

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

**TUESDAY, DECEMBER 21, 2010, 7:00 PM**

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

**1. ROLL CALL**

Commissioners Present: Frautschi, Reed, Mercer, Mayer, Horton

Commissioners Absent: Parsons, Mathewson

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

**2. AGENDA AMENDMENTS - None**

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

**4. CONSENT CALENDAR**

**4A. Minutes of November 16, 2010**

**Motion: By Commissioner Mayer, seconded by Commissioner Horton, to accept the Minutes of Tuesday, November 16, 2010, as presented.**

**Ayes: Mayer, Horton, Mercer, Frautschi**

**Noes: None**

**Abstain: Reed**

**Absent: Parsons, Mathewson**

**Motion passed 4/0/1/2**

**5. NEW BUSINESS:**

**5A. 3328 Adelaide Way – Review of Final Landscape Plan**

SP DiDonato summarized the staff memorandum and distributed plant lists to Commissioners that he had just received from the applicant.

Sau Fong Lee, property owner, stated that she originally intended to plant a large tree where the power pole is located but PG&E staff recommended against it. Therefore, they selected a lemon tree for under the power lines and a crepe myrtle tree on the other side.

Vice Chair Reed applauded the applicant for reducing the lawn area by 50% and for choosing draught-tolerant, deer-resistant plants.

Chair Frautschi stated that the plan is an improvement over the original submittal but preferred to see a taller, non-deciduous tree for the right side. Commissioner Mercer concurred.

**MOTION: By Vice Chair Reed, seconded by Commissioner Horton, to adoption the Resolution approving a final Landscape Plan for 3328 Adelaide Way (Appl. No. 2010-0044) with the added condition that the applicant work with City staff to find a larger tree for the front right side of the property and acceptance of the applicant's plan for the left side of the garage.**

**Ayes: Reed, Horton, Mercer, Mayer, Frautschi**  
**Noes: None**  
**Absent: Mathewson, Parsons**

**Motion passed 5/0/2**

Chair Frautschi announced that this decision is appealable within 10 days.

## **6. PUBLIC HEARINGS:**

### **6A. PUBLIC HEARING – 1036 Lassen Drive**

To consider a Single Family Design Review to construct a 594 square foot addition to the existing 2,610 square foot single family residence for a total of 3,204 square feet (3,465 square foot maximum building size permitted for this site). (Appl. No. 2010-0033)

APN: 043-152-040; Zoned: R-1B (Single Family Residential)

APPLICANT/OWNER: David Chen

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

**No discussion. Item continued to 1/18/11 Planning Commission Meeting.**

### **6B. PUBLIC HEARING – 2407 Cipriani Boulevard**

To consider a Single Family Design Review to construct a new detached 603 square foot garage, and a 1,521 square foot addition to the existing 920 square foot single-family residence. A Variance is also requested to locate the detached garage in front of the home. The total of 3,044 square feet proposed for the project would be below the zoning district permitted 3,108 square feet for the site.

(Appl. No. 2010-0011)

APN: 044-022-220; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

APPLICANT/OWNER: Bruno Raimundo

PROJECT PLANNER: Damon DiDonato, (650) 637-2908

SP DiDonato summarized the Staff Report, recommending approval of the Design Review and Variance applications subject to the conditions attached.

Vice Chair Reed thanked SP DiDonato for a fantastic staff report and raised a question regarding the amount of cut and fill and hardscape that would be required if the garage were attached to the home. SP DiDonato described the alternatives, concluding that locating the garage as proposed would have only a temporary impact while the impact of attaching the garage and locating the home within 6' of the street would be for the life of the project.

Responding to Chair Frautschi, SP DiDonato stated that he believed most of the fill would be hauled off.

Responding to Commissioner Mercer, SP DiDonato stated that the narrowest part of the driveway as it approaches the curb is 16' and the hammerhead is wide enough for two uncovered parking spaces. Discussion ensued regarding hardscape and the garage setback.

