

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, DECEMBER 18, 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, Horton, Herbach, d'Souza
Commissioners Absent: Parsons, Frautschi, Reed

Staff Present: Community Development Director de Melo, Senior Planner DiDonato, Associate Planner Gill, City Attorney Rennie, Recording Secretary Turning

2. AGENDA AMENDMENTS - None

Chair Mercer stated that she would like to add "Introduction of a Concept of a Planning Hour" to the Reports, Studies and Updates agenda item 8.

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Planning Commission Minutes of 9/18/12, 10/2/12 and 11/8/12

Minutes were continued to the January 15, 2013 Planning Commission Meeting.

5. OLD BUSINESS

**5A. Davey Glen Park Conceptual Design Review – Discussion and Direction
Jonathan Gervais, Parks and Recreation Director**

Parks and Recreation Director Jonathan Gervais and Landscape Architect Brent Cottong described the Purpose and Design Changes of the project.

Discussion ensued and direction was provided to Staff from the Commission.

Vice Chair, Susan Wright from the Parks and Recreation Department spoke in favor of the project.

Chair Mercer thanked Staff for the extensive public outreach given to the Community on the project.

6. PUBLIC HEARINGS

6A. PUBLIC HEARING – Caltrain parking Lot – 1300 Block of El Camino Real

To consider a Conditional Use Permit to allow for the operation of a mobile food trucks market on Mondays between the hours of 5:00 p.m. and 9:00 p.m. within an existing Caltrain parking lot.

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

Management Analyst Walker summarized the Staff Report, noting that several conditions recommended by Commissioner Frautschi, the Public Works Department and the Police Department had been added. Staff could make all of the findings in the affirmative and recommended approval.

Chair Mercer questioned the applicability of the recent hand-out from the Public Works Department recommending additional conditions, most of which deal with new construction. City Attorney Rennie noted that Public Works is responsible for stormwater run-off and their concerns are about spills being washed into the storm sewer system. Community Development Director de Melo stated that he and the City Attorney will review the proposed conditions to determine which ones are applicable to this project.

Commissioner Herbach questioned a paragraph in the applicant's letter to neighbors that states that vehicles left in the parking spaces after 4 p.m. will be towed. Benjamin Himlan, applicant, stated that he had discussed parking issues with Caltrain, and suggested signage that states that there is no parking from 3 to 10 p.m. on Mondays. Towing would be a last resort. The market would operate around any car left in the lot and require that, for the safety of the people attending, it remain until after the event. It had not been confirmed that Caltrain would install the signs. If not, Off the Grid staff would rope off the area and post "No Parking" signs. Commissioner Herbach noted that the current sign says that parking is not allowed for more than 24 hours, which implies that overnight parking is allowed.

In response to Chair Mercer's questions, Mr. Himlan stated that this will be the first time they will operate on a Caltrain lot, that clientele typically stay at their evening markets for anywhere from an hour to an hour and a half, and that ADA-compliant porta potties will be provided. Responding to Commissioner d'Souza, Mr. Himlan stated that there will be a barricade and a truck at the O'Neill exit point, and that a staff member will be there to greet and direct traffic. No diverter will be used.

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

MOTION: By Commissioner Horton, seconded by Commissioner Herbach, to close the Public Hearing. Motion passed 4/0/3 by a show of hands, with Vice Chair Parsons and Commissioners Reed and Frautschi absent.

City Attorney Rennie stated that the Conditions of Approval provided by the Public Works Department will need to be reformed to more closely apply to this type of operation.

Commissioner d'Souza expressed support for many things about the project, especially the shared parking arrangements. Referring to pages 5 and 6 of the Staff Report where it says that commercial businesses that depend on automotive traffic for customers will meet the needs of local residents and that this type of use is also expected to encourage pedestrian-oriented activity. Commissioner d'Souza stated

that after one year he would like to see data on what demand is made on parking and what kind of pedestrian activity was encouraged.

Commissioner Horton expressed support for the project, especially since local restaurants had not shown concern.

Responding to Commissioner Herbach's question about the Conditional Use Permit if either Caltrain or Off the Grid were to vacate this use, Community Development Director de Melo stated that it is issued to Off the Grid but it runs with the land; a similar user could operate a market on this location, unless the property is vacant on Monday nights for 90 days.

Discussion ensued in response to Commissioner Herbach's request to have revised Conditions of Approval returned to the Commission for approval. Mr. Himlan stated that he anticipated launching the project by the middle of February. Community Development Director de Melo suggested that staff could put a revised resolution on the January 15, 2013 Consent Calendar for Commission approval if the Commission can make the findings for the Conditional Use Permit. Mr. Himlan stated that he could insure that the question of parking/towing is ironed out with Caltrain prior to that meeting.

