

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

**TUESDAY, OCTOBER 16, 2012, 7:00 PM**

**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, Parsons, Horton, Frautschi, Herbach  
Commissioners Absent: Reed, (d'Souza – arrived late 7:05)

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Gill (AP), Management Analyst Walker (MA), City Attorney Rennie (CA), Deputy City Clerk Plut,

**2. AGENDA AMENDMENTS - None**

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

**4. CONSENT CALENDAR - None**

**4A. Final Hardscape and Landscape Plans – 1512 Harbor Boulevard**

SP DiDonato stated that the Commission had before them the final hardscape and landscape plans. He noted that the Commission reviewed and approved the project on September 4, 2012 on the condition that the project return for the final review of the landscape and hardscape plans. The Commission asked for the incorporation of California Native plants as well as the conditions that were outlined by the City Arborist and a properly scaled canopy size of both the existing and proposed plantings. He stated that a revised plan was submitted. He noted that the City Arborist has reviewed the plans and indicated that many of his conditions are incorporated. He noted that the Arborist has added some comments and additional recommendations and staff recommends approval with those additional recommendations.

The Applicant has included a revised hardscape plan which incorporates the Commissions condition of removal of any unnecessary hardscape features and increases the permeability of extraneous features on site. SP DiDonato reviewed the various components of the plan that address these conditions. He noted the Department of Public Works had reviewed the drainage plan and indicated that it was consistent with the C3 requirements of the NPDES Permit.

At this time being 7:05 Commissioner d'Souza arrived.

In response to Chair Mercer, the applicant explained the revisions made to the hardscape plans. Due to safety concerns if the driveway were to be made narrower, he requested that the Commission allow the driveway to remain as is. He noted that including pavers in the design of the driveway would require much digging and will damage the tree roots on site. He noted that a substantial portion of the driveway is in the public right-of-way (1700 square feet).

In response to Commissioner Frautschi, the applicant stated that the concrete pad will remain after the structure on the property is demolished and will be repurposed as a patio. The Applicant clarified that the access to the backyard will be laid with gravel after the removal of concrete along the side of the home.

In response to Chair Mercer, paths along the property are composed of concrete pavers. Due to the slope of the area gravel will be difficult to maintain.

In response to Commissioner D'Souza SP DiDonato stated that Belmont adopted the State Landscape Ordinance. He noted that this project would not trigger a water budgeting provision.

Commissioner Fraustchi stated the he can support the landscape plan but has issue with the hardscape plan. He stated that more hardscape features could be eliminated from the property for a reduction of 770 square feet thereby achieving a greater permeable area. He suggested that a hammerhead driveway be considered.

Commissioner Horton stated that she can support the project as presented.

Chair Mercer stated support for the project as is. She noted that the asphalt should remain to protect the large trees on the property and to facilitate the safety of egress from the driveway.

Commissioner Herbach stated support for the project as presented.

**MOTION: By Commissioner Horton, seconded by Commissioner Parsons, to adopt the Resolution approving a revised Hardscape Plan for the construction of a 771 square-foot addition to an existing single family residence located at 1512 Harbor Boulevard (Appl. No. 2012-0012).**

**Ayes: Horton, Herbach, Parsons, Mercer, Frautschi, d'Souza**  
**Noes: None**  
**Absent: Reed**

**Motion Passed: 6/0/1**

**MOTION: By Commissioner Horton, seconded by Commissioner D'Souza, to adopt the Resolution approving a revised Landscape Plan for the construction of a 771 square foot addition to an existing single family residence located at 1512 Harbor Boulevard (Appl. No. 2012-0012).**

**Ayes: Horton, Herbach, Parsons, Mercer, Frautschi, d'Souza**  
**Noes: None**  
**Absent: Reed**

**Motion Passed: 6/0/1**

Chair Mercer requested that staff provide information on the new drainage requirements effective December 2012 and AB1881, Water Efficient Landscaping.

## **5. PUBLIC HEARINGS:**

### **5A. PUBLIC HEARING – 2641 Hallmark Drive**

To consider a Conditional Use Permit and Single Family Design Review to construct an approximately 575 square-foot first and second story addition to the existing 2,844 square foot single family residence for a total of 3,419 square feet within this Planned Development Zone. (Appl. No. PA2012-0033)

APN: 045-511-070; Zoned: PD – Planned Development

CEQA Status: Categorical Exemption per Section 15301

APPLICANT: Coast to Coast Development, Inc.

