

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

**TUESDAY, MAY 3, 2011, 7:00 PM**

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

**1. ROLL CALL**

Commissioners Present: Reed, Mercer, d'Souza, Wheeler, Mayer, Horton, Parsons

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Associate Planner Gill (AP), Interim City Attorney Kane, (ICA), Recording Secretary Turning (RS)

**2. AGENDA AMENDMENTS** – None from Staff. Chair Reed suggested that under Reports, Studies and Updates (Item 7) they hear a report from Commissioner d'Souza on the County and City of San Mateo's Metropolitan Transportation Commission Transit Corridor, which was mentioned at the April 5<sup>th</sup> meeting.

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

**4. CONSENT CALENDAR**

**4A. Minutes of April 5, 2011**

Commissioner Mercer asked for the following edits:

- On page 2, in the paragraph beginning "Responding to Commissioner Parsons' questions..." the first bullet point should be changed to read that "The area by the wooden fence is encroaching on City property, and that City Council has approved donating that *City property to the neighboring parcel that had already fenced it in.*"
- On page 8, item 7E, her comment was Commissioner Mercer mentioned 5' *tall weeds* on the frontage...."

**MOTION: By Commissioner Horton, seconded by Vice Chair Mercer, to accept the Minutes of April 5, 2011 with corrections noted by Commissioner Mercer.**

**Ayes: Horton, Mercer, d'Souza, Wheeler, Parsons, Mayer, Reed**

**Noes: None**

**Motion passed 7/0**

**5. PUBLIC HEARINGS**

## **5A. PUBLIC HEARING – 1506 Harbor Boulevard**

To consider a Single Family Design Review to construct an 804 square foot addition to the existing 1,970 square foot single family residence for a total of 2,774 square feet that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. PA 2010-0060)

APN: 045-281-030; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301 Class 1(e)(2)(a&b)

APPLICANT: Libby Raab, AIA, Ana Williamson Architect

OWNER: Eric & Amy Goldfarb

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

Chair Reed determined that no one on the Commission had any ex parte communications with anyone involved with this project.

AP Gill summarized the Staff Report, recommending approval of the application with the revised conditions of approval that were provided. He noted that a letter from the applicant had been forwarded to the Planning Commission the previous week that included additional information relating to trees and the proposed design, and responded to questions received from the Commission that day regarding hardscape, grading and tree size.

Commissioner Mercer's request for more details about the proposed green living roof was deferred to the applicant.

Amy and Eric Goldfarb, property owners, gave background information on their home and their objectives for the addition. Responding to Commissioner Mercer about the retaining wall on the left side of the property in front of the Oak trees, Mr. Goldfarb stated that they replaced the fence but that the retaining wall was already there when they moved in. Regarding the living green roof, he stated that on the perimeter of the deck there will be grasses and low-water-requiring plants that will help cover the roof and give it a greener appearance.

Ana Williamson, Architect, added that the purpose of the green roof is to improve the looks of the flat roof and also more energy efficiency. Her understanding is that it will be in trays and will be a shallow 4-6" mass on top of the already water-proof roof and will be composed of native plants that would be green year round and withstand the elements. She confirmed that the central portion inside the railing will be a walkable surface and the landscaping will be between the edge of the roof and the perimeter.

Commissioner Parsons asked if the existing deck is encroaching in the side yard setback. AP Gill responded that that deck will be removed and replaced with two conforming balconies off the living area and a bedroom. Commissioner Parsons pointed out that the site is encroaching on the trees—the trees are not encroaching on the site – and asked that future reports reflect this difference.

Since it appears in the pictures that the trees are along the fence, Commissioner d'Souza questioned why the concern about the encroachment of the trees. AP Gill responded that it is the arborist's opinion that grading and the way the house is situated would eventually impact the drip lines and root structure and cause the trees to decline.

