

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

THURSDAY, NOVEMBER 8, 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, Reed, Horton, Frautschi, Herbach, d'Souza
Commissioners Absent: Parsons

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

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments)

4. CONSENT CALENDAR

4A. Planning Commission Minutes of 6/19/12, 7/3/12, and 7/17/12

Chair Mercer noted the Minutes of 7/3/12 were removed from the Agenda noting they were approved in September.

Minutes of June 19, 2012

Chair Mercer, Commissioner Frautschi and Commissioner Herbach stated that they had submitted minor edits to the secretary.

MOTION: By Commissioner Frautschi, seconded by Commissioner Herbach, to approve the Minutes of June 19, 2012 with the included edits.

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

Motion passed 4/0/2/1

Minutes of July 17, 2012

Chair Mercer and Commissioner Frautschi noted that they had submitted minor edits.

MOTION: By Commissioner Frautschi, seconded by Chair Mercer, to approve the Minutes of July 17, 2012 with the submitted edits.

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

Motion passed 6/0/1

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 1951 Bishop Road

To consider a Single-Family Design Review to construct a new 3,731 sq.ft. single-family home on a vacant 32,102 sq.ft. lot, which is below the zoning district permitted maximum 4,500 square feet. (Appl. No. 2012-0025); APN: 043-010-690; Zoned: HRO-1 (Hillside Residential and Open Space):

CEQA Status: Categorical Exemption per Section 15303

APPLICANT: Robert Medan, AIA

OWNERS: Larry and Chris Fonseca

PROJECT PLANNER: Jennifer Walker (650) 595-7453

MA Walker reported that the Categorical Exemption utilized for this project is in error, which meant that the Commission cannot take action on the project at this meeting. It will be brought back to the Commission in the near future with the correct document. She summarized the Staff Report, noting that she had confirmed with the City Engineer that the project complies with the C3 stormwater run-off requirements. Staff could make all of the findings, but requested Commission discussion of Finding B which requires a balance among building bulk, grading, hardscape and tree removal. She called attention to a table on page 14 of the staff report regarding tree removal, and noted that the applicant had expressed concern about retaining the trees on site and has chosen to remove the trees.

Commissioner Herbach questioned if the Fire Marshal had seen the landscape plans, and she agreed to follow up on that request. Chair Mercer asked that the Fire Marshal also be asked for policy direction about the fire pit that is included in the plans. Commissioner Frautschi's questions regarding ownership, an access agreement, if any, soil retention and compacting, and if there had been a proposal to incorporate a V ditch on the left property line, and Commissioner Herbach's question regarding the location of the V ditch were deferred to the applicant. Commissioner d'Souza asked for an assessment from the Fire Chief of what climate studies say about how they should be looking at development at the urban wildlife interface. He added that he would like to see a formal agreement on the access to the easement.

Robert Medan, project architect, and Larry Fonseca, owner, addressed the Commission. Mr. Fonseca stated that the V ditch extends half-way through the neighbor's property at the top of their slope, but it does not extend into the third property. Commissioner d'Souza asked what areas the paving will cover. Mr. Medan stated that it will be for the motorcourt turnaround, and further in response to Commissioner d'Souza, he noted that when they are required to do so they will provide a green point checklist. Responding to Chair Mercer, Mr. Medan stated that he will have a discussion with the geotech and the civil and if the material is good they can consider using it. He believed there is some organic material

that will come off the top layer of the property that cannot be re-used, and when they get down to removing soil for the footings they will make the assessment.

Chair Mercer opened the Public Hearing.

Guy Purcell, Belmont resident, is in favor of the house but expressed his concern about the potential water run-off down-slope. He asked that they not have any water run-off from the uphill properties into their V ditch and water absorption into the hill above the V ditch. Responding to Commissioner Frautschi, he believed the V ditch was constructed in the mid-1960's, it has to be cleared about once every quarter and once a year they fill in the cracks with a compound. The material cleared out is allowed to wash away with nature. He added that the hillside is constantly shifting. The nearby residents have been in talks with the City about the concrete structure that was put there to stabilize the hillside; they would like to see it removed.

Regarding discussion about the C3 stormwater requirement, Chair Mercer asked MA Walker to report back to the Commission an understanding on how that is allowed to be absorbed on the property and how much is required to be processed off into the storm sewer on the Bishop Road side.

