



Staff Report

APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A SINGLE FAMILY DESIGN REVIEW PERMIT AT 2303 CASA BONA AVENUE

Honorable Mayor and Council members:

Summary

On August 2, 2005, by a 4-2 vote (1 absent), the Planning Commission adopted Resolution 2005-28 approving a Single Family Design Review permit to allow construction of a new single family dwelling for property located at 2303 Casa Bona Avenue. A copy of the staff report and draft minutes from the 8/2/05 Planning Commission hearing on the item is attached.

On August 12, 2005, Herm and Jacklyn Popiul, adjacent property owners at 2401 Read Avenue, submitted an appeal of the Planning Commission decision (see attachment B). Nancy Chillag, who is representing the Popiuls, submitted supplemental appeal information on October 3, 2005 (See Attachment C). Finally, the project applicant, George Belden, has submitted a letter/supporting documentation (See Attachment D – dated 10/3/05), requesting the Council uphold the Commission decision.

Based on a review of the appeal, subsequent submittal information, and the Commission's action, staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision to approve the project.

Site History/Project Description

The vacant subject property consists of a portion of Lot 2, Belmont Country Club Subdivision No. 4 recorded in 1925. There have been no other planning actions for the property. The 5,467 square foot interior lot is situated on the eastern upslope section of Casa Bona Avenue with an average slope of 23%. The lot has a gradual upslope from the front (north) of the property to the rear (south).

The applicant proposes to construct a new multi-level contemporary style 2,474 square foot single-family residence for the subject property consisting of the following:

Dwelling Floor Area Summary	
Proposed Floors	Type of rooms
Ground Level – 441 Sq. Ft.	Two-car garage
First Level – 1,169 Sq. Ft.	Living room, study/guest room, bathroom, dining room, kitchen, family room, hallway, stairs.
Second Level – 864 Sq. Ft.	Three bedrooms, two bathrooms, laundry closet, hallway, stairs and landing.
Total = 2,474 Sq. Ft.	

Groundwork /Geotechnical Recommendations

The driveway, garage, subgrade and landscape excavation for the proposed dwelling requires approximately 441 cubic yards of cut. J. Yang and Associates performed a geotechnical investigation on April 6, 2005. The report concluded that the proposed residential development is feasible from a geotechnical standpoint for the site. The City Geologist, Cotton, Shires & Associates (CSA), reviewed the applicant's geotechnical report on June 16, 2005 and also concluded that a residential structure is geotechnically feasible for the site with utilization of appropriate geotechnical design criteria. The City Geologist's recommendations for plan review and construction inspections were included in the conditions of project approval.

Landscaping/City Arborist Recommendations

The applicant proposes a landscape planting plan for the site that includes four trees (Japanese Maple, Red Oak, Tea trees), four varieties of shrubs (35 total), and groundcover (see attached project plans). A rear yard lawn, associated four foot high retaining wall, and patio with an open trellis/plantings provides further improvements for the site. The property presently consists of native grasses and two non-protected trees (Privet and Monterey Pine) that would be removed to allow for the proposed construction; one protected size coast live oak will remain. City Arborist recommended tree protection measures (for the on-site tree to remain) were included as conditions of project approval.

Project Data

Criteria	Existing	Proposed	Required or Max. Allowed
Lot Size	5,467 sq. ft.	No Change	No Change
Slope	23%	No Change	No Change
FAR	None	0.453	0.454 (corresponds to 2,482 sq. ft. max.)
Square Footage	None	2,474 sq. ft.	2,482 sq. ft.
Parking	None	Two-car garage (20' x 20') Two uncovered	Two-car garage (20' x 20') Two uncovered

Criteria	Existing	Proposed	Required or Max. Allowed
Setbacks:			
Front (north)	None	16 ft.	15-30 ft.*
Side (right – west)	None	6 ft.	6 ft.
Side (left – east)	None	6 ft.	6 ft.
Rear (south)	None	32 ft.	15 ft.
Driveway length	None	18 ft.	18 ft.
Height	None	26.5 ft.	28 ft.

***Front Yard Setback per 9.7.4(a):** Three lots on the same side of the street were evaluated and determined to have an average front yard setback of 16’. The proposed single-family dwelling maintains a 16-foot front yard setback, thus meeting this requirement.