Commissioner Parsons suggested that if they would keep the breezeway where it is, slide the master bedroom back to the rear yard, and elevate the floor level on that wing they would have less soil removal

and save the trees without affecting the design. Ms. Williams responded that they had considered that and several other designs but the clients wanted to maintain as large a playable area in the rear yard as possible and did not want to be a whole level above the main floor because they want to feel integrated with their young children. Commissioner Parsons added that the 22 truckloads of fill – 44 round trips – and loss of some of the Oak trees was his concern.

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

**MOTION: By Commissioner Parsons, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 7/0 by a show of hands.**

Referring to the Condition of Approval on page 5 of the Staff Report where it says “the applicant shall replace such landscaping *in kind*,” Commissioner d’Souza questioned why they do not require replacement of trees with the same size tree. Staff and other Commissioners clarified that mitigation for trees removed are covered by the Tree Ordinance and this condition is referring to non-tree vegetation – i.e., if any of the existing landscaping shown on the Landscape Plan is damaged it needs to be replaced in kind.

Vice Chair Mercer could not make Finding D for cut and fill and the tree removal. She admired the design but felt that a slight shifting to the south and reorientation of the bathroom away from the side and onto the back of the property would have avoided a large amount of cut and could save the lives of the Oak trees, and also felt that a fourth or fifth terrace for additional outside living space was unwarranted.

Commissioner Mayer liked the design and, since there are no specific standards for cut and fill and since it happens only once during construction, he questioned why a cut of this scope in this particular location is a dangerous problem other than the impact on the trees. He believed he could make the findings for the project.

Commissioner Parsons had the same concerns as Commissioner Mercer. He felt that the cut is excessive for a lot as flat as this one and was distressed that the applicant was not willing to try to save some Oaks and was not even replacing them with Oaks but with upright Pine trees. He would like to see the house moved back in order to save the trees and perhaps eliminate the back excavation for a deck, which he did not think was necessary. He would like to see a more typical Belmont tree in back such as an Oak or a Red Bud tree.

Commissioner Horton thought that flat lots in Belmont are rare and the use of flat areas should be maximized. She understood why someone with two small children would want a grassy yard. She did not find the off-haul to be excessive and did not have a problem with the loss of the trees since there are a lot of trees in that area. She suggested that a Red Bud on the upper terrace would be nicer than the decorative plants that are being proposed. Other than that, she could make the findings.

Commissioner Wheeler had trouble with the finding with regard to tree removal and felt that the property without the four trees would be sparse. She would like to see a condition to replace the trees with something more tree-like, and felt that the back yard design needed some work as it is not conducive to larger trees.

Chair Reed felt that the proposed replacement trees are too small to replace heritage trees and found it difficult to remove the heritage trees simply because the addition is going to be close to the trees. He agreed that the cut is substantial but concurred with Commissioner Mayer that there is no standard. If the project were to be approved, he would want a condition that the Pine and Japanese Maple trees be replaced with something more in line with what is being removed.

**MOTION: By Vice Chair Mercer, seconded by Commissioner Parsons, to continue the Single-Family Design Review at 1506 Harbor Boulevard for the applicant to shift the addition incrementally such as to reduce cut and save the existing Oaks (Appl. 2010-0060)**

**Ayes: Mercer, Parsons, d'Souza, Wheeler**

**Noes: Horton, Mayer, Reed**

**Motion passed 4/3**

Chair Reed called a short recess at 7:40 p.m.

## **6. OLD BUSINESS**

### **6A. Review of Draft Tree Ordinance Amendments**

Chair Reed asked that CDD de Melo clarify the difference between the Municipal Code and Zoning Code and the Planning Commission's role in commenting or voting on them.

CDD de Melo explained that Zone Text Amendments have a design structure and are codified in the Zoning Code to require the Planning Commission to review text amendments and actually adopt a resolution that is forwarded to City Council for adoption. He referred to Section 16 of the Zoning Code that describes the process. The Municipal Code requires only a Public Hearing by the City Council. The Council is not bound or required to have any input other than that received from the public as part of the Public Hearing. The Planning Commission's role in looking at Municipal Code Amendments is advisory and it does not adopt a resolution.

