



STAFF REPORT

MITIGATED NEGATIVE DECLARATION AND ADDENDUM, GENERAL PLAN AMENDMENT, ZONE CHANGE TO PLANNED DEVELOPMENT, CONCEPTUAL DEVELOPMENT PLAN, LOT MERGER, AND TENTATIVE SUBDIVISION MAP FOR DEVELOPMENT OF 24 CONDOMINIUM UNITS AT 1000 SOUTH ROAD AND 950 HOLLY ROAD

Honorable Mayor and Council members:

RECOMMENDATION

The Planning Commission recommends the City Council take the following actions:

1. Adopt a resolution adopting the Mitigated Negative Declaration and Addendum
2. Adopt resolutions approving the following:
 - Lot Merger and Tentative Subdivision Map to create condominium ownership for 24 units of housing
 - General Plan Amendment to designate the merged site Medium Density Residential
 - Zone Change to designate the merged site Planned Unit Development
 - Conceptual Development Plan

Project Description

The Project is located on two parcels 1000 South Road and 950 Holly Road. The Applicant is requesting legislative and entitlement actions to merge the two parcels and construct a 24-unit condominium development. Therefore, the entitlement request includes a lot line adjustment¹ to merge the two parcels along with a Tentative Subdivision Map to create condominium ownership. The two parcels have different zoning and general plan designations. As a result, legislative approvals are requested to change the General Plan Land Use Designation on the Holly Road parcel from Low Density Residential (R1) to Medium Density Residential (Rm) and on the South Road parcel from High Density Residential (Rh) to Medium Density Residential (Rm).

¹ Lot line adjustments are typically processed administratively. Staff included the lot line adjustment in the entitlement request given that it is a part of the “whole” of the project which consists of the legislative and entitlement requests noted in the Project Description.

A Zoning Designation change is requested to remove the Single-Family Residential (R-1A) designation on the 950 Holly Road parcel and the Multi-Family Residential (R-4) designation on the 1000 South Road parcel to designate the merged parcels as Planned Development (PD). A Conceptual Development Plan (CDP) is required for the PD zoning designation pursuant to City Ordinance. In summary, the two parcels would be merged; the Land Use Designation would be Medium Density Residential and the Zoning Designation PD to allow for the development of 24 units of condominium housing and 73 parking spaces. Should these requests be approved by Council, a Detailed Development Plan, Conditional Use Permit, Tree Removal Permit and Grading Plan would then be reviewed by the Planning Commission.

The merged lot would be 54,179 square feet (1.25 acre). The two existing curb cuts on the South Road parcel would serve the merged site. The curb cut off of Holly Road would be abandoned and replaced with curb, gutter and sidewalk. Additionally, curb, gutter and sidewalk would be provided the entire length of the project frontage. The existing apartment building and the single-family residence would both be demolished to construct the project.

For convenience of explanation, the project can be described as consisting of three areas; the main, north west and south east. The main area of the building, essentially where the apartment building currently sits would include two levels of parking consisting of 63 parking spaces and three floors of residential units. Five units would be on the first floor, six units on the second floor and four units on the third floor for a total of 15 units in this area. The maximum height of the main area would be 56.25' above finished and adjacent grade and the minimum height would be 27'-4" on the western elevation.

For the north west area, the portion of the building closest to the 940 Holly Road single-family residence would consist of a garage on ground-level and first and second floor residences and a third unit on-grade. The garage is proposed to park six vehicles. The first and second floors would include one unit each. The height along the north elevation which would be adjacent to the 940 Holly Road residence varies from 16 feet to 37'-11". The third unit consisting of 2,088 square feet would be 20 feet in height along this elevation.

The south east area would be down slope of the main building and would be the portion of the project closest to Ralston Avenue. The south east expansion includes four levels of residential; two sub-levels, one ground level and a first floor. Five units are proposed in this area; one on sub-level two, two on sub-level one, two on the ground level and one on the first floor. The height in this area would range from 29'-4" to be 47'-9".

The proposed architectural style is Craftsman. The façade is proposed to be shingle siding with wide wood trim detailing around aluminum clad wood windows. The window glazing is proposed to be a clear, dual-glazed system with true mullions separating the panes. The shingle walls toward the public view would transition to a full-story stone base before meeting the ground. The stone base is proposed to wrap the existing garage with arched openings and rustic metal grilles and would step down with the grade toward the property boundaries to help ground the building and create a pedestrian scale and interlocking patterns. Decks projecting out from the building would consist of wood vertical pickets braced with heavy-timber diagonals below

and glass balcony rails encased with wood trim. The roof would be composed of thick wood shakes and copper rounded gutters and roof-drain leaders. The eave perimeter would include projected wood dentils and a long overhang to add texture and cap the building. The flat roof is proposed to be modified to a sloped roof. The color palette proposed is sepias, creams, warm grays, and bronze with gold tones added. A model will be presented at the City Council meeting for further clarification. The following two tables summarize the project.