General Plan and Zoning Conformance

The proposed construction of the new single-family residence does not change the land use of the site. The proposed residence is in conformance with the low-density residential general plan designation.

The proposed new single-family residence meets all Belmont Zoning Ordinance (BZO) setback, height, parking, floor area ratio, and permitted use regulations of the R-1B zoning district.

Environmental Clearance (CEQA)

The proposed new single-family home for the subject site is categorically exempt from the provisions of the California Environmental Quality Act by provision of Section 15303, Class 3(a):

“Class 3 consists of construction and location of limited numbers of new, small facilities or structures...Examples of this exemption include but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.”

The proposed residence meets the above requirements for CEQA exemption.

Discussion

Belmont’s Ordinances Regarding Single Family & Duplex Design Review entitlements

Belmont Zoning Ordinance Section 13A provides:

SECTION 13A – SINGLE FAMILY AND DUPLEX RESIDENTIAL DESIGN REVIEW

13A.1 PURPOSE – The Single Family and Duplex Residential Design Review process is established to preserve the wooded, low density character of the City’s single family and duplex residential neighborhoods, and assure that new single-family and duplex residential development achieves an appropriate balance amount the following:

- (a) Consistency with existing site conditions*
- (b) Minimal disruption of site and surrounding topography*
- (c) Minimal visual building bulk and an attractive exterior building design*
- (d) Protection against erosion, ground movement, flooding and other hazards*
- (e) Preservation of existing trees and vegetation, use of native plants, and an enhancement of the overall landscaping in residential neighborhoods*
- (f) Safe on-site vehicular accessways to all covered parking*
- (g) Retaining walls that follow topographic conditions and enhance the appearance of surrounding slopes*
- (h) Right-of-way encroachments that are the minimum necessary to support private access and development and that enhance the overall appearance of the site*

13A.4 HEARING BY COMMISSION – The Commission shall hold a public hearing after acceptance of a complete application for a Single Family and Duplex Residential Design Review by the Director of Community Development. Notice of the time, place and purpose of each such public hearing shall be given in the manner set forth in Section 11.4.1 herein.

The Commission shall approve, conditionally approve or disapprove the site plan, the architectural elevations and landscape plan or shall request the owner to revise them.

In rendering its decision pursuant to Belmont Zoning Ordinance Section 13A, the Planning Commission must consider all testimony offered and grant a Single Family Design Review (SFDR) only when it finds evidence to support the required findings of Section 13.A.5 (A-H) of

the Zoning Ordinance¹. Each of these findings must be made in the affirmative if the SFDR is to be granted.

Planning Commission Action

At the conclusion of the public hearing, the Planning Commission conclusively determined that it could make all of the findings required by Section 13.A.5 (See Attachment E - Planning Commission Resolution 2005-28). As discussed earlier, staff has also provided the staff report (containing additional background information on the project) and draft minutes of the 8/2/05 Commission hearing for Council's review.

Belmont's Ordinance Regarding Appeals

SECTION 15 – APPEALS

15.10 ACTION BY COUNCIL – The Council shall hold a public hearing on an Appeal from a decision of the Commission or a review of proceedings upon its own initiation after notice thereof shall have been given as prescribed herein. All evidence

¹ 13A.5 FINDINGS REQUIRED – *The Commission may grant approval of Single Family and Duplex Residential Design Review to the proposed development, as applied for, or in modified form, if on the basis of the application and evidence submitted the following findings are made:*

- (a) *The buildings and structures shown on the site plan are located to be consistent with the character of existing development on the site and in the neighborhood, as defined; minimize disruptions of existing public views; protect the profile of prominent ridgelines.*
- (b) *The overall site and building plans achieve an acceptable balance amount the following factors:*
 - (1) *building bulk,*
 - (2) *grading, including*
 - (a) *disturbed surface area and*
 - (b) *total cubic yards, cut and fill*
 - (3) *hardscape, and*
 - (4) *tree removal*
- (c) *All accessways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structures.*
- (d) *All proposed grading and site preparation have been adequately reviewed to protect against site stability and ground movement hazards, erosion and flooding potential, and habitat and stream degradation.*
- (e) *All accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.*
- (f) *The landscape plan incorporates:*
 - (1) *Native plants appropriate to the site's environmental setting and microclimate, and*
 - (2) *Appropriate landscape screening of accessory and support structures, and*
 - (3) *Replacement trees in sufficient quantity to comply with the standards of Section 25 (Trees) of the Belmont City Code*
- (g) *Adequate measures have been developed for construction-related impacts, such as haul routes, material storage, erosion control, tree protection, waste recycling and disposal, and other potential hazards.*
- (h) *Structural encroachments into the public right-of-way associated with the project comply with the standards of Section 22, Article I (Encroachments) of the Belmont City Code.*

