Attorney Renne (CA), Contract Planner Knapp

**2. AGENDA AMENDMENTS-** None

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

**4. CONSENT CALENDAR**

**5. PUBLIC HEARING**

**5A. PUBLIC HEARING- 918 Ruth Avenue**

An appeal of the Community Development Director's decision to deny Building Permit No: B2012-0080 for this site. (Appl. No. 2012-0018)

APN: 044-141-210; Zoned: R1-C (Single Family Residential)

CEQA Status: Categorically Exempt, Section 15301, Class 1(e)1

Owners: Chun Leung Chan and Wing Han L Chan

PROJECT PLANNER: Rob Gill, (650) 598-4204

Chair Mercer confirmed with the Commission that no one had any ex parte communication with anyone associated with this project.

Commissioner Reed recused himself stating that he lived too near to the subject property.

CDD summarized the staff report, providing details of the project. CDD de Melo stated that a director's decision brought to the Commission was rare. The first Building Permit was approved in June of 2011 and was a 303 square foot addition that consisted of

changes to the floor plan that would allow for enlarged bedrooms, kitchen, and living room. That addition was approved on June 21<sup>st</sup> of 2011 and was completed on October 5<sup>th</sup> of 2011.

On November 14<sup>th</sup> of 2011 a second 306 square foot addition was approved, that project was completed on February 22<sup>nd</sup> of 2012. The project consisted of the addition of a storage room and bathroom. Approximately one week after the second addition was constructed a third request for a Building Permit was submitted.

The request consisted of an additional 306 square foot addition that would have brought the total floor area for the three additions over 900 square feet. The Community Development Director denied the request for the third addition and the applicant appealed the decision. Staff was unable to approve the application because the project was not in keeping with the Zoning Ordinance as it related to Single Family Design Review as well as Parking Upgrades. The appellant had benefited from adding an additional 600 square feet to their home without requiring parking upgrades.

Staff made a recommendation to the Commission related to the appeal and submitted a Resolution upholding the Community Development Director's decision disapproving the third Building Permit. The third addition would have added a third bedroom.

Chair Mercer asked if the Commission upholds the Planning Department's decision to deny the project what options were remaining to the appellant? CDD de Melo stated the appellant would have ten calendar days to appeal the Commission's decision to the City Council.

Chair Mercer asked with respect to the building on their home what type of options would the appellant have. CDD de Melo responded by stating that the appellant had 609 square feet of legal floor area approved and constructed and could make interior changes to the floor plan.

Chair Mercer read Zoning Ordinance 8.1.4 and concluded that the trigger for the parking upgrade was the addition of 600 or more square feet. CDD de Melo responded in the affirmative and stated that the project should have had a parking upgrade but because the applications were submitted separately it was not required. An alternative action for the appellant was to alter the interior of the residence without expanding the home. As long as setback requirements are met the appellant can build exterior decks.

The appellant was present at the meeting and made a presentation to the Commission. They presented pictures of the front exterior of the residence. The appellant began by thanking the Commission for conducting the hearing. They stated that they would like to build a 20' by 20' garage but that their side yard would not accommodate such an undertaking. The current garage is 10' by 20' and only accommodates one car. The appellant stated a neighbor constructed a 754 square foot addition without requiring a parking upgrade. The appellant cited a similar project was approved. They hoped the Commission would grant an exemption to the required 20' by 20' garage.

Commissioner d'Souza asked the appellant what they had to say about the grand plan and linkages not being present when the application was submitted. He asked if there was intent in the beginning to finish the project with 900 square feet which was apparent now but not when the initial two additions were proposed. The appellant stated that is was their tent to have a three bedroom home when they began their addition. They stated that they did not know that the square footage of the additions would accumulate creating an ultimate 900 square foot addition.

Chair Mercer asked if the appellant's intent was to construct a three bedroom home why did they separate the addition into three separate applications. They stated that their reasoning was to not be required to make the parking upgrade.

Commissioner Horton asked the appellant if she specifically asked staff if it were permitted to add one bedroom to their home without upgrading parking. The appellant responded that she did ask that question and that the staff member did not answer no.

There were two requests to speak on this item. The speakers were Mark Davis and Theresa Marymee.

Mr. Davis stated that he was disappointed with the design of the addition stating it looked like a square box. He spoke with the Building Department and staff said that it was approved and there was nothing more to add. Mr. Davis said that the side of the house facing his residence was just a brick wall. He thought that the second addition was illegal. Mr. Davis was considering contacting an attorney due to the fact that the addition had devalued his property. Mr. Davis did not support the project.

Mrs. Marymee lives on the other side of the box looking addition and she stated that she has lost all privacy in her rear yard. She thought that the addition depreciates the value of her house and she did not find the aesthetics of the project appealing. Mrs. Marymee did not support the project.