OWNER: Rosenduft/Artzt

PROJECT PLANNER: Jennifer Walker 650/595-7453

Management Analyst Walker (MA) presented an overview of the project and recommended approval of the Conditional Use Permit and Single Family Design Review subject to the conditions attached.

In response to Commissioner questions the applicant stated that the overall height of the project is 2.5 feet greater than the existing structure, and about 24 feet above the natural grade. He noted that that the flagstone patios as well as the driveway will be permeable.

No speakers came forward to speak at the public hearing.

**MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi to close the Public Hearing Motion passed 6/0/1 by a show of hands, with Commissioner Reed absent.**

Commissioner Frautschi stated that he has pause with the size of the house relative to the neighboring homes, the size of the lot and the general character of the house. He stated that he found the roof line to be visually confusing. Commissioner Frautschi requested future discussion

to modify the database list used for floor area ratio. Specifically, he recommended the removal of homes from the database that received an amended Conditional Use Permit. He further recommended that the failing twelve inch-pyrus tree should be removed. He suggested that a replacement be planted with a bigger crown that will visually screen the house. He noted that the kitchen island could be repositioned or resized for ease of mobility. He made further suggestions regarding the master bedroom. He stated that he is in support of the project.

Commissioner Horton stated that she is in support of the project.

Commissioner Parsons suggested a larger landscaping plan. He noted that the project is large and bulky and suggested redesigning the roof line.

Commissioner Herbach stated that he is not in agreement with the roof line. He stated that there is a lack of landscaping presented to mitigate the bulk of the house.

Commissioner d'Souza stated that he has issue with creating a "right" for granting approvals to large dwellings which set precedence for the future. He noted that the 53 percent hardscape was high and wanted a better landscape plan.

Chair Mercer stated that she is also concerned with the "FAR creep". She stated that she was challenged by the excessive percentage of hardscape presented. She suggested the driveway and flagstone are on a gravel sand base making them more permeable. It would be acceptable and should be made a condition of approval. She stated that the roof line creates weight and visual bulk to the project. She concurred that a Landscape Plan is needed.

**MOTION: By Commissioner Frautschi, Seconded by Commissioner Parsons, Resolution To Continue the project at 2641 Hallmark Drive (Appl. 2012-0033) to a date uncertain, to allow the applicant to address increased hardscape permeability, modify the roofline to reduce bulk and prepare a complete front Landscape Plan.**

**Ayes: Horton, Herbach, Parsons, Mercer, Frautschi, d'Souza**  
**Noes: None**  
**Absent: Reed**

**Motion passed: 6/0/1**

The applicant stated that there are no guidelines as to what can and cannot be built, that it was a challenge to design a plan that is visually appealing and acceptable to the guidelines.

Chair Mercer clarified that the Commission is not asking for modification to floor area but rather visual bulk.

The applicant stated that he is prepared to work with staff to make the recommended modifications achievable.

## **5B. PUBLIC HEARING – 3639 Hillcrest Drive**

To consider a Floor Area Exception and Single Family Design Review to construct a 752 square foot addition to the existing 2,467 square foot single family residence for a total of 3,219 square feet that is above the floor area maximum 2,465 square feet for the site. (Appl. No. PA2012-0029)

APN: 043-042-450; Zoned: R1-B Single Family Residential

CEQA Status: Categorical Exemption per Section 15301

APPLICANT/OWNER: Cindy Lynch

PROJECT PLANNER: Rob Gill 650/598-4204

Chair Mercer determined that no Commissioners had any ex parte communications with anyone involved with this project.

AP Gill summarized the Staff Report, stating that staff is recommending denial of the proposed floor area exception.

In response to Chair Mercer AP Gill stated that the property had not been rezoned since it was built in 1969. He stated that the home was built by permit and the standards by which the home was built are consistent with that of other homes in the area. He noted that most of the homes in the area were built around the same time period.

In response to Commissioner Herbach AP Gill stated that a portion of the addition is in the existing overall footprint of the house.

Applicant/Owner Lynch introduced herself to the Commission and explained her project. She stated that the need for the addition to the home is due to her desire to continue providing foster care to children. She described her home and noted that there was basement space in the home that prompted her application to construct the 752 square foot addition. She noted that there is no additional bulk proposed for the project, as well as no trees removed and little dirt would be moved. She said that the seismic integrity of the home would be improved. She questioned the language in the zoning code that the addition must be compatible with neighboring properties. She explained that the code does not define neighboring property and states that a 300-foot radius should be considered when evaluating neighboring properties. She continued to explain that her home is in part in a canyon and there are no homes within the 300 foot radius. She requested that a larger area be considered in this case.