**TABLE 1
 PROJECT CHARACTERISTICS**

DEVELOPMENT STANDARD	PROJECT
Density	19.20 du/acre
Impervious Surfaces	38.7%
Floor Area Ratio	1.43
Maximum Height	56.25'
Grading	6,350 cu. yds.
Parking	63 resident/10visitor/73 total
Setbacks	Ralston Avenue 29 ft./Rear 9-100 ft./West Side 4'9"/East Side 15-49 ft.
Tree Removal	33
Tree Replacement	3:1 for all removed trees (99 trees)

**TABLE 2
 USE AND UNIT TYPE /SQUARE FOOTAGE BREAKDOWN**

UNIT TYPE/USE	QUANTITY	GROSS SQUARE FOOTAGE
One-bedroom/ one and a half baths	1	1,066
Two-bedroom / two and a half baths	2	1,901
Two-bedroom / two baths	11	1,421 -1,846
Three bedroom / three baths	10	2,157-2,379
TOTAL RESIDENTIAL	24	45,524
Club House	1	362
TOTAL HABITABLE		45,886
Garaged Parking	69	24,927
Surface Parking	4	Square footage of surface parking is not included as it does not meet the definition of floor area.
TOTAL SQUARE FOOTAGE		77,071 (includes all common built areas)
PROPOSED FLOOR AREA RATIO		1.43

Environmental Clearance

A draft Initial Study and proposed Mitigated Negative Declaration of Environmental Significance (draft May 2007 IS/MND) was prepared and circulated pursuant to state law. The Planning Commission conducted a public hearing on the document at the June 5, 2007 and their January 15, 2008 meeting. The state Clearinghouse certified that the City complied with

California Environmental Quality Act (CEQA) law in a letter dated June 12, 2007 (letter from Terry Roberts, Director of the State Clearinghouse to Allison Knapp Wollam, Principal, Knapp Planning and Environmental Consulting. SC# 2007052044). No comments were received on the document.

An addendum to the draft May 2007 IS/MND was also prepared in light of the change in the project from 20 to 24 units. There are no significant additional environmental impacts due to the change in the project, and the change in the project requires no revision to the mitigation measures previously identified in the draft May 2007 IS/MND. This determination is based upon an evaluation of the revised project against the criteria outlined in the Initial Study checklist. The Planning Commission considered the Addendum and the draft May 2007 IS/MND during their January 15, 2008 meeting when they recommended by a 5-0 vote that the City Council adopt the document. The Addendum and Mitigation Monitoring and Reporting Program (see Attachment V) and draft May 2007 IS/MND (see Attachment VI) are provided with this report.

DISCUSSION

June 5, 2007 Continuance & January 15, 2008 Planning Commission Meeting Recommending Approval of the Conceptual Development Plan

The Planning Commission, on June 5, 2007, continued the project off calendar. The Planning Commission had many comments and questions regarding the project which at that time consisted of 20 units. Their comments and staff responses thereto are addressed in detail on pages three through 12 of the January 15, 2008 staff report (See Attachment V). In summary the majority of the concerns focused on parking, tree removal, density, improvements to Holly Road, the lack of park in lieu fees, the amount of rental housing in the City given that the project would remove 20 units of rental housing from the market, the location of grading, construction traffic on Ralston Avenue and clarifications to points made in the staff report.

The Applicant revised the project in response to many of the Planning Commission concerns and staff provided clarifications and additional information for the Commission. These modifications were presented to the Commission on January 15, 2008 wherein the Planning Commission voted 5-0 recommending approval of the legislative and entitlement applications. The modifications to the project include:

- An increase in parking from 47 to 73 spaces
- An increase in tree replacement to include a 3:1 tree replacement for all trees that would be removed and not just “Protected Trees” as defined by Ordinance
- An in-lieu fee for parkland improvements and a potential contribution for various off-site transportation improvements
- An increase in the proposed density from 20 to 24 condominium units in order to assist in funding of the above-stated Park-In-Lieu/off-site transportation project contribution fees
- Installation of energy saving (energy star) appliances in the units

The Planning Commission staff report (page 6) identifies housing development in the City. Approximately 193 multi-family housing units are on the near horizon of which 28 are required to be below market rate. Through the entitlement process some are likely to be proposed or may be required to be rental units.

A model of the project and adjacent buildings was produced and shown at the January 15, 2008 Planning Commission meeting. The model clarified many of the site development questions; in particular setback and design questions. The Applicant presented a graphic illustrating the grading, massing and view corridors of other structures in the project area. Site circulation was clarified and solar and green building elements were also presented. The in lieu fee, increased parking, increased tree replacement and modifications to the landscape plan to include Coast Redwood trees along Ralston Avenue addressed many of the concerns.

Traffic and noise impacts during construction were discussed at length during the January 15th public hearing. The Commission gave direction with respect to conditions of approval to be considered in the forthcoming grading plan and design review entitlement review. Among these is that the off-haul of grading materials be prohibited during peak commute times along Ralston Avenue and that grading and construction activities be noticed to neighbors along Holly and South Roads and nearby schools. The project should incorporate more solar technology into the building through the design review process.

The Covenants, Conditions and Restriction's (CC&R's) for the project should include prohibitions on storing items on the balconies and requiring that overnight guest parking is located behind the access gate thus leaving the openly accessed parking available to short-term visitors and deliveries to the site. Staff review of the forthcoming CC&R's will insure that these restrictions, among others, are in place. The location and availability of guest parking should be clearly identified on the site so that guests will know that additional parking is available in the garage. Noise attenuation features need to be addressed for the elevators and rooftop treatment must be of a non-reflective and non-glare design.