The appellant responded to the previous statements made by Mr. Davis and Mrs. Marymee. The appellant stated that she discussed the proposed additions with her neighbors and they did not object. She stated that they decided to build the addition in the back yard because it would be less intrusive than building a second story next to her neighbors.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Horton, to close the Public Hearing. Motion passed 4/0 by show of hands.**

Commissioner d'Souza questioned if the appellants showed neighbors a drawing of what the addition would look like when finalized. Commissioner d'Souza was not sure that a two car garage was necessary for this project.

Commissioner Horton stated that she would like to continue this item and wanted the appellant to return to the Commission and do a formal Single Family Design Review. She stated that the appellant could be granted a tandem garage. Commissioner Horton stated that she would uphold the Community Development Director's decision to deny the application.

Commissioner Frautschi thought the project was an example of how projects can go wrong unintentionally. He stated that portions of the project might get overlooked when permit applications are submitted separately and that lacking a Single Family Design Review removed a forum for neighbors to observe the planned project before it was constructed. He thought the second addition should not have been approved because it put the project at over 600 square feet which should have triggered an analysis of the parking.

Commissioner Frautschi agreed with Commissioner Horton that the appellant should complete a formal Single Family Design Review. He asked CDD de Melo if the appellant is allowed to apply for a Parking Variance, CDD de Melo responded in the affirmative. Commissioner Frautschi supported the Community Development Director's denial of the application.

Chair Mercer stated that there is a reason why the City has a Design Review process for additions greater than 400 square feet. The reason is project integrity. She thought the City made a mistake in granting the second addition. Chair Mercer supported the Community Development Director's decision to deny the Building Permit for the third addition. She stated that the City is not requiring the two other additions to be removed even though it is legally within their right.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Horton, to uphold the Community Development Director's decision disapproving a Building Permit (Permit No. B 2012-0080) at 918 Ruth Avenue (Application No. 2012-0018).**

**Ayes: Frautschi, Horton, Mercer, d'Souza**

**Noes: None**

**Recused: Reed**

**Absent: Parsons, Herbach**

**Motion passed 4/0.**

Chair Mercer stated that the Commission's decision could be appealed within ten calendar days.

**5B. STUDY SESSION - 6, 8 & 10 Davis Drive**

The Applicant, Crystal Springs, proposes to construct a middle school, consisting of grades 6-8 on the site. The Project would include an Academic Center housing two stories of classrooms, multipurpose room and café, gymnasium, storage, outdoor soccer field and an outdoor competition swimming pool.

App. No PA2011-28; PA2011-52; PA2012-10; APN(s) 043340-170 & 043-340-180

Zoned E2.2 (Executive Office and Warehouse)

General Plan Designation: CO, Commercial Office

CEQA Status: Mitigated Negative Declaration

Owner: Thomson Learning, Inc

Applicant: Crystal Springs Uplands School (CSUS)

Chair Mercer asked the Commission if anyone had ex parte communication with anyone associated with this project. Commission Frautschi noted he had spoken with two representatives from the school.

Senior Planner DiDonato and Contract Planner Knapp summarized the Staff Report covering the Project Description, Mitigated Negative Declaration process, Environmental Review, and Review Process.

The Applicant and their team provided a detailed Presentation of the project.

Questions and discussion ensued between Staff, Commission and Applicants.

Six speakers spoke for and against the project.

Chair Mercer noted the Official Review Comment period ends June 11, 2012, however all comments received after June 11, 2012 will be reviewed by the Commission.

Chair Mercer noted a subsequent Public Hearing on this project is scheduled for the June 19, 2012 Planning Commission Meeting.

**6. REPORTS, STUDIES, AND UPDATES:**

**6A. North Road Right-of-Way**

No report.

**6B. Caltrain Modernization Program/High Speed Rail**

Chair Mercer stated that legislative hearings on the Bond funding took place on May 15<sup>th</sup> and she did not have the opportunity to watch them yet. There were no decisions made on May 15<sup>th</sup>. The hearing concerned deciding to allocate or release the Bond funding in this year's budget. CDD de Melo stated that the May 16<sup>th</sup> meeting of Caltrain Modernization Program was cancelled.

**6C. Ralston/US-101 Landscape Project**

No report.

**7. CITY COUNCIL MEETING OF TUESDAY, MAY 22, 2012- 7:30 PM**

Liaison: Commissioner Reed

Alternate Liaison: Chair Mercer

**8. ADJOURNMENT:**

The meeting was adjourned at 10:26 p.m. to a Regular Planning Commission Meeting on Thursday, June 7<sup>th</sup>, 2012 at 7:00 p.m. in Belmont City Hall.

**This meeting was Tape Recorded and Video Taped.**

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