submitted at such hearing, except original public records or certified copies thereof, may be given under oath administered by the Mayor or the Vice Mayor. The Council may affirm, reverse or modify a decision of the Commission provided that if a decision for denial is reversed or a decision to grant is modified, the Council shall, on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted, make the findings prerequisite to the granting prescribed in this Ordinance.

The City Council is required to conduct a public hearing on the submitted appeal. The City Council, during its public hearing, is required to receive and consider this information and any additional evidence submitted prior to the conclusion of the Council's public hearing.

Appeal Analysis

Staff has reviewed the basis for the submitted 8/12/05 appeal and has provided the following response:

Appeal Argument (See Page 1 of appeal letter - Main Excerpt):

Appellant: *“...In my review, I have discovered that in fact, the design does not achieve acceptable balance as required in the City of Belmont’s, Single Family Design Review Evaluation, Item “B”. The proposed house neither articulates well elements of design, nor can the style be called Traditional, as Mr. Belding, the applicant, portrayed it at the Public Hearing. No Traditional, or any other “balanced” style would call for (4) four different sizes of overhang, (2) two different roof pitches, and a variety of other elements all put together without a common theme. In addition to this, the front elevation is perceived as a (3) three story building, whereas no other house in the neighborhood has more than 2 stories, and the proposed house would be sitting on the wrong side of the lot, creating a greater impact of grading.*

As a result, the proximity of the rooms with the most intense use, the kitchen/family rooms of the proposed house, are opening into a patio located only (6) six feet from the property line. This area is also exactly where the rooms with the most intense use, the dining/living rooms, of the Popiul Residence are located.”

Staff Response: The SFDR finding (13A.5.B) in question centers on the consideration of four factors: building bulk, grading, hardscape, and tree removal, and whether an appropriate “balance” is achieved. Evaluation of the finding (and the merits or shortcomings with the project) does not entail a critique of specific architectural design (i.e. Traditional Vs. Contemporary Vs. Mediterranean Vs. Craftsman, etc.), but whether suitable attention has been given to the four factors in siting a dwelling for the property. This finding also does not mandate (or even speak to) a certain or required dwelling layout (garage on one side, bedrooms on the other) as the appeal argument purports. An applicant has the latitude to orient rooms/spaces within a dwelling as long as the four factors are reasonably met in a proper balance.

As discussed earlier, the proposed new single-family residence meets all development standards of the R-1B district (setback, height, parking, floor area ratio, etc.). The proposed exterior

treatment (combination of plank wood & shingle siding, and asphalt shingle roofing) for the split-level two-story dwelling is generally compatible with the character of the one and two-story wood and stucco finished homes in the immediate neighborhood. The Commission also considered these factors in rendering a decision to approve the project.

Each project is evaluated on a case-by-case basis to determine if specific factors related to the subject property warrant approval of the request. By and large, the Planning Commission believed there was not a necessary or required design/site layout change that would achieve a significantly better balance between the four stated factors necessary for affirmation of this finding. The Planning Commission, at the conclusion of their deliberations, believed this finding and the other seven required findings were appropriately met to grant approval of the requested Single Family Design Review permit for the project. Overall, the Appellant's arguments to the contrary are not supported by the evidence and do not constitute grounds to overturn the Planning Commission's decision.

Supplemental Information provided by Applicant Representative (Since 8/12/05 Appeal)

As discussed earlier, Nancy Chillag, representing the Popiul's, presented additional information (10/3/05) in support of their requested appeal of the Planning Commission decision. This information included a third-party Arborist report (See Attachment C) which assessed the health status of an existing non-protected Monterey Pine tree located with the Popiul property.

Ms. Chillag's main argument centers on the long term health implications to this tree located within the rear yard of the Popiul property as construction of the proposed dwelling will most likely require some root severing/branch removal of this tree which overhangs the subject property (2303 Casa Bona).