FISCAL IMPACT

The proposed residential development would have a positive fiscal impact to the City, in many ways. The project would remove an architecturally void building in disrepair and replace it with an architecturally significant structure, thus re-investing in the neighborhood and the City. The re-investment would likely increase property values in the area.

The project would be marketed as "luxury" condominiums, and as such would likely be marketed to households with a sizeable discretionary income. Some of the household incomes would be expected to be spent in the Downtown Area where grocery stores, restaurants and various goods and services are available within walking distance. Thus the residents of the condominium would contribute to the local economy in the form of retail sales and services being purchased in the City.

The existing structures on the site were constructed in the 1940's and the 1960's and are not up to the current energy conservation, building and fire codes. The project would replace this construction (recycling a considerable amount of the demolition materials) and replace it with a structure that meets current energy standards and the current building and fire codes. The new construction would be more energy efficient thus resulting in a conservation of energy not only locally but from a regional. Project design and construction would also meet current fire prevention and emergency access requirements. Inherent in the improved building and fire codes is the belief that they save life and property. Therefore, replacing 50-70 year old construction with 2008 construction and site design should reduce emergency response to the site and streamline access in the event of an emergency thus saving in staff and resource costs.

The project includes the provision of in-lieu fees for parkland improvements and a potential contribution to off-site transportation improvements in the project area; an envisioned transportation improvement could include reconstruction of Holly Road.

PUBLIC CONTACT

The applicant conducted two community meetings; one on the 20-unit proposal and one on the 24-unit project. Both Planning Commission meetings and the City Council meeting were legally noticed. The environmental document was legally noticed and subject to the state mandated 30-day public review period. No comments were received on the environmental document.

RECOMMENDATION

Staff recommends that the City Council: 1) Hold and close the public hearing, 2) Adopt the Mitigated Negative Declaration and Addendum, 3) Approve the General Plan Amendment, Zone Change, Conceptual Development Plan, Lot Merger and Tentative Subdivision Map, 3) Introduce the Ordinances by title and set the next meeting for adoption.

As discussed in the staff report to the Planning Commission and the attached resolutions, 60 General Plan findings can be made in the affirmative in support of the project. The required Planned Development findings can be made in the affirmative, the required subdivision findings can be made in the affirmative and the findings for a lot merger can be made in the affirmative. The finding that the modification to zoning and the general plan is required in order "to achieve the objectives of the Zoning Plan and the General Plan for the City" can be made in the affirmative.

ALTERNATIVES

1. Continue the project and provide guidance to the applicant and staff for further development of the Conceptual Development Plan or Mitigated Negative Declaration.
2. Deny the Mitigated Negative Declaration, General Plan Amendment, Zone Change, Conceptual Development Plan and Tentative Subdivision Map.

ATTACHMENTS

- I. Resolution adopting the Mitigated Negative Declaration/Addendum
- II. Resolution approving the General Plan Amendment, Lot Merger and Tentative Subdivision Map
- III. Ordinance approving Zone Change for 1000 South Road & 950 Holly Road to Planned Development (PD) for the Prospect Point Conceptual Development Plan
- IV. Performance Standards for Conceptual Development Plan
- V. January 15, 2008 Planning Commission Staff Report – this attachment includes:
 - Environmental Study Addendum & Mitigation Monitoring Program – January 2008
 - June 5, 2007 Planning Commission Meeting Minutes
 - June 5, 2007 Planning Commission Staff Report
 - Planning Commission Adopted Resolutions – January 15, 2008
 - Planning Commission Draft Meeting Minutes – January 15, 2008
- VI. May 2007 draft Mitigated Negative Declaration/Initial Study (Council only)
- VII. Project Plans (Council only)

Respectfully submitted,

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PLEASE NOTE: Attachments V, VI, and VII are not included as part of this document. Please contact the City Clerk at (650) 595-7413 for more information on viewing these attachments.

ATTACHMENT I - RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL
SIGNIFICANCE AND ADDENDUM FOR A GENERAL PLAN AMENDMENT,
ESTABLISHMENT OF A PLANNED DEVELOPMENT ZONE, APPROVAL OF A LOT
MERGER AND TENTATIVE SUBDIVISION MAP FOR A CONDOMINIUM
CONVERSION AT 1000 SOUTH ROAD/950 HOLLY ROAD
(APPL. NO. 2006-0088)

WHEREAS, an Initial Study and a Mitigated Negative Declaration of Environmental Significance and Addendum has been prepared for the proposed General Plan Amendment, Conceptual Development Plan, Rezone to a Planned Development District, Lot Merger, Tentative Subdivision Map and subsequent entitlement actions consisting of a Conditional Use Permit, Design Review, Detailed Development Plan and Grading Permit to allow a condominium conversion at 1000 South Road/950 Holly Road; and,

WHEREAS, an Initial Study was prepared for the 20-unit project and based upon the findings of the Initial Study a draft Mitigated Negative Declaration was prepared; and,

WHEREAS, the draft Initial Study/Mitigated Negative Declaration was sent to the State Clearinghouse on May 8, 2007 (State Clearinghouse # 2007052044) and the 30-day public review period commenced on May 11, 2007 and closed on June 11, 2007; and,