Chair Reed clarified that at this meeting Commissioners will offer comments and feedback on the Tree Ordinance and no formal vote will be taken.

Commissioner Mayer asked if the proposed Ordinance has been forwarded to the Parks and Recreation Commission subsequent to the last meeting of the subcommittee that drafted the Ordinance. CDD de Melo stated that he did not believe the Parks and Recreation Commission has reviewed the Tree Ordinance since their review late last year and that they did not expect it to come back to them. Parks and Rec Commissioner Judy King came to the podium and confirmed that P&R Commission members have not officially received a copy of the revised Ordinance as it was presented to Council. CDD de Melo noted that it is on the web for review and comment.

Using a Power Point presentation, CDD de Melo reviewed the staff memorandum, which included the April 26, 2011 Staff Report to City Council. Planning Commission feedback will be forwarded to City Council for consideration at its Public Hearing tentatively scheduled for Summer 2011.

Responding to Chair Reed's call for questions on the draft Ordinance and referring to page 6 of the Revised Tree Ordinance, Commissioner d'Souza asked if it is possible to require an equivalent tree up to 25' in the case of a protected tree. CDD de Melo stated that that would be a policy call at the Council level. Commissioner Horton noted that a tree that size could not be brought into town as it would not go under underpasses. Chair Reed asked that this discussion be saved until later, at the time for comments rather than questions from Commissioners.

Referring to the Enforcement Section on page 8, Commissioner d'Souza noted that requiring a \$1,000 bond does not cover the cost of a tree. ICA Kane responded that \$1,000 is the threshold cutoff for misdemeanors – it is the State law definition to avoid criminal prosecution by the DA.

Kevin Sullivan, P&R Commissioner and member of the Ad Hoc Committee, came to the podium to offer his perspective on the proposed revision. He believed that the Ordinance as revised is in good shape and that it is important that the focus is on trying to maintain a healthy tree environment and population; not necessarily protecting or replacing every single tree but doing it within the scope of what is healthy for the property, for the location and things of that nature. He requested that the Ordinance be as simple as possible and noted that the Tree Board is a critical part of the Ordinance. He stressed that just because a tree is over 10" and is healthy does not mean that it cannot be cut down – it is hopefully going to mean that there is a rational basis for a decision as to whether trees have to be replaced. Conditions for a permit should give staff some flexibility within the bounds of the Ordinance and the goals of the Tree Board and Council. The Tree Board and Council can continue to move the target a little bit or have influence on what that list is and what makes the most sense pertaining to what permits get approved over time and how it is changed.

Before asking for Commissioners' comments, Chair Reed made it clear that he did not want to get into a situation where Commissioners are arguing amongst themselves. He would like to hear what each one has to say and then move on to the next Commissioner.

Commissioners commented as follows:

Commissioner Mayer:

- Was a member of the subcommittee and fully shared in the goals that were outlined and continued to share them. He was proud of what the subcommittee did – they addressed the single most serious problem in the existing Ordinance which was that it was basically incomprehensible to a normal human being and they corrected that by reorganizing the information and putting things down in a clear, coherent way. He felt that the more they could do to simplify the criteria that were being used to define protected vs. non-protected trees the more they were adding to the benefit of the Ordinance. At the beginning, we felt that anything that we could do to simplify the difference would be beneficial.
- It bothered him that an arborist never came to their meetings to give advice on what might or might not be a good approach. He consulted with an arborist on one occasion and got an email from him with some of his concepts and ideas.
- It bothered him that they have set up a criteria – 10" at dbh – regardless of species, which means that the City of Belmont has taken ownership of every single tree of that size in Belmont, regardless of species, and saying that we are protecting this tree and if you want to do anything to this tree you have to come to the City before you do anything. He believed that that is an

overreach and that they can give some credence to the intelligence and commitment of the average Belmont citizen that they can deal with a little bit of complexity in this regard.