Chair Mercer summarized the Commission's wishes as follows: 1) An additional Condition 8 on page 2 of staff's handout to require that the truck vendors obtain a City of Belmont business license and that Off the Grid is responsible for insuring that they all have active valid licenses. 2) A condition requiring an ADA-compliant portable toilet at the events. 3) A condition limiting the trucks to 8. 4) A condition clarifying the tow policy, who is responsible for signage and who is responsible for the actual towing. Community Development Director de Melo added that staff will work with the Public Works Department to clean up the conditions required for that Department. Staff will bring a resolution for Commission approval to the January 15, 2013 meeting.

MOTION: By Commissioner Herbach, seconded by Commissioner d'Souza, to continue Application Number PA-2012-0050 to the January 15, 2013 Planning Commission Meeting with revised conditions as described.

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

Motion passed 4/0/3

6B. PUBLIC HEARING – 181 Virginia Avenue

To consider a Floor Area Exception, Conditional Use Permit, and Single Family Design Review to construct an attached 881 sq. ft. secondary dwelling unit for a total of 4,351 square feet for the site.

Associate Planner Gill summarized the project, concluding that the Floor Area Exception (FAE), Conditional Use Permit (CUP) and Design Review findings can be made in the affirmative and recommended approval subject to the attached conditions. At Chair Mercer's request, he explained a recent data sheet that had been prepared for Commissioner Herbach regarding calculating the maximum FAR for the surveyed properties.

The applicant declined the invitation to make a presentation.

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

Responding to Chair Mercer, Associate Planner Gill stated that he had not heard directly from any neighbors.

MOTION: By Commissioner Horton, seconded by Commissioner d'Souza, to close the Public Hearing. Motion passed 4/0/3 by a show of hands, with Chair Parsons and Commissioners Frautschi and Reed absent.

Commissioner Herbach was concerned that the floor area exception for this house is close to the maximum allowable dwelling size, whereas 12 of the 15 neighboring houses are not. He could not make the findings for the Floor Area Exception. He added that he could not make the findings for Design Review because of the amount of hardscape at the rear of the house, and noted that the CUP is required only because the applicant is asking for a secondary dwelling unit that exceeds 640 feet, which added to the existing 3470 feet, far exceeds 3500 feet.

Commissioner Horton expressed support for the project, noting that the City is encouraging legal secondary units and that this will count as another unit towards the Housing Element. She added that this addition is taking up no more footprint than the current house. She would like to see a little less concrete, but noted that some of it may be there as a result of whatever is happening on the hillside from a structural standpoint. She could make all of the findings.

Commissioner d'Souza concurred with Commissioner Herbach regarding the FAR, adding that the Housing Element would be one way to quantify the public benefit. Regarding the CUP, he described a pedestrian and traffic problem at the intersection of Virginia and Middle and believed this project would add to that problem. Regarding the Single-Family Design Review, he concurred that there is too much hardscape and believed the project should come back to the Commission with significantly reduced hardscape. Responding to Commissioner d'Souza's uncertainty as to how the Housing Element comes into play, Community Development Director de Melo clarified that with the adoption of the Housing Element, the City demonstrated that there are land areas within the City where nearly 400 units could be constructed or allowed and that any unit that is added to the City, whether in a multi-family project or as a secondary unit, counts toward the regional housing need.

Chair Mercer expressed support for secondary units, particularly when within walking distance of public transit. She had trouble approving the FAE. Discussion ensued with Chair Mercer and Commissioner Horton expressing differing views on how it is interpreted. City Attorney Rennie clarified that an FAE is stated in the purpose as a floor area *ratio*, so that properties may be used to equalize intensity. In other words, one can vary from the ratio in order to achieve a 3500-square-foot house on a lot as opposed to exceeding 3500 square feet on the lot as long as the house-to-lot area ratio in the neighborhood is not exceeded. Community Development Director de Melo added that the purpose of the FAE says that exceptions *may* be granted to prevent or lessen inconsistencies in floor area ratio standards. This applicant has an 18,000-square-foot lot and is hoping to get an FAE that is commensurate with the size of their lot.

Chair Mercer expressed that the hardscape is excessive for such a large lot and that it needed to be made clear that parking in the back yard is not acceptable.

Community Development Director de Melo pointed out that if the FAE cannot be granted the CUP becomes immaterial for the secondary dwelling because they are at their floor area maximum. Discussion ensued as to whether this item should be continued until there is a full panel of Commissioners present. City Attorney Rennie stated that the Commission could either continue the item or make a decision and the applicant could then decide if they want to appeal that decision.