WHEREAS, there were no comments received on the draft Initial Study/Mitigated Negative Declaration and the state sent a letter to the City certifying the City's compliance with CEQA procedures; and,

WHEREAS, the City noticed the availability of the Initial Study/Mitigated Negative Declaration along with the *Notice of Intent to Adopt a Mitigated Negative Declaration* in the San Mateo Times on May 12, 2007 and the same noticing was also mailed to property owners within a 300 foot radius of the site on May 10, 2007; and,

WHEREAS, a public hearing before the Planning Commission was duly noticed, held on June 5, 2007, and continued off calendar to allow the Applicant time to respond to questions raised by the Planning Commission with respect to the design of the project; and,

WHEREAS, the project was modified to include 24-units on December 20, 2007 and an Addendum to the draft Initial Study/Mitigated Negative Declaration was prepared and re-noticed on January 5, 2008 in the *San Mateo Times* and the same noticing was mailed to property owners on January 4, 2008 ; and,

WHEREAS, the Addendum was prepared based upon the revised 24-unit project received by the City on December 20, 2007 which includes 24 condominium units and 73 parking spaces among other minor revisions as noted in the Addendum to the draft May 2007 IS/MND; the staff

report dated January 15, 2008, the plans dated December 20, 2007 and the whole of the administrative record; and,

WHEREAS, an Addendum to an environmental document is not required to undergo additional public review pursuant to CEQA and that the Lead Agency is required to consider the Addendum along with the environmental document; and,

WHEREAS, a second public hearing was held before the Planning Commission on January 15, 2008; and,

WHEREAS, the City Council conducted a legally-noticed public hearing on February 26, 2008 of which notice appeared in the *San Mateo Times* on February 16, 2008 and was mailed to property owners within 300 feet of the site on February 15, 2008. Such public hearing was continued to March 25, 2008 and was duly noticed; and,

WHEREAS, based upon the evaluation in the Addendum the following findings can be made:

There are no substantial changes proposed in the Project that would require major revisions to the draft May 2007 IS/MND environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The project would involve a fourth floor on the proposed main structure of the condominium evaluated in May 2007, and additional excavation on the site below the existing garage slab to add four more units and 26 parking spaces. The density increase from 20 to 24 units (still within the proposed and evaluated medium density residential designation) would not trigger any impacts associated with traffic, transportation, parking or air quality. Traffic associated with the 24-unit project would not exceed existing vehicle miles traveled (VMT) or maximum build-out conditions under the existing or proposed General Plan designations as shown in the above analysis.

The trip generation of the 24-unit Project would increase to 142/day from that evaluated in the draft May 2007 IS/MND which was 118/day and would remain under the existing conditions of 148/day. The 24-unit Project would remain well under the maximum build-out under both the existing High Density Residential and the proposed Medium Density Residential General Plan designations.

Additional grading would be required to construct the subterranean garage and this grading would be in the central portion of the site. The additional grading would not change the feasibility of the 24-unit project from an environmental perspective or trigger the need for additional geotechnical mitigation measures. Bedrock is encountered three to 12 feet below the surface and there would be no engineering issues with the

subterranean garage. Minor revisions to the foundation design may occur with respect to the depth of cushion fill or the depth of footings. The City's standard procedure for geotechnical review addresses geotechnical design and there are no extraordinary design issues.

There are no substantial changes with respect to the circumstances under which the 24-unit project would be undertaken which would require major revisions to the draft May 2007 IS/MND environmental document due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

There are two mitigation measures identified in the draft May 2007 IS/MND on the 20 unit project; one relating to migratory birds and the other to noise reduction from grading operations. Neither of the impacts associated with the mitigations would be increased in severity as a result of the project increasing from 20 to 24 units. The impacts and mitigations associated with the 20 unit project are also applicable to the 24 unit project are:

Biology Impact 1: Although a remote possibility, building demolition could impact nesting birds if such birds were present during building demolition (i.e., if demolition activities occurred from February 1- August 31).

Biology Mitigation 1: Outside of Nesting Season: Vegetation, tree, and building removal activities (Construction Activities) shall be scheduled to take place outside of the nesting season (February 1 to August 31) to avoid impacts to nesting birds. Every attempt shall be made to protect trees and nests that contain raptor nests.

During Nesting Season: A qualified biologist (Biologist) shall conduct a survey for nesting raptors and other birds within five days prior to the start of Construction Activities if tree or building removal is unavoidable during the nesting season. Construction Activities may take place as scheduled if active nests are not present. Another nest survey shall be conducted if more than five days elapse between the initial nest search and the beginning of Construction Activities. A Biologist shall determine the appropriate buffer to be established around the nest if any active nests are detected. CDFG generally accepts a 50-foot radius buffer around passerine and non-passerine land bird nests, and up to a 250-foot radius for raptors, however the Biologist shall have flexibility to reduce or expand the buffer depending on the specific circumstances.

Noise Impact 1: The use of the existing Holly Road driveway for frequent and unrestricted truck access would increase noise impacts to sensitive receptors north and west of the Project Site. As a result, there would be a higher potential for noise disturbance to adjacent residents and this would be considered a temporary, significant impact.