- Looking at Belmont one does not see a City bereft of trees - we see a City that loves trees and does enormous things to protect its trees. There are, of course, people who don't share that set of values and who have cut down trees that we all value and who we feel should bear a penalty for having done so, but he believed that the vast majority of the people in Belmont want to protect the urban forest, the urban canopy. On the other hand, he wants to allow the individual citizen the right to exercise judgment on the management of his own life and his own property. He believed that the more they can do to minimize intrusion into those areas the better.
- He asked if we want to take ownership of every single tree in Belmont, regardless of species. He was what he called a "majority of one" on the subcommittee to take this point of view. He felt it important even at this late stage in the process that these alternative ideas should be aired, especially before the City Council.
- The arborist he consulted distinguished native species that should be protected and non-native species which have adapted well to our environment and which we therefore would be well advised to protect.
- He noted that at the City Council hearing, Kevin Sullivan got up and spoke to the point of the famous Bottle Brush that had 14 stems, the total inches of which totaled over 10 inches, and therefore the Bottle Brush was a protected tree. He noticed that one of the Council members was noticeably upset by that. He also noted that Councilmember Braunstein encouraged "minority reports." He believed that Council is interested in getting a range of ideas and not in being presented with a fait accompli with a do or die proposition. He regarded this process as an important part of it and hoped that the Commission's opinions are heard. He did not want to be viewed as an obstructionist in the process and stated that he was perfectly willing to go along with the will of the majority of the subcommittee. He wanted to be sure that what he believed to be valid points and representative of a large proportion of the population of Belmont are part of the process and given a good hearing.

#### Commissioner Mercer:

- While working on the Ad Hoc Committee for rewriting this Ordinance, she stated that she listened carefully to what the Park and Rec staff had to say. Their comments reinforced her belief that the existing Ordinance was unintelligible to the average reader and that the general public is not generally knowledgeable about tree species and how to measure the dimensions of a tree. She, therefore, put a great deal of importance on that and believed that the concept of simplifying was really important because when people are unclear about something that's confusing it is overwhelming and they will often make the best decision they can and move forward on their own, whereas if they have a black and white rule they could call the City and there would be no questions. They are relieved of guesswork.
- She also found comfort in the concepts of the different levels of approval that are built into this Ordinance, beginning in Section 25.06, Permit Application. One of the rules of the Tree Board will be to establish a list that represents those trees that we may go ahead and grant a permit for even if it exceeds 10". The reason that power was given to the Tree Board instead of codifying it in the Ordinance was that, as it was pointed out by Director Gervais, tree fashions change. For example, it wasn't too many years ago that they thought the Stone Pines they planted along Ralston were wonderful and then they eventually learned that they only have a certain lifetime, or there are other trees that they planted that they found eventually ruined the sidewalks. Rather than codifying the

tree species in the Ordinance the authority was instead given to the Tree Board that could then act on modifying the list as needed and then direct staff to enforce the Ordinance based on that list.

- She added that there is also a second level appeal built into the proposed Ordinance where if the applicant does not get an administrative permit they are free to appeal it to the Tree Board – they simply need to come to the Tree Board with their reasons for wanting to remove a tree and the Tree Board would have very wide latitude in granting that permission. She believed they crafted the Ordinance so that no applicant would get no relief whatsoever, because even if they don't like the Tree Board's decision they can pay the full mitigation that a home builder would pay if they were building a home and having to take the tree out of the middle.
- She liked the composition of the Tree Board. She thought it was important to have representation from Parks and Rec but that the Park and Rec Commissioners are not accustomed to working in a quasi-judicial setting and do not rule on projects the way Planning Commissioners do.
- She did not agree with the concept that the City would be taking ownership of every tree – it takes ownership of trees exceeding 10". 10" is a large specimen – it's a significant tree – so, yes, this Ordinance does take ownership of every significant tree in Belmont but it does not prevent action on that tree. It does mean the applicant needs to have due consideration given to that removal and if that very significant tree does end up being removed they need then to provide replacements.