Applicant Bruno Raimundo explained the rationale behind his plan.

**MOTION: By Commissioner Horton, seconded by Vice Chair Reed, to close the Public Hearing. Motion passed 5/0/2 with Commissioners Mathewson and Parsons absent.**

Commissioners were unanimous in their praise of the project. Commissioner Mercer questioned the necessity for the hammerhead to be wide enough to park two cars, and Chair Frautschi suggested that they get a clear evaluation of the drainage and a wet-stamped certificate for building height and floor area.

**MOTION: By Vice Chair Reed, seconded by Commissioner Mayer, to adopt the Resolution Approving a Single-Family Design Review and Variance a 2407 Cipriani Boulevard (Appl. No. 2010-0011) as conditioned by staff.**

**Ayes: Reed, Mayer, Mercer, Horton, Frautschi**  
**Noes: None**  
**Absent: Mathewson, Parsons**

**Motion passed 5/0/2**

**6C. PUBLIC HEARING - CONTINUED FROM 12/7/10 PLANNING COMMISSION MEETING**

To consider Zone Text Amendments to Section 23 (*Sign Regulations*) and the addition of Section 23A – *Sign Standards for Public Property* of the City of Belmont Zoning Code. The purposes of these Sections are to establish standards and regulations regarding placement of signs on private property and property owned or controlled by the City (“City Property”), and on all public-rights-of-way.

(Appl. No. 2010-0030)

CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment

APPLICANT: City of Belmont

PROJECT PLANNER: Carlos de Melo, (650) 595-7440

CDD de Melo summarized the Staff Report, noting that the Third Party Sign Consultant and Public Works staff had reviewed the Final Version Staff Report submitted to the Commission and had recommended

minor edits. Some of these changes as well as those proposed by staff and the Commission were read into the record as follows:

**Section 23 – Sign Regulations** (Attachment II of Staff Report)

Page 6, at top of page, Item G

*On State-licensed vehicles and properly licensed watercraft: license plates, license plate frames, and registration insignia.*

Page 11, 23.05.02.C

**Gas Station Fuel Prices.** *Changeable copy is allowed for fuel price signs provided the copy area does not exceed 25 (twenty-five) percent of the maximum allowable sign area for the establishment.*

Page 8, 23.03.02.E. change to read as follows:

**Exposed Lighting and Neon Signs.** *Exposed lighting and neon signs are prohibited except as provided under Subsection 23.06.03.*

Page 12, B. **Internally Illuminated Signs.** First paragraph to read as follows:

*Except for address signs, internally illuminated signs are allowed for nonresidential uses only. On any internally illuminated sign, the sign background or field shall be opaque and of a non-reflective material. Only the following internally illuminated structures are allowed:*

Page 8, New Section O. **Signs on Vehicles.** *(See text in italics in Attachment II of Staff Report.)*

Page 11, 23.05.03 **Illumination Standards.** Addition of new first sentence. *(See text in italics in Attachment II of Staff Report).*

Page 14, New Section E. **Façade Improvement Funds.** *(See text in italics in Attachment II of Staff Report.)*

Page 14, F, **Abandoned Nonconforming Signs.** Addition at the end of the section of the phrase: *after notice and hearing required by law.*

Page 25, New Section 23.09.07 **Temporary Window Signs** *(See text in italics in Attachment II of Staff Report.)*

Page 28, New Section F, *(See text in italics in Attachment II of Staff Report.)*

Page 28, Section 23.11.02.A.1. Addition of new last sentence. *(See text in italics in Attachment II of Staff Report.)*

**Section 23A – Sign Standards for Public Property** (Attachment III of Staff Report)

Page 3, 23A.03.01.C.

Addition of Section 2 to read: *Signs Exempt per Section 23.03.01(O).*

Page 5, first paragraph, insert the word “*Council*” after “*City*” (as shown in italics in Attachment III of the Staff Report).