Noise Mitigation 1: Prohibit the use of the Holly Road driveway during grading and construction activities to the maximum extent feasible. Use the South Road driveways to

the maximum extent feasible to keep the source of noise closer to Ralston Avenue.

There is no new information of substantial importance that has become available and was not known at the time of the draft May 2007 IS/MND environmental document that would result in one or more significant effects not identified previously, significant effects that would be substantially more severe than identified in the draft May 2007 IS/MND environmental document, mitigation measures or alternatives previously found not feasible or considerably different from ones identified before and would substantially reduce the effects of the project are declined by the project applicant.

No additional mitigation measures are required to accommodate the proposed changes to the project or the draft May 2007 IS/MND document.

Subsequent legislation has been adopted since the draft May 2007 IS/MND. AB32, the *California Global Warming Solutions Act* was adopted in 2006 which became effective in 2007. The California Air Resources Board is charged with identifying methods and guidelines to reduce greenhouse emissions to 1990 levels. To date, no methodologies are in place. AB 32 does not reference CEQA, nor do the Executive Orders recently issued by the Governor with respect to greenhouse gas emissions, reference CEQA. Senate Bill 97 (adopted August 2007) does require the Office of Planning and Research and the Resources Agency to adopt CEQA Guidelines for the mitigation of greenhouse gas by 2010.

An attempt to *quantify* greenhouse gas emissions and identify potential mitigation measures without a sound methodology to assess greenhouse gas emissions would be considered speculative under CEQA (CEQA Guidelines Section 15145). A discussion of greenhouse gas emissions was not included in the draft May 2007 IS/MND or qualified in this 2008 Addendum. The analysis was not included because of:

- A. The absence of an approved methodology and a clear directive relating a greenhouse gas analysis to CEQA prior to 2010 as stated by SB 97.
- B. The Project (both the 20- and 24-unit) would reduce greenhouse gas emissions over existing conditions by complying with Title 24 construction standards which was not in effect in the 1940's and 1960's when the existing structures and uses were established.
- C. The reduction in project VMT by the conversion of residential uses from single-family and apartments to condominiums
- D. The 24-unit project proposes further energy saving devices namely, a prohibition on gas powered leaf blowers and landscaping equipment in the CC&R's; furnishing the units with energy star appliances (only); and providing electrical charging stations in the garages for all of the units, and in the case of the proposed Project this would be

six electrical stations.

Based upon the foregoing, the 24-unit project would not result in new project-related impacts or require additional mitigation measures not identified in May 2007. Pursuant to state law, an Addendum does not require recirculation.

WHEREAS, the draft May 2007 IS/MND and 2008 Addendum identifies that there are no potential impacts associated with aesthetics, agriculture, cultural resources, land use and planning, mineral resources, population and housing, public services, recreation and utilities and service systems, and energy conservation and greenhouse gas emissions (added) as identified in the draft May 2007 IS/MND and this analysis. The findings are contained in the following discussion and in the draft May 2007 IS/MND.

Aesthetics: The 24-unit Project would not increase light and glare in the project area. The Project Site is developed with residential uses and would continue to be lighted to accommodate the condominium development in a similar fashion. The Project would include landscaping, parking, building and street lighting, as required by the Department of Public Works, Police and Building Departments and the Belmont-San Carlos Fire Department. Light fixtures would be down-cast beam with directional shielding orientated toward lighting the task for which it is designed. Additionally, as a standard condition of approval and prior to issuance of a building permit, the Community Development Department requires a lighting study illustrating the direction and intensity of lighting to assure the lighting is directed to the designed task and to minimize off-site light spillage.

The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. The Project would improve the visual quality of the Ralston Avenue corridor by removing a three story building void of architectural detail and replacing it with a Craftsman-style building. The increase of height from 49.75' to 56.25' in the central portion of the site would not impede views of the hills surrounding and within the City of Belmont, as the proposed height increase is on the lowest elevation of the site.

The Project would not have an impact on the aesthetics or scenic quality on the Project Site or in the project area. There would be no individual or cumulative impacts with respect to aesthetic or visual quality associated with the project.

Agricultural: The Project would not adversely affect any existing agricultural operations since the site is in residential use and has been for over 60 years. The Project would not impact agricultural resources individually or cumulatively.

Cultural: The Project would not cause a substantial adverse change in the significance of a historical resource. None of the structures on the Project Site are on the City's Historic Resources Inventory. Although the single-family house is over 50 years in age, it has been substantially altered with vinyl siding and brick veneer. The apartment building, constructed in 1962, is of no architectural consequence it is not yet 50 years of age (a

threshold identified by the CEQA Guidelines as posing potential relevance for consideration of historic significance) and the stone grotto although not identified as an historic resource is proposed to be retained on the site.

The Project Site does not contain archaeological, paleontological, historic geologic formations or human remains (Holman Associates, March 26, 2007). The stone grotto (construction date unknown) is proposed to be retained on the Project Site.

The Project would not individually or cumulatively contribute to historic or cultural losses. The structures on the site are not historic based upon their date of construction and/or modifications to the building and based upon field investigations there are no archaeological or paleontological resources present on the Project Site. The site does not contain midden which is where historic remains are typically found and as such the site does not contain human remains. The Project would not result in an impact or contribute to a cumulative impact with respect to cultural or historic resources.