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

Commissioner Frautschi commented that he liked the project. He could support the applicant's choice to remove the Eucalyptus trees but he did not support the proposal for an alternative tree removal fee schedule that takes into account the species and the overall health of the tree, based on the 2011 Belmont Tree Ordinance requirements. He would require that the replacement of trees be at a 3:1 ratio due to the sensitive nature of the site and the proposed removal of 15 regulated size trees, plus one dead regulated size tree. He concurred that no removal fee should be charged for that tree. This would result in a tree replacement of 45 or 46 rather than the proposed 29. If the arborist and landscape person determine that the site is unable to handle these plantings he would expect a payment into the City's tree fund to support the City-wide tree planting efforts. Regarding Finding D, he felt they should be able to accomplish a reduction in the 450 cubic yards of cut and haul-away. He believed there should be a written agreement with the neighbors regarding the southern V ditch so that they know what they are expected to do and the applicant knows what he is going to do. That agreement should include a clear statement of the neighbors' and the applicant's understanding of what the City's obligation is, if any. He also suggested that they explore some sort of ditch at the left side property line because it is extremely steep and could develop into a problem for him or the neighbor next door.

Commissioner Horton concurred that this is a beautifully designed project. She noted that she had been involved in projects that had to comply with the State-mandated C3 stormwater requirement and as long as the applicant builds to that standard there should be an improvement in the stormwater runoff. Regarding tree removal, she was not a supporter of the Tree Ordinance; she believes Belmont's fees are high in comparison to other cities and recommended to the City that staff be given the authority to negotiate regarding removal and replacement in terms of value and quality of species, which is what other cities do. She recommended a 2:1 replacement, which would be 32 trees vs. 29 but she believed that the trees being removed are of a potentially lesser value or quality than what they would be replaced with. Nothing smaller than a 24" box would be appropriate. Otherwise she could make all the findings.

Commissioner Herbach thought it was a wonderfully designed project. He had already expressed his concerns to the Fire Marshal and had the same concern that Commissioner Frautschi had about the steep slopes on the left side of the property. He noted that there are a number of recommendations in the geotech letters that recommend that consideration be given to construction of appropriate barriers to reduce the potential of an accident or fall and thought they should look into putting fencing or some sort of barriers at the cut slopes. With respect to the Tree Ordinance, he was not involved in it. He thought there was merit in what the applicant was saying but other than using this as a test case to bring it to the City Council he was not sure what they could do about it.

Commissioner Reed liked the project and concurred with Commissioner Horton. He did not support the Tree Ordinance. Looking at the condition of the trees shown, none of them is in greater than fair condition and they are talking about roughly \$22,000 in removal fees for trees that previously would have been considered undesirable. He was concerned about the high hardscape number – 23% sounds like a lot – but he could approve the project.

Chair Mercer concurred with the rest of the Commission that the home is beautiful and that it integrates into the property. She could make the findings about bulk and being appropriate for its site. She was concerned about the off-haul of so much soil and hoped that the applicant could look at that again, and that when the information regarding the C3 stormwater requirements comes back it will clarify the finding regarding erosion and flooding potential. With respect to the trees, she supported the removal of the ones that were selected to be removed but did not agree with the proposal of modifying the tree removal fees. She did not want to have a tree removal fee charged that encourages or favors people who haven't taken care of their trees and have let them get in bad condition and therefore they are rewarded by having a lower tree removal fee. She thought a full 2:1 replacement ratio as opposed to the maximum 3:1 ratio is sufficient in this case because there are so many trees actually being retained. She believed that putting 30 back in along with the 9 or so that are being retained is probably the capacity for the site. She commented on the probability of the adverse effect of the wind and horizontal rain on the proposed breezeway.

CDD de Melo requested that this item be continued to a date uncertain to allow staff time to address the issues raised by the Commission.

MOTION: By Commissioner Horton, seconded by Commissioner Frautschi, to continue the Resolution approving a Single-Family Design Review at 1951 Bishop Drive (Appl. 2012-0025) to a date uncertain.

Ayes: Horton, Frautschi, d'Souza, Herbach, Reed, Mercer

Noes: None

Absent: Parsons

Motion passed 6/0/1

5B. PUBLIC HEARING – 3432 Lodge Drive

To consider a Conditional Use Permit to allow the installation of a transmitting and receiving antenna for operation of an amateur radio for the subject property.