#### Commissioner d'Souza:

- Liked the Ordinance because he is a big fan of public health and safety and this Ordinance actually addresses it completely. He stated that he would have moved item 7 up to be number 1 on page 1 of 9 – that trees benefit increased water supply, clean air and water, reduced energy use, flood and storm water management, recreation, and urban revitalization. He liked the overall direction of the Ordinance.
- Referring back to public health, he said that he mentioned to City Council that since the 1950's we replaced trees in the public realm that are mostly pollinators – male trees – and that the so many current allergy problems date back to the 50's when the Dutch Elm disease killed the Elms that were non-pollinators. The trees mentioned in the Ordinance such as Acacias, Eucalyptus, Maples and Mulberries are a big problem that can be rectified by grafting onto the female tree a specimen that is fruit-bearing instead of a pollinator so that a tree does not have to be removed. He would like to see an option regarding grafting in the Ordinance.
- Would like to see some kind of equivalent language built in - in place of the 24-gallon tree. Look at the Public Health and Safety Elements to provide guidance on a larger tree. You'll notice this if you burn a tree down. The total volume is reduced to this tiny pile of ash and what that tiny pile of ash is is the minerals that the root system brought up. The rest of the tree was the leaves converted from CO<sub>2</sub>, such that the massive bulk that you see is the process where the under side of the leaf brings in CO<sub>2</sub> and the photosynthesis from the top of the leaf breaks it down into what we breathe, oxygen and the carbon base that the tree forms. So when you plant a 24-gallon tree, you're not replacing the greenhouse gas element of that tree. Under item 6 - Purpose, Findings and Goals - There needs to be a purpose statement. We should be looking at a tree that would improve both public health by being a non-pollinator as well as what it does to the urban environment, especially in the areas where we have asphalt. It's hot and unpleasant when there are no trees covering the street. Streets like Mezes that have a tree canopy are pleasant streets to walk on and they improve the urban environment.

- Responding to Commissioner d'Souza's comment regarding bond equivalent requirements, CDD de Melo explained the bonds, removal fees and mitigation plantings that are required in the current ordinance and the Master Fee Schedule.

Commissioner Parsons:

Liked the proposal the way it is and did not want to “wordsmith” it. There are some things he would change but wants it to get approved. He commented that Commissioner Mayer had a good point but felt that the problem is that the tree list is not long enough. He sees so many trees that would be left out – for example, Sycamores, Beech, Birch, some of the Oaks, Pines, Maples Monterey Cypress, and New Zealand Christmas Trees. They are in the neighborhoods and they have 10” trunks and if we just limited the list to those plants there would be protection for those trees. They’ve done well in some neighborhoods and have increased the value of the homes and have helped reduce the wind. The Ordinance allows them come up with a list and incorporate it into the Tree Boards’ deliberations and discussions. He supports the Ordinance the way it is, would like to see a more expanded list that the Tree Board could live with but believed they need to give the trees that are larger than 8” more protection.

Commissioner Horton:

- Was disappointed that the arborist was not included in putting together the Ordinance. She has spoken to a well-known local arborist and was surprised to learn that most arborists who fully embraced native species are now beginning to back away from that because the climate change is such that native species no longer are viable. They are looking for species that do well in climates that match what we are now seeing – Mediterranean climates, places that are warmer – so the tree species change all the time and some of the trees that we thought we’d be cutting down everywhere we should be protecting.
- Belmont has several different microclimates – the neighborhood on top of the hill is dramatically different than the neighborhood where she and Commissioner Mayer live, which is dramatically different than Hiller Street where trees grow in salt water. It is a complicated community and she believes it requires the advice of a professional.
- In page 2 of 9, Section B, there is quite a lot of honoring of the tree. I want to point out that trees that you believe lessen the danger of floods and landslides when planted on a hillside, can, at some point, have root rot that is not apparent and then they fall over. We have to be careful about trees that we recommend being cut down or planted and understand that trees do fall over and even though they may hold the hillside for awhile at some point they’re going to give it up.
- She suggested changing C.2. to read “Promote the growth and maintenance of healthy trees, with emphasis on native and *locally adapted* and drought-tolerant species”
- Under C.3, she was not sure what the word “necessity” meant.
- Under C.5, she suggested changing it to read “Maintain an efficient *and cost effective* tree removal permit process for unsafe or unhealthy trees.” She noted that there are some significant costs associated with this and the more costs we attach to something the less likely someone is actually going to come forward and pay the fees. She did not believe we should be looking at people as criminals but just make it somewhat more approachable.
- Under 25.02, Damage, item 2, she did not know if they wanted to talk about lion-tailing or whether pollarding is acceptable. We have a lot of Sycamores and some people pollard them and some do not; she feels that is a personal preference.
- Had concerns about the fees. She believed that bonds are worthless in the private sector – it’s better to have the money deposited.