In response to Chair Mercer AP Gill described the 300- and- 500 square- foot- radius surrounding area of the property. He stated that the parcels in the surrounding area are zoned HR01 and HR02 - Hillside Residential land that is not subdivided and land that is subdivided. The homes in the area are zoned R1B single family residential.

Chair Mercer noted that due to the property's canyon location 50 percent of the area surrounding the property is undeveloped and 50 percent is developed.

No speakers came forward to speak at the public hearing.

**MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi to close the Public Hearing Motion passed 6/0/1 by a show of hands, with Commissioner Reed absent.**

Commissioner d'Souza stated that he supports Staff's recommendation to deny approval of a Floor Area Exception application. He noted that the project would have the largest square footage in the 300 foot radius and could set a precedent for future Floor Area Exceptions.

Commissioner Herbach stated that he supports staff's recommendation to deny approval of the Floor Area Exception application noting that the home is already larger than an average house in the area.

Commissioner Parsons stated that he supports staff's recommendation to deny approval of the Floor Area Exception application on the basis of it being a Grant of Special Privilege.

Commissioner Horton stated that she supports staff's recommendation to deny approval of the Floor Area Exception application on the basis of it being a Grant of Special Privilege. She noted that the home is already large for the area and from a fire standpoint could be a potentially dangerous situation.

Commissioner Frautschi stated that he supports Staff's recommendation to deny approval of Floor Area Exception application. He clarified that the Commission is protecting the City in making its decision, which is not a reflection on the applicant and her issues. He stated that unintended circumstances need to be considered.

Commissioner Mercer stated that she also concurs with the Commission in support of staff's recommendation to deny approval of Floor Area Exception application. She stated that slope is a factor in the decision.

Chair Mercer reminded the applicant that the public hearing was closed but granted permission to ask a question of the Commission.

The applicant requested guidance if she resubmitted a proposal for additional square footage that was below the square footage of the properties with in the 300-foot radius of her property.

In response to the applicant Chair Mercer stated that it was difficult to provide an answer without looking at a specific proposal.

**MOTION: By Commissioner Frautschi, Seconded by Commissioner Parsons, Adopting the Resolution to Deny a Floor Area Exception and Single Family Design Review to construct a 752 square foot addition to the existing 2,467 square foot single family residence for a total of 3,219 square feet that is above the floor area maximum 2,465 square feet for the site. (Appl. No. PA2012-0029)**

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

**Noes: None**

**Absent: Reed**

**Motion Passed: 6/0/1**

**5C. PUBLIC HEARING – 1900 Ralston Avenue**

To consider a Design Review for partial demolition and remodeling of an existing commercial building and a Conditional Use Permit to allow an office use (Chase Bank) to replace a retail use. (Appl. No. PA2012-0007)

APN: 044-303-080; Zoned: C-1 (Neighborhood Commercial)

CEQA Status: Categorical Exemption per Sections 15303 and 15301

APPLICANT: Chase Bank - Drew Bardet

OWNERS: Jae Roh

PROJECT PLANNER: Damon DiDonato, 650/637-2908

Chair Mercer stated that she had a phone conversation with the property owner who explained his side, she offered no opinion. She determined that no other Commissioners had any ex parte communications with anyone involved with this project.

Community Development Director DeMelo provided a review of the project staff report. He noted that the item had been previously on the Commission Agenda for the June 7, 2012 meeting but after reviewing the staff report the applicant respectfully requested the item be continued. The applicant has since been working with staff on issues with the design of the project and factors related to the staff analysis for the conversion of the current retail use to the proposed office use. CDD deMelo stated that the design component of the project will change the look of the site substantially which is an improvement. He noted that staff has concerns regarding the change in use. He stated that the City desires to maintain a strong retail base in the CI and C2 neighborhood commercial use areas. He noted that there is a concern for the loss of retail sales tax as banks are exempt from providing sales tax as part of their use.

Project renderings were reviewed.

In response to Commissioner Herbach, City Attorney Rennie stated that a conditional use permit is not granted to a particular applicant but rather to the proposed use.

SP DiDonato added that the Belmont Zoning Code has a provision that requires if a property is vacant in excess of ninety days, the CUP is no longer in effect for the property.

Discussion ensued regarding the definition of the type of CUP for office use that is being granted.