(Appl. No. PA2012-0041)

APN: 043-106-060; Zoned: R-1B (Single-Family Residential)

CEQA Status: Categorical Exemption per Section 15303
APPLICANT/OWNER: Russell Bentson
PROJECT PLANNER: Rob Gill (650) 598-4204

AP Gill summarized the Staff Report, recommending approval with the conditions attached. CA Rennie reminded the Commission of the FCC regulations regarding these types of applications, and discussed the implications of the regulations. Questions from the Commission were answered or referred to the applicant.

Russell Bentson, applicant, described his proposed installation and answered the Commission's questions.

Chair Mercer opened the Public Hearing. There were no requests to speak.

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

Commissioners Horton, Reed and d'Souza had no issues with the proposed project.

Commissioner Herbach had no problem as long as the conditions of approval are modified to require that a structural engineer insure that the tower is fine.

Commissioner Frautschi had asked three real estate agents who actively sell property in Belmont for their impressions of the project, all of whom stated that the antennas are unsightly and could potentially impact the values of surrounding properties. He could not find for Findings 15.11.5.1 regarding adversely affecting other properties in the vicinity or the general welfare of the City, and for 25.6.2c regarding aesthetics.

Chair Mercer stated that she could make the findings for aesthetics for the new antenna, but could not make the finding for safety without a structural engineer's stamp of approval.

MOTION: By Commissioner Reed, seconded by Commissioner Horton, to adopt the Resolution approving a Conditional Use Permit to allow a transmitting and receiving antenna for operation of an amateur radio at 3432 Lodge Drive (Appl. PA2012-0041), with an added condition that a certified engineer verify the safety of the installation.

CDD de Melo requested an amendment to the motion to add the five findings described on page 5 of the Staff Report to the Resolution.

Commissioner Reed accepted the amendment suggested by staff that the entirety of the text on page 5 from Section 25.6.2 down to the bottom of that page be added to the Resolution.

Ayes: Reed, Horton, d'Souza, Herbach, Mercer
Noes: Frautschi
Absent: Parsons

Motion passed 5/1/1

Chair Mercer and CDD de Melo agreed that this item will not need to return to the Commission for final approval.

5C. PUBLIC HEARING – 1412 El Camino Real

To consider a Conditional Use Permit to allow dog training classes (including dog agility, therapy and obedience and puppy training) for the subject property.

(Appl. No. PA 2012-0044)

APN: 040-313-010; Zoned: C-3 (Highway Commercial)

CEQA Status: Categorical Exempt per Section 15301

APPLICANT/OWNER: Andrea Ou

PROJECT PLANNER: Rob Gill (650) 598-4204

Commissioner d'Souza was recused from discussion of this item since he lives within 500' of the property.

AP Gill corrected the spelling of the applicant's name on the Staff Report to read Andrea Ou rather than Andre Ou. He summarized the Staff Report, recommending approval with the conditions attached. Staff answered questions from Commissioners regarding abandoned signs, the need for a CUP for this project, parking requirements and location of clean-up stations and dumpsters.

Andrea Ou, applicant/owner, made a presentation describing her proposed "Zoom Room" franchise. She stated that the clean-up stations are inside the training area, and her architect stated that a 30-gallon can is expected to be adequate for disposing of the dog waste, which can be placed outside the back door. Referring to Condition 6 of the Conditions of Approval, Ms. Ou confirmed that the limitations are acceptable to her, but that as the business grows she would like to be able to return to the Commission requesting extended hours and number of community events.

Chair Mercer opened the Public Hearing.

Liz Claflin, owner of a Zoom Room in Walnut Creek, spoke in praise of the Zoom Room concept.

MOTION: By Commissioner Horton, seconded by Commissioner Frautschi, to close the Public Hearing. Motion passed 5/0/1/1 by a show of hands, with Commissioner d'Souza recused and Vice Chair Parsons absent.

CDD de Melo stated that staff is amenable to modifications to the requirement for staff notification of upcoming community events. He pointed out that landscaping is not required for this project by the Zoning Code because no new structures are being proposed, and that any improvements would be voluntary on the part of the applicant. CA Rennie further explained the zoning code with regard to changes in use in the C3 district.

Commissioner Reed did not see why this item needed a Planning Commission CUP approval, but wholeheartedly supported the project.

Commissioner Herbach questioned the possibility of hazardous waste on the site from the former dry cleaning store. CDD de Melo suggested that the applicant might want to check relative to Phase 1 or Phase 2 but the City could not require it as part of this project. CA Rennie added that this would not be a concern unless they were breaking ground.