- Questioned if they had entertained the idea of a reforestation plan where, if you have a bunch of trees that are not getting enough water, rather than cut them all down you could come up with a plan that, over time you could cut one down, plant a tree that starts to grow before taking another one down, so that you never lose the whole wooded area. Other cities are doing that and its probably worth offering as an alternative to paying a lot of fees. Vice Chair Mercer suggested that page 4 of 9, 25.05 C where they refer to the Tree Board “establishing a community forest work plan” could be reworded. Commissioner Horton suggested “urban reforestation” but added that an arborist could be asked to come up with a program.
- Suggested that an arborist would tell them what is the best time of year to plant trees and when not to plant trees.
- Responding to Commissioner d’Souza’s comments about planting 24” box trees, she noted that smaller trees usually adapt better – the larger the tree the more difficult it is going to be to get it to actually want to be there and do well.
- Regarding the 3-for-1 replacement, she noted that there are a lot of relatively small lots where there is not enough room so people pay an in-lieu fee. She proposed that it either be 2-for-1 or that they offer the opportunity for people to plant a larger 36” or 48” box if they want that rather than only allowing 3 24” box trees. If people do does this they will probably take good care of it because they would have spent a lot of money buying, moving and installing it.

Commissioner Wheeler:

- Concurred with Commissioner Horton’s comment regarding the replacement trees.
- Believed the revised Tree Ordinance is a great improvement on the old Tree Ordinance; it’s much easier to understand and she liked the multi-tiered approval process where an administrative permit can be granted based on a list that’s developed by the Tree Board.
- She concurred that the list should be developed in conjunction with an arborist and that they should get arborists’ input on the trees that are desirable to keep, not in the City as a whole but in certain locations within the City vs. trees that are less desirable in certain areas of the City. She did not believe they could have a “one size fits all” plan.
- She commended the good work of the folks who put the Ordinance together.

Chair Reed:

- Had polled some folks living in his area and found that, almost without exception, they thought the City should have no business regulating trees. He said that he found that surprising, but nonetheless assumed that a lot of trees are severely pruned or removed without any consideration for what the City thinks is appropriate. In some sense he got the feeling that this Ordinance is going to fall on a lot of deaf ears.
- He believed that certain trees should be regulated and certain trees should not. He sated that he understand the role of the Tree Board and the species list but I felt that they were essentially protecting a lot of non-native invasive species which is not good forestry practice.
- He did not believe that if the Ordinance were rescinded in whole there would be a massive problem with people clear cutting their yards. Nurseries thrive around here because people are buying trees and putting them in.
- If we are going to have an Ordinance he believed it needs to be very easy to understand. He would not take a 10” dbh approach; he would simply list 4 or 5 very important tree species and say these need to be protected and the remainder of the trees that are not listed are not afforded special protection.

- Has always believed that the City’s tree removal fees for development projects are exorbitant and add an enormous amount of money to the cost of a project.
- He believed the 3-for-1 planting is additionally a burden and liked the idea of not having a 3-to-1 but a 1-to-1 as long as the replacement tree is large.
- He stated that he is more of a live-and-let-live kind of person and felt that this is over regulation—that its regulating a problem that really does not exist—and that the fee structure and requirements are overkill and over regulation.