Mr. Giambona, husband of the applicant, expressed his disappointment that Commissioners seemed more concerned about traffic and hardscape ratios than family and people. He believed the concrete was put there purposely to help with retention of the slope and to secure the area. He felt that the concerns raised in Mr. Cosgrave's earlier letter did not pertain to the building because it is going to stay within the present walls and that the parking concerns can easily be alleviated.

Chair Mercer stated that she would be willing to approve all three entitlements if there could be a significant reduction of hardscape, which means the applicant would need to come back with a proposal, and she also would want to make it secured such that there would never be parking in the back yard out of respect for the neighbor. Commissioner Horton stated that she did not know if the concrete in the back yard could be removed and questioned if there are plans to show if it is holding up the hillside. Commissioner d'Souza stated that it was not a question about removing the concrete; it was making it more permeable.

Community Development Director de Melo suggested that if the Commission approves the entitlements subject to conditions they could have a final hardscape plan come back to staff or to the Commission. Staff could work with the applicant and Public Works to determine what issues might be present in the removal of a substantial portion of the hardscape. The concern about taking vehicles and going beyond the driving surface into the rear yard is something the City would not encourage but they would want to make sure that the structural issues are safe before they talk about removal of any significant amount of concrete. Chair Mercer took a poll to predetermine the outcome of a vote. Responding to Commissioner d'Souza's request for more information on how the Housing Element affects the addition of secondary units, Community Development Director de Melo agreed to discuss this with him at a later time.

MOTION: By Commissioner Horton, seconded by Commissioner d'Souza, to adopt the Resolution approving a Floor Area Exception, Conditional Use Permit, and Single-Family Design Review to establish a secondary dwelling unit at 181 Virginia Avenue (Appl. No. 2012-0008) with the return to the Commission of conditions requiring a reduction of hardscape or that the hardscape be made more permeable and that any landscape that is damaged needs to be replaced.

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

Motion passed 3/1/3

Addressing the applicants, Chair Mercer stated that they still have some work ahead of them in that the City is serious about taking care of its hillsides, its drainage and the downhill and back yard neighbors.

Chair Mercer stated that this item may be appealed to the City Council within 10 calendar days. Community Development Director de Melo clarified that because the 10-day period will fall within a time when City Hall is closed, the appeal period will extend to January 2nd at 5 p.m.

6C. PUBLIC HEARING – 1900 Ralston Avenue (Continued to January 15, 2013 P/C Meeting)

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.

Chair Mercer announced staff had granted a request from Chase Bank dated December 14th that this item be continued to January 15, 2013.

7. STUDY SESSION:

7A. Preliminary Review – Vacant Lot Adjacent to 1328 Old County Road

Senior Planner DiDonato described the proposed project with the aid of overhead slides, noting that any comments or suggestions made by Commissioners are non-binding.

Discussion ensued.

Applicant, Ron DuBois presented a photograph and background information on the property describing his proposal for a mixed use project. Responding to Community Development Director de Melo's request, Commissioners gave their views on what they believe is appropriate relative to the existing Old County Road conditions and how it relates to the Belmont Village Plan that is slated for finalization in early 2013.

Chair Mercer recommended that the applicant review the draft Belmont Village Plan with staff.

8. REPORTS, STUDIES AND UPDATES:

Community Development Director de Melo reported as follows:

8A. North Road Right-of-Way

No update at this time.

8B. Caltrain Modernization Program/High-Speed Rail (HSR)

No update at this time.

8C. Ralston/US-101 Landscape Project

No update at this time.

Other Items

Community Development Director de Melo and Chair Mercer put forth their ideas for including a **Planning Hour** on future agendas, where the Commission could discuss zoning code or other priority items that would be beneficial to the Commission. After discussion, Chair Mercer asked that a Planning Hour be put on the January 15th agenda as a Study Session, at which time they could establish rules and make a wish list for future Planning Hours.

Community Development Director de Melo reported that the possibility of a **5th Tuesday in January Planning Commission meeting** has been put on hold pending a decision by the City Council as to whether they will use that night for a council meeting.

7. CITY COUNCIL MEETING OF TUESDAY, JANUARY 8, 2013 - 7:30 P.M.

Liaison: Chair Mercer
Alternate Liaison: Commissioner Herbach

8. ADJOURNMENT:

The meeting was adjourned at 10:00 p.m. to a Regular Planning Commission Meeting on Tuesday, January 15, 2013 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

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