Commissioner Horton thought the project would be a welcome addition to the City of Belmont, hoped that they would change the sign and suggested that the Parks and Recreation Department might want to partner with them in some way.

Commissioner Frautschi really liked the project and could make all the findings. He added that he thought the building needs a master sign program to include the next-door tenant, and that little grass and gravel areas between the parking spaces would make it more attractive and convenient for the dogs.

Chair Mercer concurred with all that had been said, including the creation of an outdoor relief station.

Discussion ensued regarding the requirements included in the second bullet of Condition 6 the Conditional Use Permit. CDD de Melo suggested that the sentence regarding the weekly call could be stricken and that the number of dogs allowed at these events could be increased. He suggested adding a condition requiring a one-year performance review of the CUP that would include submission by the applicant of a report on the events that were held as well as a companion service request report from the Police Department.

MOTION: By Commissioner Frautschi, seconded by Commissioner Reed, to adopt the Resolution approving a Conditional Use Permit to allow dog training classes in association with a retail use, so called Zoom Room, at 1412 El Camino Real (Appl. No. PA 2012-0044) with Exhibit A, Conditions of Project Approval, including the following changes in Item 6: allow up to 25 dogs at an event, eliminate the final sentence of that section requiring weekly notification, and add a one-year compliance review requirement.

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

Motion passed 5/0/1/1

At 9:55 p.m., Chair Mercer called for a 5-minute recess and Commissioner d'Souza returned to the dais.

5D. PUBLIC HEARING – Vacant Lots on Alhambra Drive (043-232-080 & -230)

To consider a Single-Family Design Review to construct a 2,372 sq.ft. single-family home. The project would also include: 1) a street vacation of a portion of Alhambra Drive adjacent to two parcels (APN 043-232-080 and 043-232-230); 2) a Lot Line Adjustment to consolidate two parcels (APN 043-232-080 and 043-232-230); 3) a Floor Area Transfer from one vacant lot (043-165-140) to the consolidated lots (043-232-080 and 043-232-230); and 4) a Major Encroachment Permit to allow retaining walls within the public right-of-way (Appl. No. 2010-0035); APN: 043-232-080 & 043-232-230; Zoned: HRO-2 (Hillside Residential and Open Space); CEQA Status: Categorical Exemption per Section 15303

APPLICANT: Jeffery Rice

OWNERS: Eugene and Laura Tan

PROJECT PLANNER: Damon DiDonato (650) 637-2908

Commissioner Herbach was recused from discussion of this item since he lives within 500' of the property.

SP DiDonato summarized the Staff Report, recommending that the Commission adopt the included Resolutions recommending approval by the City Council of the Single-Family Design Review, Lot Line Adjustment, Floor Area Transfer and the Major Encroachment Permit, and that the Commission adopt the attached right-of-way vacation resolution. He noted that correspondence had been received that morning from the former appellant after the last review by the Planning Commission, and that staff believes that the issues that were identified in that correspondence have been thoroughly vetted and addressed and that the project is consistent with the General Plan and San Juan Hills Area Plan (SJHAP), and that all the findings can be made in the affirmative. SP DiDonato, CA Rennie and CDD de Melo answered questions from the Commission.

Jeff Rice, project designer, gave a history of the project and described the project options as now proposed, stating that staff and the design team have concluded that option three is the only realistic proposal. He believed that they have done everything that had been asked of them, and asked for Commission support of the project.

Responding to Commissioner d'Souza's question regarding the possibility of replacing parking spot with a trail, Mr. Rice stated that he would be happy to explore any suggested public benefits. Chair Mercer discussed design options for the 18' two-story garage with Mr. Rice and Commissioner Frautschi asked if he had thought of making a double level garage with a lift.

Owner Eugene Tan addressed the Commission confirming that he is committed to living in Belmont in this house. He noted that the average size of the house had been reduced by 23%.

Tim Robertson yielded his time to Joe Bets-LaCroix, who spoke in opposition to the project. He confirmed for Commissioner Reed that he and his neighbors are willing to buy and retire the lots at prevailing market rates.

MOTION: By Commissioner Frautschi, seconded by Commissioner Reed, to close the Public Hearing. Motion passed 5/0/1/1 by a show of hands, with Commissioner Herbach recused and Commissioner Parsons absent.

Commissioners Reed and Horton stated that they would like to reaffirm what they had stated at previous discussions of this project. Commissioner Horton said that she believed the applicant had done what the City Council asked them to do.