Staff Response: It should be noted that the Single Family Design Review findings are interpreted to address mitigation and protection measures associated with the removal of protected trees as described in Municipal Code Section 25. While the appellant (and their representative) provides a reasonable concern relating to potential future health impacts of their Monterey Pine tree, this tree is not protected by Ordinance. Furthermore, the issue of necessary root severing/branch trimming associated with the proposed construction is more properly addressed as a matter between the two private property owners - not under the purview or direct oversight of the Commission. In adopting Resolution 2005-28, the Commission did not (and was not bound or required to) direct any conditions of approval regarding this tree. As discussed earlier, City Arborist recommendations regarding protected on-site trees were included as conditions of project approval.

A key argument made by Ms. Chillag in support of the appeal is that the Monterey Pine tree located within the Popiul's property is afforded protection under "*The Significant Tree Ordinance of San Mateo County*" (adopted in 1990). Ms. Chillag asserts that because the Popiul's property is located within the County of San Mateo, this ordinance applies to their tree. Staff confirmed through a conversation (10/3/05) with Senior Level San Mateo County Planning staff that this ordinance only applies to *Unincorporated Areas of San Mateo County*, not every

property located within the entire County. As Belmont is an incorporated City, it's own Tree Protection Ordinance (Municipal Code Section 25), serves as the only the statutes governing the status of this tree. The aforementioned County Ordinance has no jurisdiction or implications on property located within Belmont, or any other incorporated city within the County. As discussed earlier, Section 25 directs the Monterey Pine as being one of three species of trees that is *not protected at any size*. No *protected trees* are proposed to be removed either within the subject site or adjacent property.

Ms. Chillag further illustrates (See Pages 3 & 4 of her summary letter) that Findings 13A.5 b, f, & g were not appropriately made in the affirmative by the Commission.

Staff Response: In review of the project, the Commission believed an appropriate “balance” was reached as required by Finding 13A.5.b. Satisfaction of this finding does not mandate a specific architectural design or interior placement/configuration of dwelling rooms be adhered to as argued by the appellant (and their representatives). This finding provides four factors (*building bulk, grading, hardscape, and tree removal*) be considered for the project; as noted in Resolution 2005-28, the Commission believed the project reasonably provides an acceptable balance between these four factors. The Appellant has failed to demonstrate that this finding made in the affirmative by the Planning Commission was an abuse of discretion.

In view of Finding 13A.5.f, Ms. Chillag asserts that the project does not provide “...appropriate landscape screening of accessory and support structures...” (See Page 4). This finding assesses any proposed accessory/support structures for the *subject property* in construction of the new single -family dwelling – not off-site properties. No accessory structures (i.e. sheds, detached garages, etc.) are proposed for the subject site, thus not requiring landscape screening. While the project includes a four-foot high retaining wall (also considered a support structure) in the rear yard of the 2303 Casa Bona property, it is located well below and out of view of the adjacent (Popiul) property. The project does include landscape plantings to soften and blend with this wall, thus providing sufficient basis for the Commission to affirm this finding. The Planning Commission’s action on this finding is supported by substantial evidence in the record. This information from the Appellant does not demonstrate that the Commission abused its discretion in rendering its decision for his project.

In reference to Finding 13.A.5.g, and as noted in Resolution 2005-28, the City Arborist has reviewed construction impacts associated with the project for protected trees and recommended specific measures that have been included as conditions of project approval. Furthermore, the City Geologist has reviewed and approved the geotechnical recommendations for site construction and erosion control, and these recommendations have also been included in the conditions of project approval. The Appellant has not demonstrated by their argument that the Planning Commission decision should be set aside.

Applicant Submittal (Subsequent to 8/12/05 Appeal)

As discussed earlier, on 10/3/05 the City received a letter from the project applicant, George Belden, requesting the Council uphold the Commission decision. This letter includes a petition

signed by surrounding property owners supporting the project, and photographs of neighborhood dwellings to illustrate dwelling height/context (See Attachment D).

Conclusion

Staff recommends that the City Council deny the appeal in its entirety. The Appellants have not, in their appeal, demonstrated that the Planning Commission abused its discretion. They have been unable to do so because the record contains substantial evidence to support the Planning Commission's decision that it could make all Single Family Design Review findings of Belmont Zoning Ordinance Section 13A.5 (A-H). Absent this showing, there is no basis upon which the City Council should overturn or modify the Planning Commission's decision.