Land Use and Planning: The Project Site is a transitional site and on the edge of the Central Neighborhood and the existing development on the site is dis-similar to the other multi-family development along Ralston Avenue. The Project proposes to use the Planned Development process to reduce the transitional nature of the site by increasing development presence along the Ralston Avenue frontage. The proposed Craftsman-style architecture with the use of wood and stone, varying heights and recessing and projecting plains would further add to a “single-family feel” in this area; a transition from the Project Site which currently does not exist with the three story rectangular building.

The Project would not physically divide an established community. The site is currently designated, and used, residentially and the surrounding land uses are residential. The condominium conversion would retain residential land uses on the site and provide for a presence along Ralston Avenue that is currently missing and a transition from the Project Site to the adjacent single-family uses which is currently missing. The site is visually prominent and is a “gateway” to the Central Neighborhood; improvement on this site would benefit the surrounding community.

The Planned Development Zoning Designation mitigates potential development standard impacts by allowing flexibility in the land plan and while establishing a performance based land use regulation that conforms to the land and its resources.

Mineral Resources: The Project Site does not contain any local or regionally significant mineral resources. The Project would not result in an impact or contribute to a cumulative impact to mineral resources.

Population and Housing: The Project is the redevelopment of residential property with residential units. Goods, services and infrastructure are currently in place and would not have to be expanded to serve the needs of the residents. The Project would increase the

housing stock in the City by two units and provide homeownership opportunities for 24 households. The Project would not result in a significant impact with respect to population and housing.

Public Services: The Project would not result in an impact over existing conditions with respect to public services. The redevelopment of the site allows conditions of approval to be levied by the City which would result in improved conditions on the site more specifically improved fire and police safety which includes street lighting, a fire hydrant, site lighting, fire sprinklers in the building, improved alarm system and the payment of school fees. Additionally, the proposed in-lieu fee or construction of the improvements would also be used to improve circulation in the Project area thus improving the provision of services.

Recreation: The Project is not a significant intensification of land use or population. The General Plan envisions High Density Residential on the site and the Project proposes 24-units falling into the medium density range. The Project would not result in impact to recreational facilities as a result of land use intensification.

The Project site was originally developed prior to the Quimby Act being adopted and as such has never been subject to Quimby Act fees for the provision or upgrade of parkland. The Applicant has proposed in-lieu fee that will partially be used to improve parks in the area, and as such would result in an improvement over existing conditions.

Utilities and Service Systems: The Project, redevelopment of an existing residentially developed site, offers the opportunity to bring on site fixtures and services up to current water, energy and waste water conserving standards, and recycling standards. The Project would redevelop the existing 21 units on the site and replace them with 24 residential units. Utilities currently serve the site and no off-site expansion of the existing infrastructure would be required. The Project as a matter of law, through the building permit process, would be required to comply with all federal, state and local requirements prior to issuance of a building permit.

Energy Conservation and Greenhouse Gas Emissions: While there is no methodology in place to quantify greenhouse gas emissions, the Project proposes to prohibit gas powered landscape equipment, demolish existing construction that does not meet the current Title 24 energy conservation standards and replace it with energy compliant construction, furnish the units with energy star appliances and provide electric car charging facilities. The Project would also result in a reduction of vehicle miles traveled; 33 VMT below that allowed under the existing General Plan and Zoning designations and six under current conditions. The Project would reduce the potential for greenhouse gas emissions emanating as a result of site development over that of the existing conditions (based upon substantial evidence, facts, reasonable assumptions predicated on facts and expert opinions predicated on facts rather than speculation or argument (CEQA Guidelines Section 15384(a), Public Resources Code Section 21080(c)).

WHEREAS, the required regulatory framework defined as those measures implemented as a matter of law addresses any potential impacts and reduces them to a less than significant level which are associated with air quality, biology (Heritage and Protected Trees), hazards and hazardous materials, hydrology and water quality, geology, soils and seismicity, and traffic and transportation as identified in the Initial Study and Addendum:

Air Quality: The 24-unit Project would result in more grading and more off-haul of excavated materials. However, the project would not result in a significant impact to air quality and would not result in a cumulatively considerable net increase of criteria non-attainment pollutants (ozone precursors and PM-10). The City's building permit procedure captures the BAAQMD permitting regulations, as well as dust control measures which apply to grading operations. No mitigation measures, above those required by the City as a matter of law are required. The Project would not result in an impact or contribute to a cumulative impact to air quality.

The City of Belmont requires as conditions of project approval (levied by the Public Works Department) the implementation of the following measures:

- 1) Water all active construction sites at least twice daily.
- 2) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- 3) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- 4) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- 5) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- 6) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- 7) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
- 8) Limit traffic speeds on unpaved roads to 15 miles per hour.
- 9) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
- 10) Replant vegetation in disturbed areas as quickly as possible.

Biology: With respect to Heritage and Protected Trees the Project would not result in a project specific or cumulatively significant impact. The City's Tree Preservation Ordinance would reduce this potential impact to less than significant.

Approximately 46 trees were previously identified to be removed from the Project Site (in the draft May 2007 IS/MND) to construct the project and 54 of the existing trees would be retained on the site. Subsequently, through refinement of the plan, 33 trees would be removed to construct either the 20- or 24-unit Project. Additionally, the 24-unit Project proposes to replace tree removal at a 3:1 ratio (i.e., not just Protected Trees).