Commissioner Frautschi stated that the application meets the standards but that he has never believed it was a good idea to transfer development rights from a lot that is clearly not developable to lots that are borderline developable.

Commissioner d'Souza did not see where buildable and unbuildable lots should come together. CA Rennie interjected that the standards are part of the SJHAP and are set up in the zoning code specifically for this, and though perhaps it could have been done differently these are the standards that we have to work with.

Chair Mercer agreed with Commissioners Frautschi and d'Souza but this is the criteria that was established in the SJHAP and that this project does comply with that. She wanted it on the record that if she had had her wishes she would have had the two lots retired and transferred the development rights to somewhere else. She explained that technically this property is a Monte Cresta property.

MOTION: By Commissioner Frautschi, seconded by Commissioner Horton, adopting a Resolution recommending that City Council approve a Floor Area Transfer from one vacant lot APN 043-165-140 to two consolidated lots located on Alhambra Drive APN 043-232-080 and 043-232-230.

Ayes: Frautschi, Horton, Reed, Mercer
Noes: d'Souza
Recused: Herbach
Absent: Parsons

Motion passed 4/1/1/1

Commissioner Frautschi stated that he supported the lot line adjustment and had no concerns. There were no other comments from the Commission.

MOTION: By Commissioner Horton, seconded by Commissioner Frautschi, adopting a Resolution recommending City Council approval of a Lot Line Adjustment to consolidate two parcels (APN 043-232-080 and 043-232-230) on Alhambra Drive.

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

Motion passed 5/0/1/1

Commissioner Frautschi had reservations about the Vacation, noting that such a Vacation must have a public benefit and he was skeptical that removing the maintenance obligations and liability is a public benefit since any applicant would have to maintain the area in front of their property technically to the

center line of the roadway. SP DiDonato interjected that there may have been mistakes in previous staff reports but that Vacation of a public right-of-way does not require a public benefit but a Major Encroachment Permit does. Chair Mercer confirmed that the only finding is that the street to be vacated is unnecessary for present or prospective public use. SP DiDonato added that the action before the Commission is to find the Vacation in conformance or non-conformance with the General Plan. CA Rennie explained that they are doing the reverse of what they would do if they were going to take property for the public right-of-way. They are now making a determination that circumstances are such that they do not need all that they took originally, for whatever reason. They are looking at the statutory standard for vacating a right-of-way and it is unnecessary for present and prospective public use. Commissioner Horton interjected that this is not anything that is owned by the City; the right-of-way is owned by the property owner and the City is saying they no longer need to maintain it for right-of-way purposes. Chair Mercer added that they are not vacating the property so much as they are vacating the easement. Commissioner Frautschi stated that with all the clarifications, he could make a determination that it is consistent with the General Plan and could support the Vacation of the City right-of-way.

MOTION: By Commissioner Frautschi, seconded by Commissioner Reed, adopting a Resolution determining that a request to vacate the right-of-way adjacent to two properties on Alhambra Drive (APN 043-232-080 and 043-232-230) conforms to the Belmont General Plan.

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

Noes: None

Recused: Herbach

Absent: Parsons

Motion passed 5/0/1/1

Commissioner d'Souza requested that they ask for an in-lieu fee for a trail rather than a parking spot. CA Rennie was not sure that they have the ability to require that in a project of this type. He did not believe they could condition the payment of fees for impact – it's really not impact of the project. It would be one thing if it was voluntarily offered but it is not something that the City could require.

Commissioner Frautschi suggested that the parking spot be removed. He did not believe the trade-off for the amount of grading and the walls that would result are worth it and he would prefer to see a tree planted where the parking space is proposed. He believed it would be a greater public benefit as it would reduce the amount of cut and fill, it would increase the green space, reduce the hardscape, it would reduce the whole need for a retaining wall there and it would fit in better with the retaining wall next door, and would save the applicant money because a tree is a lot cheaper and renewable than concrete and paving. Commissioners Reed, Horton and Chair Mercer concurred with Commissioner Frautschi's recommendation. Chair Mercer added that it's not just putting a tree there; it's that they would not cut into the hillside and would let the land come down as far as possible by lowering the height of the wall. CDD de Melo confirmed that the Commission has given staff direction supportive of a Major Encroachment Permit for walls in association with the project to provide driveway access to the property but not necessarily in support of an additional parking space being created and the associated walls for said parking space. This can be addressed in the Staff Report to City Council.