Fiscal Impact

None.

Public Contact

1. The City Council is required to hold a public hearing on an appeal of a Planning Commission decision as per Section 15.10 (Appeals) of the BZO. The City placed a public notice display ad in the local newspaper of general circulation (San Mateo Times) for a minimum 10-day period beginning on October 1, 2005, for the scheduled public hearing by the City Council on October 11, 2005. The City also mailed the appeal hearing public notice to all property owners within 300 feet of the subject site and other interested parties to inform such persons of the scheduled appeal hearing.
2. The Appellants, applicant and property owner for 2303 Casa Bona Avenue were also informed of the appeal hearing.

Recommendation

Staff does not find sufficient basis in the Appellant submittal to overturn the Planning Commission's decision and recommends the City Council adopt the attached resolution upholding the Planning Commission's decision to approve the Single Family Design Review to allow construction of a new single family dwelling for property located at 2303 Casa Bona Avenue.

Alternatives

1. Direct staff to prepare a resolution based on findings provided by the City Council to grant the appeal, overturn the decision of the Planning Commission, and deny the Single Family

Design Review to allow construction of a new single family dwelling for property located at 2303 Casa Bona Avenue.

2. Continue the matter and direct staff to prepare an alternative course of action.

Attachments

- A. City Council Resolution Approving the Single Family Design Review and Upholding the Planning Commission Decision
- B. Appeal Application – 8-12-05
- C. Supplemental Appellant Submittal – 10-3-05
- D. Applicant Letter/Petition Supporting the Project/Other Dwelling Photographs – 10-3-05
- E. August 2, 2005 Planning Commission Staff Report, Adopted Resolution 2005-28 Approving the Single Family Design Review, and Draft Meeting Minutes
- F. Supplemental Neighbor/Citizen Letters
- G. Project Plans & Materials

Respectfully submitted,

Carlos de Melo
Interim Community Development Director

Jack Crist
Interim City Manager

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
UPHOLDING THE PLANNING COMMISSION'S DECISION

TO APPROVE A SINGLE FAMILY DESIGN REVIEW AT 2303 CASA BONA AVENUE
(APPL. NO. 2005-0019)

WHEREAS, George Belden, project applicant, requests Single Family Design Review approval to construct a new 2,474 square foot single family residence for property located at 2303 Casa Bona Avenue; and,

WHEREAS, on August 2, 2005, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the requested Single Family Design Review, and adopted a Resolution 2005-28 approving the Single Family Design Review for the project; and,

WHEREAS, Herm and Jacklyn Popiul, adjacent property owners at 2401 Read Avenue, filed an appeal on August 12, 2005 of the Planning Commission decision; and,

WHEREAS, a public hearing on the appeal was duly noticed, held, and closed on October 11, 2005; and,

WHEREAS, the City Council of the City of Belmont finds the project to be categorically exempt pursuant to the California Environmental Quality Act, Section 15303, and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony hereinabove set forth; and,

WHEREAS, the City Council finds the required Single Family Design Review Findings, Section 13A.5(A-H), are made in the affirmative as follows:

- A.** *The buildings and structures shown on the site plan are located to be consistent with the character of existing development on the site and in the neighborhood, as defined; minimize disruptions of existing public views; protect the profile of prominent ridgelines.*

The proposed new house is multi-level and contemporary in design which is compatible with the character of the one and two-story wood and stucco finished homes in the immediate neighborhood. The lot is situated on the uphill side (non-ridgeline) of Casa Bona Avenue, and the house will be built into and stepped up the slope such that the sides and rear of the house are one to two stories above the finished grade. The layout of the dwelling will not disrupt public views as assessed from Casa Bona Avenue, Coronet Boulevard and Read Avenue. This finding is affirmed.