Page 5, D. **Permit Required.** Change to read: *All sponsor banner applications shall be made in writing to the Permit Center. (See text in italics in Attachment III of the Staff Report).*

Page 5, 23A.06.02, delete period after heading ***Ralston Avenue Sponsor Banners***

Page 5, 23A.06.02.A. Add parenthetical phrase (*not including sales promotions*) (as shown in italics in Attachment III of the Staff Report).

Page 5, 23A.06.02.A.1. Add the word *substantially* (as shown in italics in Attachment III of the Staff Report).

Page 5, 23A.06.02.A. New Section 5: *Messages sponsored by the City.* (as shown in italics in Attachment III of the Staff Report).

Page 5, 23A.06.02.

Change Section B to read: *Number of Banners. Applications may be made for one banner displayed on either the west pole (Ralston and 6<sup>th</sup>) or the east pole (Ralston and Granada).*

Page 6, 23A.06.02.C. **Time Limits.** Add sentence at end of this Section that reads: *Priority shall be given to City-sponsored events or messages.*

Page 6, 23A.06.02.D. **Application Review and Fee.** Change this Section to read: *Applications for Ralston Avenue banners shall be subject to review and approval by the Community Development Department for compliance with this policy. A fee, as adopted in the City’s Master Fee Schedule, is required for this application.*

Page 6, 23A.06.03.

Change Section A. to read as follows:

A. **Limitations on Use.** *The use of the Sports Complex outfield fence is limited to banners displaying commercial messages (not including sales promotions) that provide information on:*

1. *City-sponsored events; or*
2. *Messages sponsored by the City; or*
3. *The business name of an entity... (see complete text in Staff Report)*

Page 6, 23A.06.03.

Add new Section D. to read:

**Application Review.** *Applications for Sports Complex sponsor banners shall be subject to review and approval by the Parks and Recreation Department for compliance with this policy.*

**Commissioners verbally concurred with each of the above changes as they were read into the record.**

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

**MOTION: By Commissioner Horton, seconded by Commissioner Reed, to close the Public Hearing. Motion passed 5/0/2 by a show of hands, with Commissioners Mathewson and Parsons absent.**

Commissioner Mayer commented that he supports and agrees with the new ordinance but expressed concern that there is a danger of over-regulation and regarding enforcement of the new regulations. He found it ironic that the three most beloved signs in Belmont are in complete violation of this new ordinance. He stated that he could approve the revision on the condition that the Code Enforcement Division be assigned over the period of a year to analyze and inventory all of the businesses on El Camino Real, Ralston and Alameda to point out those areas in which they will be in violation. He added that there are currently many illegal banners, the new rules are even stricter, and that there is no assurance that there will be any kind of enforcement other than by complaint.

Chair Frautschi stated that the Planning Commission is not an enforcement body; all they are doing is recommending a new set of regulations to the City Council and it is the Council's job to tweak it and recommend how it is enforced. Commissioner Mayer felt that the Commission should recommend to the Council that the City take steps to assure that the regulations have some teeth behind them and will be enforced. Chair Frautschi disagreed with this approach and did not want to put Council in a position that taints the amendment one way or another. Regarding the "three most beloved signs," Chair Frautschi felt that any time an ordinance is changed certain things become non-conforming - that's the nature of code enhancement and changes. He believed that the Commission had done everything possible to minimize the inconsistencies and would not accept a resolution that stated how it will be enforced.

CDD de Melo suggested that staff could convey to Council, either in the submittal staff report or verbal presentation, that there is a concern about enforcement, but he felt that including it as part of the Resolution would cloud the ordinance.

CA Zafferano concurred with CDD de Melo, reminding that in other ordinances that have come before the City Council, staff has made recommendations about enforcement and has asked for direction regarding enforcement. Since this ordinance makes a number of significant changes, staff would again request direction regarding enforcement from the City Council.