MOTION: By Commissioner Frautschi, seconded by Commissioner d'Souza, adopting a Resolution recommending that City Council approve a Major Encroachment Permit for lots APN 043-232-080 and 043-232-230 with the elimination of the proposed on-street parking space, to be landscaped and incorporated in the current site as discussed by staff and Commissioners.

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

Motion passed 5/0/1/1

Regarding the Single Family Design Review, Commissioners Reed, Horton and d'Souza stated that they could make all the findings in the scaled down version of the original. Commissioner Frautschi could not make the findings and opposed construction on lots of this extreme steepness and believed these two lots should be lots where density should be transferring from rather than to. For the reasons of having to cut and haul 1,311 cubic yards of dirt and because of the 48% slope, to him the SJHAP standards for development are the most restrictive and he believed they would apply to these situations. When he thought about what has to be done to these lots in exposing the neighbors to almost 24 months of construction noise he did not think he could look anybody who lives on Alhambra in the face. Since he believed the project would go ahead he asked that staff, in the final check of the plans, make certain that the routes for hauling and bringing stuff in are divided up in some kind of even fashion so that all parts of the neighborhood get to experience it. He liked the design but could not support it.

Chair Mercer stated that she could not make a number of the Single-Family Design findings. She is not opposed to building categorically on this property because it could serve to stabilize it but she did not believe that any size of building is required to stabilize the lot. She did not believe it is consistent with the development standards for the neighborhood as they were built under previous development guidelines and are therefore much larger. It is still slightly larger than the average home within the 6 or 8 homes in either direction, which are closer to 2200 sq.ft. The floor area ratio of .185 while possibly lower than the other homes in the area is still far higher than what the HRO2 table allows. Because of the slope she believes it is still an excessively large home. She could not make the finding for bulk because it she is looking at a 4-story house. The actual floor space may have been reduced by 400 square feet but the enclosure of the building still has those 400 sq.ft.; it's just that they are empty without a floor underneath them. She does not understand why that space cannot be filled with house and used to bring the remainder of the house down the hillside. She originally had trouble making the grading finding but thought with the elimination of the front retaining wall she could make the finding for grading. The 18' high garage is "over the top." She concurred with Commissioner Frautschi that there needs to be adequate measures for construction-related impacts such as the haul routes so that the load is shared equally with respect to neighboring streets. She could make Finding H because of the encroachment into the right-of-way if the one parking space retaining wall is eliminated. She could not make the finding with respect to substantial compliance with residential design guidelines. In the attempt to move it's frontage from what it was originally intended to Alhambra this property has been forced to build on the steepest part of the lot when in fact the design guideline and the SJHAP tell us to build on the lowest level part of the lot. This cannot be done because they are trying to force building off of the street that it was not really intended to be built off of. They are trying to make the design conform to the slope of the

land; this is a 4-story lot, therefore you get a 4-storyhouse. She did not believe it means that you get to build a whole bunch of extra space just for the purpose of getting the house further up the hill. She did not feel that this in any way shape or form conforms to the spirit of the residential design guidelines. She could not find for Design Review.

MOTION: By Commissioner Horton, seconded by Commissioner Reed, adopting a Resolution recommending City Council approval of the Single-Family Design Review for vacant lots on Alhambra Drive APN 043-232-080 and 043-232-230 (Appl. No. 2010-0035)

Ayes: Horton, Reed, Frautschi
Noes: d'Souza, Mercer
Recused: Herbach
Absent: Parsons

Motion passed 3/2/1/1

Commissioner Herbach returned to the dais.

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. North Road Right-of-Way

No report at this time.

6B. Caltrain Modernization Program/High-Speed Rail (HSR)

No report at this time.

6C. Ralston/US-101 Landscape Project

Things are progressing well; Public Works has had two separate meetings with the Redwood City engineers and an agreement is being devised to secure all funds from Redwood City for the project.

7. CITY COUNCIL MEETING OF TUESDAY, NOVEMBER 13, 2012 - 7:30 P.M.

Liaison: Commissioner Herbach
Alternate Liaison: Commissioner Reed

CITY COUNCIL MEETING OF TUESDAY, NOVEMBER 27, 2012 – 7:30 P.M.

Liaison: Commissioner Horton
Alternate Liaison: Commissioner d'Souza

8. ADJOURNMENT:

Note: The November 20, 2012 Planning Commission has been cancelled.

The meeting was adjourned at 11:35 p.m. to a Regular Planning Commission Meeting on Tuesday, December 4, 2012 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

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