- B.** *The overall site and building plans achieve an acceptable balance among the following factors:*

- (1) building bulk*
- (2) grading, including*

- (a) *disturbed surface area and*
- (b) *total cubic yards, cut and fill*
- (3) *hardscape, and*
- (4) *tree removal*

Building Bulk

The lot size, 5,467 square feet, and average slope of 23% are sufficient to support the maximum permitted size house, which is 2,481 square feet for this location. A portion of the first floor, and exterior front entry porch at the front of the house is situated over a two-car garage. The remainder of the house is situated away from the garage and front covered entry porch. The overall bulk and mass of the building is broken up by the following architectural design features:

- Recessed garage door
- Front entrance steps
- Front and side entry covered porch
- Rear patio and trellis
- Articulated floor levels and roof lines
- A contrasting color palette of earth tones from light (light gray/beige) for the wood plank lap siding, to dark (light brown) for wood shingle elements and (gray/green) for the window and door trim
- New trees, shrub and groundcover plantings that will serve to soften the overall mass of the site development

Grading

The proposed construction requires 441 cubic yards of cut and follows the recommendations of the applicant's geotechnical consultant investigation. The design will keep the front exterior walkway on grade and there will be no retaining walls over six feet in height. Driveway retaining walls will maintain a three-foot height from the entry to the front of the garage driveway; this lower wall would be visible from off-site.

Hardscape

The stacked arrangement of the house limits the footprint on the lot. Other hardscape areas are limited to the required driveway, front entry walkway and the rear yard patio. A significant portion of the rear of the lot would remain open with a proposed lawn and area four-foot high retaining walls that include terraced plantings. The proposed plan is successful in providing new landscaping that serves to soften the hardscape.

Tree Removal

Two non-protected trees (Privet and Monterey Pine) will be removed to allow for the proposed construction; no mitigation plantings are required for the loss of these two trees. However, the applicant proposes to plant four new trees on the site to augment the loss of the two non-

protected trees. Protection measures for surveyed trees as recommended by the City Arborist are included in the Conditions of Approval.

All four factors (building bulk, grading, hardscape, and tree removal) appear to have been appropriately addressed in the building design and site/groundwork that result in breaking up the vertical mass and lines of the structure, ensuring soil stability and suitable construction techniques and limiting the hardscape. This finding is affirmed.

C. *All accessways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structure.*

Although the lot slopes up from the street, the proposed driveway provides an acceptable 11% maximum slope, with an adequate backup distance of over 18 feet within the property line. The retaining wall along the driveway is designed to ensure visibility of street traffic, measuring three feet at the property line to the garage front. The City Council believes the proposed accessways are adequately designed for safe pedestrian and vehicular access. This finding is affirmed.

D. *All proposed grading and site preparation have been adequately reviewed to protect against site stability and ground movement hazards, erosion and flooding potential, and habitat and stream degradation.*

The site requires approximately 441 cubic yards of excavation for the driveway, garage, house and site improvements. A geotechnical investigation for the project has been reviewed and approved to the satisfaction of the City Geologist to ensure soil stability and provide design and construction recommendations.

The City Council believes that site conditions have been adequately reviewed to protect against site instability and ground movement hazards, erosion and drainage, and tree protection. The site is suitable for the proposed construction if completed in compliance with the geotechnical recommendations included in the conditions of project approval. This finding is affirmed.

E. *All accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.*

The site improvements occur primarily at the front of the lot, which includes the driveway and walkway. The crawl space under the covered entry porch and stairs has been limited and covered along the sides with plank lap siding to match the exterior finish of the house. Other support features such as retaining walls and walkways are integrated well into the overall project design. This finding is affirmed.

F. *The landscape plan incorporates:*

- (1) Native plants appropriate to the site's environmental setting and microclimate, and*
- (2) Appropriate landscape screening of accessory and support structures, and*

(3) *Replacement trees in sufficient quantity to comply with the standards of Section 25 (Trees) of the Belmont City Code*

Two non-protected trees (Privet and Monterey Pine) will be removed to allow for the proposed construction. Protection measures as recommended by the City Arborist have been included as Conditions of Approval for other protected trees for the site. The applicant proposes a landscape plan that includes four trees (Japanese Maple, Red Oak, Tea trees) shrubs, groundcover and a lawn for the site. The City Council believes the landscape plan is acceptable for the site. This finding is affirmed.

G. *Adequate measures have been developed for construction-related impacts, such as haul routes, material storage, erosion control, tree protection, waste recycling and disposal, and other potential hazards.*

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. The City Geologist has reviewed and approved the geotechnical recommendations for site construction and erosion control, and these recommendations are included in the conditions of project approval.