Impacts to existing trees would also be minimized as shown on the landscape plans through use of floating beam and pier walkways and decks to minimize ground disturbance, on-grade non-structural “gravity walls” of hand lain stones which allow existing root systems to remain as-is with no grading, and through rerouting of potentially damaging storm drain routes to farther away from existing trees being retained. Radial trenching techniques would further promote the health of the trees to be retained.

The City Arborist’s recommendations for tree preservation and planting will become a condition of approval on the DDP and the Tree Removal Permit should the project be approved. The arborists’ recommendations are required of the Project as a matter of law, more specifically, the City’s Tree Preservation Ordinance; therefore no additional mitigation measures are identified or required as a result of this environmental addendum or the draft May 2007 IS/MND, as the City’s Tree Preservation Ordinance adequately mitigates tree loss. The 24-unit Project would not require additional trees to be removed as the Project involves an additional floor and an additional subterranean level where the current apartment building exists.

Geology, Soils and Seismicity: The City’s standard requirements of a subdivision and grading application require the preparation of a site specific geotechnical investigation, independent peer review of the investigation and incorporation of the findings of the independent peer review into project design. Cotton Shires prepared an independent peer review of the geotechnical investigations proposed as part of the 20-unit Project and concurs with the characterization of the Project Site, findings, and design specifications. Cotton Shires adds that the Project Geotechnical Consultant shall review all plans, field work and conditions to assure that the project is built to specifications.

The project geotechnical reports and the City’s independent peer review requirements will, as a matter of City subdivision, grading and building permit procedures, be required of the Project. No mitigation measures, above those required by the City as a matter of law, are identified in the draft May 2007 IS/MND. Soils and geology impacts would be less than significant with the implementation of the City’s standard requirements.

Additional grading would be required to construct the subterranean garage and this grading would be in the central portion of the site. According to the City’s consulting geologist (Cotton Shires, Associates) the additional grading required to construct the subterranean garage would not change the feasibility of the Project from an environmental perspective or trigger the need for additional mitigation measures. Bedrock is encountered three to 12 feet below the surface and there would be no geotechnical engineering issues with respect to constructing an additional level on the garage.

Minor revisions to the foundation design may occur with respect to the depth of cushion fill or the depth of footings (conversation Allison Knapp Wollam, Knapp Planning and Environmental Consulting and Ted Sayre, Senior Geologist, Cotton Shires, December 17,

2007). The City's standard procedure for geotechnical review addresses geotechnical design and there are no extraordinary design issues. The 24-unit Project would not result in an impact or contribute to a cumulative to seismic safety, soils or geologic concerns.

Hazards and Hazardous Materials: The Project Site is appropriate for continued residential use. The project would not introduce fire, safety or hazardous materials risks into the area beyond that normally anticipated with residential land use. The Project would not result in an impact or contribute to a cumulative impact of hazardous materials exposure or impede emergency response. Bringing the Project site into compliance with the latest Uniform Building Code requirements would result in reducing potential fire and safety impacts.

Hazardous emissions could occur if asbestos and lead are present in any structures on the Project site. A Phase I Environmental Site Assessment was prepared for the 1000 South Road property (Phase I Environmental Site Assessment Crestview Apartments 1000 South Road Belmont, CA SES Project No. 9-49010, SES Environmental, Inc., October 4, 2004). A Phase I was not conducted for 950 Holly Road.

The 1000 South Road investigation found that asbestos is present in the fireproofing, interior heater door panels, vinyl sheet flooring and mastics. The fireproofing and door panels are considered friable and the remaining materials non-friable. Additional materials containing asbestos could be uncovered during demolition. The report recommends that a comprehensive asbestos survey should be conducted to identify building materials that may contain asbestos. Any activities that would cause disturbance to identified materials containing asbestos must be removed in accordance with local, state and federal guidelines. This requirement is part of the project and as such shall be complied with as a matter of building permit issuance.

The BAAQMD regulates removal of materials containing asbestos. BAAQMD requirements are enforced in concert with the Belmont Permit Center which is a coalition of the Building, Planning, Public Works and Fire Authority (Belmont - San Carlos Fire Department). The Building Division requires notification to BAAQMD by the Project applicant for demolition of buildings suspected of containing asbestos or lead based paints. Therefore, as a matter of law, the Building Division will require that the Project sponsor obtain a "J" number from the BAAQMD demonstrating compliance with their regulations for demolition of structures containing or suspected of containing asbestos. The J number shall be provided to the City of Belmont Permit Center prior to the City Building Division issuing a demolition permit for structures on the 1000 South Road and/or 950 Holly Road parcels. All buildings known or suspected of containing asbestos are required to conform to this process. Based upon the age of the 950 Holly Road structures (approximately 1940's) it is also suspected that the building will contain asbestos. Therefore, as a matter of law, demolition of structures on both parcels will be required to be reviewed and permitted through the BAAQMD. Therefore, no mitigation is identified as required by the draft May 2007 IS/MND as the regulations are captured by the City's permitting process as a standard requirement of issuance of a demolition permit.