By a show of hands, Chair Reed asked for a tally to send to City Council.

Who, with a certain amount of wordsmithing, could accept the Revised Tree Ordinance as is?  
Commissioners Wheeler, Parsons, d’Souza and Mercer raised their hands. (4)

Who could not support the Revised Tree Ordinance as is?  
Commissioners Horton, Reed and Mayer raised their hands. (3)

Looking for more definition from the people who voted against the Ordinance, Commissioner Parsons asked how many of those 3 Commissioners did not think the City should have a tree ordinance. Chair Reed raised his hand. Commissioner Mayer said he would go with a minimal tree ordinance.

Commissioner Horton stated that she did not know why Belmont does not have heritage trees. She noted that most cities identify heritage trees; those are protected and everything else is up for grabs. Chair Reed concurred that this was his initial thought when he read the Ordinance. He could rescind his vote for “no tree ordinance” in support of a tree ordinance where certain heritage trees of a certain species and a certain size were protected and everything else was up for grabs, but that makes it sound a little bit too laissez faire. He did not believe that if they suddenly rescinded this Municipal Ordinance people would rush out with their chain saws and clear-cut Belmont. Commissioner Horton responded that, typically, heritage trees are really hard to remove and then there are other trees that in order to remove them you have to go through rules around removal, but they’re just not every tree protected. Commissioner Mayer noted that in his list of criteria there is a concept of a heritage tree in which even unprotected trees like a Eucalyptus that reaches a certain size becomes a heritage tree. He concurred that the idea of a heritage tree is a good one. Chair Reed said that he could support that.

Commissioner Mayer added that, in explaining his vote, his disagreement is fundamental enough in the one respect to cast his nay vote, but thought that in the balance they did a good job of trying to put together and bring a lot of opinions together and come to some kind of consensus. He did not believe everybody is completely happy with the final result but that is the “nature of the beast.” He believes that this is over-regulation and that it will not change behavior one bit.

Chair Reed clarified that in response to Commissioner Parsons’ question if they need a tree ordinance, he would say that we need a *minimum* tree ordinance, so he was changing his vote. Something is needed to protect the very important heritage trees.

Commissioner Parsons added that in the past, before they had any regulation, people would literally clear-cut beautiful trees and the people living next door would go out of their heads. Belmont is a tree city and he thinks part of their approach should include a way to preserve the trees and make our town

greener. He added that 25 years ago there were a lot more nurseries on the Peninsula he believed because people are not planting as much as they were.

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

**Chair Reed announced the upcoming ribbon cutting ceremony at the new Semeria Park and congratulated the Parks and Recreation Department on the fantastic park.**

CDD de Melo reported as follows:

### **7A. Ralston/US-101 Landscape Project**

No update at this time.

### **7B. San Mateo Development – North Road/43<sup>rd</sup> Avenue**

No update at this time.

### **7C. Residential Design Guidelines**

Senior Planner DiDonato will prepare an update for the next meeting, which will include a summary of comments he has received.

### **7D. Sixth & O’Neill – Street Reconstruction Project**

Engineers are preparing construction bid package. Targeted for summer construction.

### **7E. US–101 Pedestrian/Bike Bridge Project**

Talked to Public Works about the infamous 5-3/4” weeds. On track for July or August completion. Some tweaks made to the terminus point going west as it connects to Hiller and Ralston to protect folks coming off of the bridge.

### **7F. High-Speed Rail (HSR)**

Next Ad Hoc Committee meeting scheduled for Thursday, 5/12. Will try to reschedule for 5:00 since 5/12 is Bike-to-Work Day and he will be riding his bike to work and does not want to ride his bike at night.

Discussion ensued regarding news reports and proposals by State representatives that Caltrain and HSR could share lines for at least the first phase of the project.