The City Arborist has reviewed construction impacts to protected trees and recommended specific tree protection measures that also have been included as conditions of project approval. All construction would be completed in compliance with the Uniform Building Code and NPDES standards as administered by the City of Belmont. This finding is affirmed.

H. *Structural encroachments into the public right-of-way associated with the project comply with the standards of Section 22, Article 1 (Encroachments) of the Belmont City Code.*

Other than a standard driveway approach which requires Temporary Encroachment Permit approval as administered by the Public Works Department, the proposal includes no encroachments into the public right-of-way. This finding is affirmed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby upholds the Planning Commission’s decision approving the Single Family Design Review to construct a new 2,474 square foot single-family residence for property located at 2303 Casa Bona Avenue, subject to the attached conditions in Exhibit “I”.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting held thereof held on October 11, 2005 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

EXHIBIT “I”

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2303 CASA BONA AVENUE (APPL. NO.2005-0019)

- I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. Construction shall conform to the plans on file in the Planning Division for Appl. No. 2005-0019 and date-stamped July 26, 2005. The Director of Community Development may approve minor modifications to the plans.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
3. Prior to issuance of building permits, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
4. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
5. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.
6. The project is subject to Public Works Department and City Geologist review and approval with the following conditions:
 - a. Geotechnical Plan Review – The applicant's geotechnical consultant should review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design

parameters for foundations, retaining walls, driveway) to ensure that their recommendations have been properly incorporated. In addition, the consultant shall provide the following:

- The use of Class II Aggregate Base rock is not considered a capillary break material below slab-on-grade floors due to the relatively high content of fines. The prevailing local standard of geotechnical practice is to use at least 4” of free draining, durable gravel or crushed rock beneath both the garages and living areas slab-on-grade floors. The consultant shall provide updated recommendations where appropriate.
 - The result of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to issuance of building permits.
- b. Geotechnical Field Inspection – The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City for review prior to final (as-built) project approval.
7. Tree #3, a non-protected multi-stem privet tree, shall be treated as removal. The fee for the removal is \$750 (as established by the City Council per the 2004 master fee schedule).

8. TREE PROTECTION FENCING/IRRIGATION

Prior to issuing a permit for grubbing, demolition, tree removal, grading, or construction, the following shall occur:

- a. Fencing must be erected as per the dashed line on the map attached to the City Arborist report, April 8, 2005, around trees #2 and #3 (if applicable). Fencing must be at least 9-linear feet east and 15-linear feet north of the trunk edge of oak #2. Leave a small 12-inch gap in the fencing around each tree so that tree wood chips and soil moisture can be installed, maintained and inspected.
- b. Fencing material used for all protective fences must be steel chain-link, at least six-feet in height, mounted on two-inch diameter galvanized iron posts 8-feet in length, driven a minimum of 24-inches into the ground. Posts must be mounted no farther than six-feet apart. This fence must be erected prior to any heavy machinery traffic or construction material arrival on site. The areas inside the fence perimeters or partial perimeters shall be known as the Root Protection Zones or “RPZs”.

- c. Compliance inspections will occur (1) at the time of fence erection and buffer installation, (2) during construction, and (3) after construction is complete. All fencing must remain in place until all construction is completed and the fencing and other protection has been received a final signoff letter from the city arborist. Permit approval will not occur until after the first inspection has been performed and the protection measures approved by the city arborist.
- d. The protective fencing must not be temporarily moved during construction, unless as noted in this section. No materials, excavated soil, liquids, or substances are to be placed or dumped, even temporarily, within the perimeter of this fence.
- e. The fencing shall have three signs posted on the fence, minimum 8X11” size, stating:

<p>TREE PROTECTION FENCE DO NOT ALTER OR REMOVE CALL CITY ARBORIST 48-HRS ADVANCE</p>

- f. SILT FENCING: Silt fencing (ex. TENAX pre-made 100-foot linear roll of silt fence with built-in wooden stakes, or equivalent) shall be installed around the outside of the RPZs around trees #2, (and #3 if applicable), digging in the lower edge as per package directions. This helps prevent graded or adulterated soil from entering the fence perimeters
- g. MULCH: The applicant shall lay a 4-inch thick layer of coarse wood chips (not bark chips) over the soil surface within the RPZ of oak #2. Pull chips out at least 12-inches away from the tree trunks so that wood chips are not contacting the root flares.
- h. TEMPORARY IRRIGATION: A neighboring active hose bib, a water truck, or a tow behind water tank shall be used to supply irrigation water to the RPZ inside the chain link tree protection fencing around oak #2 throughout the grading, excavation, and construction periods. This irrigation shall be performed once every two weeks during summer and fall until the first significant winter rains, pumping water or delivering water via a black rubber soaker hose system over the root zones of the trees. If using a soaker hose, the system shall be turned on at full pressure for approximately 4-8 hours (or until the upper 24-inches of soil is thoroughly saturated). If using a water truck or tank, then apply water at least three times in a single irrigation day, on a twice-monthly basis. The contractor shall verify use of irrigation water by documenting in a written journal the time and date of each irrigation event, the duration that water was applied, and the survey tag numbers of trees supplied with water.
- i. LANDSCAPE PLAN MODIFICATIONS: The applicant shall relocate all proposed plantings and irrigation lines for the area within zero to 12-linear feet out from the trunk of oak #2 such that this area will be preserved as a zero-impact root protection zone with no adulteration of the existing subgrade. Irrigation spray heads shall be directed away from the oak trunk to maintain a dry summer Mediterranean weather regime over the oak RPZ.

- j. Fees shall be payable to the City Tree Establishment and Planting Fund & to the City Arborist Before Project Commencement: If tree #3 is to be removed, the applicant shall pay a removal fee of \$750. The applicant shall pay a tree inspection fee of \$1,300 (\$1,000 arborist fee plus 30% City-mandated administration fee) made out to “The City of Belmont” at the initial tree protection inspection meeting on site to cover inspections and signoff letters by the city arborist throughout the life of the project.
- k. PRUNING: No pruning shall be performed. If absolutely necessary, clearance or restorative pruning shall be performed only by, or under direct supervision of, an ISA-certified arborist, and shall conform to all ANSI A-300 pruning standards (see vendor list below for approved tree care companies). A receipt for this work may be requested by the city arborist at any time.
- l. ROOT SEVERING / RETAINING WALL EXCAVATION: Use the teeth of the excavator bucket to carefully and slowly pull down soil in thin scrapes when working just outside the RPZ fences around oak #2. If woody roots measuring greater than 1-inch in diameter are encountered during this excavation or grading, then sever them cleanly at right angles to the root growth direction using a sharp wood cutting tool such as a Sawzall, chainsaw, pruning saw, lopper, or a highly-sharpened wood chisel and rubber mallet. The severed roots should be pruned all the way back to the soil cut face itself.

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. The applicant will be required to provide a construction and demolition-recycling plan as a condition of the building permit. The Building Department will inspect for compliance with this plan. The conditions of approval for this permit also require the applicant to perform all work in conformance with the NPDES requirements.
- II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:
- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.
 1. Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works.

2. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
 3. A residential driveway approach shall be installed in accordance with Department of Public Works approved standards.
 4. Roof leaders and site drainage shall be directed to the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
 5. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
 2. The property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.
 - a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
 - b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
 - c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.

- d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
 - e) Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
4. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.
 5. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
 6. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee. The sanitary sewer shall include a back flow prevention device.
 7. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.
 8. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a. A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b. Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
 - c. Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d. Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e. Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.

- f. Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
 - g. Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
9. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.
 10. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
 11. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
 2. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
 3. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

4. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
5. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:
 - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
 - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
 - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 - e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 - f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
 - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
 - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 - i. Limit construction access routes and stabilize designated access points.
 - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
6. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE SOUTH COUNTY FIRE DEPARTMENT:

1. An approved automatic fire sprinkler system meeting the requirements of the South County Fire Protection Authority current ordinance shall be provided.
2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet South County Fire Standards.
3. In areas identified as Urban-Wildland Interface, a vegetation management plan shall be submitted with the plans. Minimum 30' clearance away from all structures, and a minimum clearance of ten-feet from sides of access roads in hilly terrain may be required.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:	
_____	_____
Carlos de Melo, Interim Community Development Director	Date

PLEASE NOTE:

Attachments B, C, D, E, F, & G are not included as part of this document - please contact the City Clerk's Office at (650) 595-7413 for further information on these attachments.