Vice Chair Reed stated that he believed the ordinance represented a lot of good work, but he could not support it because of the prohibition on mobile billboards, 23A.03.01, and the prohibition that says that non-commercial displays need to be personally held. His personal belief was that these are ways to limit free speech and that, although there is speech out there that he does not agree with, he did not believe using a sign ordinance to do that was the right approach. He could support the ordinance without those two prohibitions.

Commissioner Mercer stated that she could support it and felt that it is a balanced approach. She recalled incidences where the City had a problem with A-Frames and advertising on the public right-of-way and staff went door to door and asked business owners to comply with current regulations. Without exception they did comply and with no hard feelings, and she felt that the City is able to tactfully approach owners to help them understand and give them whatever tools they need in order to correct the non-conformity. She felt that the reason the City has not been enforcing code elements for the last several years is because they did not have the full strength of a legally consistent document with which to back up that enforcement. If

this revision is enacted she believed it is a good, clean, enforceable ordinance and was confident that staff has the appropriate attitude and the good nature and willingness to work with business owners.

Commissioner Mayer reiterated that he believes it is important that City Council understand that the Commission thinks enforcement is an extremely important aspect of this and that they should address this issue in a formal way so that the City can take steps to get out of the current situation in which massive violations occur and nothing is ever done about it. As long as his voice is at least reflected in the staff report to Council he would be satisfied.

Regarding Vice Chair Reed's concerns about free speech, Commissioner Mayer felt that some reasonable means of controlling expression is needed, noting that the Attorney had assured the Commission that the prohibitions are defensible.

**MOTION: By Commissioner Mercer, seconded by Commissioner Horton, recommending to the City Council amendments to Section 23 (Sign Regulations), and the Addition of Section 23A (Sign Standards for Public Property) of Belmont Zoning Ordinance Number 360, including all changes read into the minutes at this meeting.**

**Ayes: Mercer, Horton, Mayer, Frautschi**  
**Noes: Reed**  
**Absent: Mathewson, Parsons**

**Motion passed 4/1/2**

Chair Frautschi thanked CDD de Melo, CA Zafferano, Third Party Sign Attorney Randall Morris, and Commissioner Mercer for their considerable help and guidance on this project. CA Zafferano added that Mr. Morrison had indicated that he thought Commissioner Mercer's work on the ordinance was by far some of the best he had ever seen in his years as a sign attorney.

CDD de Melo added that he will forward finalized copies of the amended ordinance to Commissioners, and that he is expecting the item to be on the January 25<sup>th</sup> City Council agenda.

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

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. Parking Study – Downtown Village Areas**

No update at this time.

**7D. Emmett House**

Expected the final Landscape Plan to be submitted to staff within the next week. Revised streetscape plans are expected to go to City Council in February or March. Interior and exterior improvements expected to be completed by the end of January or early February and applications for below-market units closes in the middle of January, with a public grand opening at the end of February or beginning of March.

**7E. US-101 Pedestrian/Bike Bridge Project**

The superstructure of the bridge that will span the freeway is expected to be delivered by end of the week. There will not be any construction activity during the week of December 27 through 31.

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

The HSR Ad Hoc Subcommittee has had three meetings and will meet on January 26<sup>th</sup>. There will also be a panel of speakers at the Neighborhood Association Presidents’ Meeting on January 12<sup>th</sup> at 7:30 p.m. in the Lodge. On January 27<sup>th</sup> Rod Diridon, HSR Authority board member, will give a presentation in Council Chambers.

Chair Frautschi recommended reading a recent letter from the City of Palo Alto.

**8. CITY COUNCIL MEETING OF TUESDAY, JANUARY 11, 2011, 2010 – 7:30 P.M.**

Liaison: Commissioner Mercer  
Alternate Liaison: Commissioner Mathewson

**9. ADJOURNMENT:**

The meeting was adjourned at 8:25 p.m. to a Regular Planning Commission Meeting on Tuesday, January 4, 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) 595-7416 to schedule an appointment.*

I:/Planning Com/Min12212010