### **7G. April 26, 2011 Sustainable Communities Strategy (SCS) Report to City Council**

At the last Council meeting, CDD de Melo gave a report and received feedback from Council about their concerns about the SCS process. The expectation by ABAG and MTC is that Belmont can support some 399 additional housing units as part of the recent housing element and 680 additional units to be built in the 2015-2022 housing element cycle. There was a regional cities meeting on the SCS process scheduled for the following Thursday.

Vice Chair Mercer had asked that this topic be agendaized. She and Commissioner d’Souza had attended an initial vision introduction workshop on this project. It is a preliminary step of how they get to that required number of housing units that we are told we have to accommodate at each housing element update period – every 7 years. She has asked Council to send a response letter to the Authority with an

official policy statement and immediate feedback. She stated that census data supports the position that Belmont is already over housed and imbalanced – we have more housing than we have jobs. Other communities have created the need for housing by adding jobs and businesses and no place for people to live, where Belmont has the opposite scenario. She stated that one of the objectives of the SCS is to create sustainable communities such that people don't have to get in their car and drive clear across somewhere else to do what they need to do – that they can work and shop and do their business locally. Belmont residents have to leave town to go to an upscale market, buy clothing or buy large home maintenance items – it is not a sustainable community, not because we don't have enough housing but because we do not have the commercial businesses. She does not believe it is fair to look at Belmont and say we need to provide more housing – maybe we need to provide smarter housing but don't look at Belmont to bear the burden of other communities who have overdeveloped their industrial areas and have not provided housing.

Commissioner Mayer commented that in rezoning of the Village districts the Commission emphasized more density, raised the height limits, with the goal to provide new housing opportunities. However, a large part of that is contingent on Caltrain. If Caltrain should disappear, the City has rezoned for more density and then one of the underpinnings of that whole project goes away. He added that he is a strong advocate of increased density and thinks that it is a good thing for Belmont.

Commissioner d'Souza reported that the first draft SCS is in – from San Diego Regional Government – and it is on their website. He further explained that the other part of SCS is \$120 billion in transportation money that is available to this area over 25 years if they do the things that SCS wants. A lot of it is already committed to freeway expansion, etc. The U.S. Conference of Mayors has voted to say that gas taxes should not be raised if they do not address urban needs and how cities will grow in the future. He wants to ask Mayor Feierbach to sign onto that.

Vice Chair Mercer stated that she has all of the information on this report if anyone wants to borrow it.

#### **7H. Belmont “Villages” Districts Ad-Hoc Subcommittee Appointments**

CDD de Melo reminded that two nominations were made at the previous meeting but not all Commissioners were present to vote. The two nominations on the floor were Commissioners Mercer and Commissioner d'Souza. There were no other nominations. By a show of 5 hands, Commissioners d'Souza and Vice Chair Mercer were appointed to the Belmont “Villages” Districts Ad-Hoc Subcommittee.

#### **Other Items**

Commissioner d'Souza gave an update on the **Metropolitan Transportation Commission Contra Costa Transit Village**, noting that it was located at what was formerly known as Pleasant Hill Bart. It is now know at Pleasant Hill Bart/Contra Costa County Transit Center. He believed it was a very well done project and explained some of the unique elements and problems with the project.

Vice Chair Mercer made the Commission aware that at its last meeting the City Council passed **the Semi-Circular Driveway Ordinance**. The modifications Council made were to increase the minimum lot to 100' and stipulate that the semi-circular portion of the driveway must be permeable. CDD de Melo added that they also modified the minimum setback from the front line to the structure from 25' to 35' and did away with the provision on parking. There is no longer a 72-hour rule for passenger vehicles.

**8. CITY COUNCIL MEETING OF TUESDAY, MAY 10, 2011 – 7:30 P.M.**

Liaison: Chair Reed  
Alternate Liaison: Vice Chair Mercer

**9. ADJOURNMENT:**

The meeting was adjourned at 9:20 p.m. to a Regular Planning Commission Meeting on Tuesday, May 17, 2011 at 7:00 p.m. in 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) 595-7417 to schedule an appointment.*

I:/Planning Com/Min05032011