Applicant, Jae Roh provided a brief statement on the intent of the project. He stated that he understands the Commissions apprehension of the banks use of retail space in the City. He noted

banks do consider themselves as retailers. He explained that eighty percent of the time a bank is considered a retail use in municipalities.

Land Use Attorney, Amanda Von Champ noted that Chase clients are leaving Belmont to conduct their banking in other cities. She stated that the bank will bring clients back into the City and will benefit sales tax while patronizing other sales tax producing retailers.

No speakers came forward to speak at the public hearing.

**MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi to close the Public Hearing Motion passed 6/0/1 by a show of hands, with Commissioner Reed absent.**

Commissioner d'Souza supports staff's recommendation to deny the Conditional Use Permit (CUP). He stated that he is in favor of an intensification of the use in a C1 zone not a decline. He would like the protected trees to be preserved. He noted that there is not a great need to go to banks any longer and sees that business segment to be diminishing due to electronic opportunities available to bank patrons.

Chair Mercer asked for clarification of the term "Client Services". The applicant stated that they are a full service bank and intend to increase the amount of services beyond consumer banking.

Dissuasion ensued regarding the type of banking service that will be offered.

Commissioner Herbach stated that he does not see an increase in retail traffic to the City. He found concern over the long term probability of a brick and mortar bank and the loss of sales tax revenue as he sees no new or more traffic into the City. He stated that the letter of support received by the Commission this evening causes concern as staff has not had adequate time to address it.

Commissioner Parsons concurred that the letter needs to be reviewed. He noted he does not patronize a brick and mortar bank. He explained that he conducted a test and watched patrons go to a nearby bank, noting that they did their business in the bank but did not patronized neighboring retailers. He stated that he was not prepared to make a decision this evening. He noted that he did not want to lock the City out of sales tax benefits by approving the CUP.

Commissioner Horton stated that she is conflicted with the application. She noted that a renovated space would be beneficial to the blithe look of the building and the property tax would be increased. She noted that there are already two banks in the area and would prefer that a sales tax generating retailer use the property.

Commissioner Parsons concurred with previous Commissioner's comments. Referring to the letter provided to the Commission from Lee Guarido, he explained that his assertions are impossible to prove and, found it inadequate and deceptive. He noted that the letters of support are not a benefit to the project as they are from signers that are out of the Central Neighborhood

area. He stated although the City is not allowed to ask for payment in lieu of but suggested the applicant consider it. He stated that he is not in support of the CUP.

Chair Mercer stated that she concurs with Commissioner Horton and is conflicted with the application. She concurs that the aesthetics of the property will be improved and property tax revenue will increase. She noted that the loss of sales tax and the diminishing intensity of the use of the area synergy and vibrancy of the area will be lost in the downtown village. She noted that the building could be a two-story building with retail in the lobby and a bank office upstairs which would be allowed by right. She stated that she could not make a decision on the project this evening.

Commissioner d'Souza had concerns of intensification, sales tax, in lieu of fees and Community benefit.

After polling the Commission Chair Mercer determined that a vote this evening the CUP would be denied. She asked the Applicant if they would prefer the commission issue a ruling, or continue to allow the applicant to prepare and possibly modify their application.

The applicant accepted the opportunity of a continuance of the application to a date uncertain.

**MOTION: By Commissioner Parsons, second by Commissioner d'Souza to continue the project to a date uncertain.**

**Ayes: Horton, Herbach, Parsons, Mercer, Frautschi, d'Souza**  
**Noes: None**  
**Absent: Reed**

Motion Passed: 6/0/1

#### **5D. PUBLIC HEARING – 1802 Notre Dame Avenue**

To consider a Single Family Design Review to construct a 563 square foot addition to the existing 1,552 square foot single family residence for a total of 2,115 square feet that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. PA2012-0028)

APN: 044-122-010; Zoned: R-1B Single Family Residential

CEQA Status: Categorical Exemption per Section 15303

APPLICANT/OWNER: Denis Grizelj

PROJECT PLANNER: Damon DiDonato 650/637-2908

Chair Mercer determined that no Commissioners had any ex parte communications with anyone involved with this project.

SP DiDonato provided an overview of the project and recommended approval of the Single Family Design Review subject to the conditions of approval attached with the staff report.

In response to Commissioner questions, SP DiDonato stated that the driveway is included as an impervious feature and the patio at 4 percent is to be converted to permeable. He noted that the driveway and concrete pad on the side of the home are legal nonconforming and do not trigger an upgrade.

Applicant Grizelj explained that the concrete pad on the side of the house is the only access to his backyard. He clarified that he was not opposed to a two car driveway as long as the garage remains as is. He further explained that the garage was not upgraded because it would require moving it off the current property line. He stated that his budget did not allow for a garage upgrade. He explained that a landscape plan will follow after construction.

In response to Commission questions, the Project Architect outlined the property lines.

In response to Applicant Grizelj, CDD explained that a permit is required for hardscapes in the right-of-way to address the property's parking challenges.

In response to Commissioner d'Souza SP DiDonato stated that existing NPDES requirements are consistent with this project. He noted that car washing should be conducted on the lawn to avoid runoff into storm drains. He stated that the applicant can address runoff by installing pavers.

No speakers came forward to speak at the public hearing.

**MOTION: By Commissioner Frautschi, seconded by Commissioner Horton to close the Public Hearing Motion passed 6/0/1 by a show of hands, with Commissioner Reed absent.**

Commissioner Frautschi required a landscape plan and a reduction of hardscape, he finds no fault with a double driveway on the side of the house. He supports a more permeable back patio as per staff's recommendation.

Commissioner Horton is in support of the project and concurs with Commissioner recommendations. She advised the applicant not to plant oleander trees as they are poisonous to a small child.

Commissioner Parsons is in support of the project. He found the landscape lacking and suggested a professional landscaper to advise on the project. He cautioned on the size of the sidewalk to be placed in the City right-of-way.

Commissioner Herbach stated his support for the project. He concurred with the need of a landscape plan and a reduced hardscape plan.

Commissioner d'Souza concurred with Commissioner comments and stated his support of the project. He cautioned the applicant to take into account the root structure of the trees on site when removing the hardscape.

Chair Mercer stated her support of the project and commended the applicant for taking on the six-way intersection. She concurred with Commissioner recommendations.

**MOTION:** By Commissioner Frautschi, seconded By Commissioner Parsons, to adopt the Resolution to consider a Single Family Design Review to construct a 563 square foot addition to the existing 1,552 square foot single family residence for a total of 2,115 square feet that is below the zoning district permitted 3500 square feet for the site. (Appl. No. PA2012-0028) with Exhibit A Conditions of Project Approval, with the exception of a full landscape plan with fully listed plant material and, reduced hardscape, reorientation of the 2-car parking pad in front of the garage, a fully integrated irrigation plan, and provide more porous material in the rear patio.

**Ayes:** Horton, Herbach, Parsons, Mercer, Frautschi, d'Souza  
**Noes:** None  
**Absent:** Reed

**Motion Passed:** 6/0/1

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

- 6A. North Road Right-of-Way - Tabled**
- 6B. Caltrain Modernization Program/High Speed Rail – Tabled**
- 6C. Ralston/US-101 Landscape Project – Tabled**

Community Director de Melo stated that the Crystal Springs CUP is on the Council agenda for Tuesday, October 23, 2012. He invited the Commission to a breakfast meeting on Thursday, November 15, 2012. He explained that the City of Belmont is a benefactor of a grant through the Grand Boulevard Initiative as well as CCAG who are providing land use assistance as well economic development analysis of the City's downtown area. Data and recommendations will be provided to Belmont for the downtown area. He complimented the Commission on their thoughtful work on tonight's public hearings.

City Attorney Rennie reminded the Commission of the change of date for the next Commission meeting due to the election on Tuesday, November 6, 2012. The next meeting will be held Thursday, November 8, 2012 – 7:00 PM. He explained that the County Board of Supervisors will be Introducing the San Mateo County Reusable Bag Ordinance on October 23, 2012 and certification of the EIR. He stated that after the County acts it will be introduced in Belmont.

Community Development Director de Melo stated that the Tree Board met in early October and discussed their meeting schedule. They will be meeting quarterly on the first Monday of the month.

**7. CITY COUNCIL MEETING OF TUESDAY, OCTOBER 23, 2012 – 7:30 PM**

Liaison: Commissioner Frautschi  
Alternate Liaison: Vice Chair Parsons

**8. ADJOURNMENT:**

The meeting was adjourned at 10:20 p.m. to a Regular Planning Commission Meeting on (Due to the election - please note date change) to: THURSDAY, November 8, 2012 - 7:00 PM for a Planning Commission Meeting at Belmont City Hall.

---

Carlos de Melo  
Planning Commission Secretary

*Planning Commission Meetings are Audio Recorded and Video Taped.  
CD's of Planning Commission Meetings are available in the  
Community Development Department  
Please call (650) 595-7417 to schedule an appointment.*