Hydrology and Water Quality: The City's standard conditions of approval, required by law, are adequate to address any potential water quality impacts as a result of Project construction or occupation. The City is a member of the San Mateo Countywide Storm Water Pollution Prevention Program (STOPPP), an organization of the City/County Association of Governments (C/CAG) of San Mateo County holding a National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge permit. STOPPP's goal is to prevent polluted storm water from entering creeks, wetlands, and the San Francisco Bay. The City requires Project compliance with the State Water Quality Control Board's general permitting requirements which requires the applicant to secure a Construction Activities Storm Water General Permit, complete a Notice of Intent (NOI) and prepare and obtain approval of a Storm Water Pollution Prevention Plan (SWPPP). The City levies conditions of approval to protect water quality. Therefore, the project would not violate any water quality standards or waste discharge requirements levied by the federal, state and local governments because of the permitting requirements and conditions of approval.

The Flood Insurance Rate Map FIRM Panel Number (0650160005B) for the City of Belmont shows the Project Site within an area designated as Flood Hazard Zone C by the Federal Emergency Management Agency which is not within a 100 year flood zone. Therefore the Project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Project would not place structures within a 100-year flood hazard area and therefore would not impede or redirect flood flows.

The City's standard conditions of approval, required by law, are adequate to address any potential water quality impacts as a result of Project construction or occupation. No mitigation measures, above those required by the City as a matter of law, are identified in this Addenda or the draft May 2007 IS/MND. The Project would not result in an impact or contribute to a cumulative impact to hydrology or water quality resources.

Traffic and Transportation: Approximately 5,530 cubic yards of excavated soil would be removed from the site during the two to four month grading period; approximately 4,000 cubic yards more than the 20-unit Project. Removal of soil would require a Hauling Permit which is issued by the Department of Public Works. Removal of the excavated soil would require approximately 550 round trip truck trips to and from the site to remove (10 yards per truck). The grading period could increase from two to four months over that anticipated with the 20-unit Project. The same City-required measures which include flag persons and in some cases limiting the hours of hauling as a part of the Grading and Hauling Permit issuance through standard conditions of Project approval would still be required. A preconstruction conference is required with the Building and Public Works staff and the construction manager, contractor and all subcontractors prior to the onset of construction activities to assure all safeguards are in place and understood by all parties. Violations of any requirements result in a 'Stop Work' order being issued.

The Project would not result in traffic, circulation, parking or safety impacts. No

mitigation measures, above those required by the City as a matter of law, are identified in this Addendum or the draft May 2007 IS/MND. The Project would not result in an impact or contribute to a cumulative impact to traffic, circulation, parking or safety. The project would reduce traffic in the neighborhood, the area and the transportation network by six to 33 average daily trips. Although the construction traffic period (to remove excavated soils) is expected to increase, this is a temporary impact lasting two to four months and would be considerably off-set by the reduction in vehicle miles traveled and the energy saving devices incorporated into Project construction and operations which would last the life of the Project.

WHEREAS, the Initial Study identifies a biology and temporary noise impact and required mitigation measures beyond the standard measures required by law and these two impacts would not be increased as a result of the project being modified from 20 to 24 units. These two impacts and mitigation measures are:

Biology Impact 1: Although a remote possibility, building demolition could impact nesting birds if such birds were present during building demolition (i.e., if demolition activities occurred from February 1- August 31).

Biology Mitigation 1: *Outside of Nesting Season:* Vegetation, tree, and building removal activities (Construction Activities) shall be scheduled to take place outside of the nesting season (February 1 to August 31) to avoid impacts to nesting birds. Every attempt shall be made to protect trees and nests that contain raptor nests.

During Nesting Season: A qualified biologist (Biologist) shall conduct a survey for nesting raptors and other birds within five days prior to the start of Construction Activities if tree or building removal is unavoidable during the nesting season. Construction Activities may take place as scheduled if active nests are not present. Another nest survey shall be conducted if more than five days elapse between the initial nest search and the beginning of Construction Activities. A Biologist shall determine the appropriate buffer to be established around the nest if any active nests are detected. CDFG generally accepts a 50-foot radius buffer around passerine and non-passerine land bird nests, and up to a 250-foot radius for raptors, however the Biologist shall have flexibility to reduce or expand the buffer depending on the specific circumstances.

Noise Impact 1: The use of the existing Holly Road driveway for frequent and unrestricted truck access would increase noise impacts to sensitive receptors north and west of the Project Site. As a result, there would be a higher potential for noise disturbance to adjacent residents and this would be considered a temporary, significant impact.

Noise Mitigation 1: Prohibit the use of the Holly Road driveway during grading

and construction activities to the maximum extent feasible. Use the South Road driveways to the maximum extent feasible to keep the source of noise closer to Ralston Avenue.

WHEREAS, the City Council has considered the potential impacts of the proposed project as set forth in the Initial Study/Negative Declaration of environmental significance and Addendum attached as part of the June 5, 2007, January 15, 2008 and March 25, 2008 staff reports and finds that there are no significant effects on the environment with implementation of the identified mitigation measures as stated in the report.

NOW, THEREFORE BE IT RESOLVED that the City Council adopts a Mitigated Negative Declaration of Environmental Significance with Addendum and the Mitigation Monitoring and Reporting Program contained in the IS/MND and Addendum as the appropriate CEQA documentation for the project pursuant to the provisions of the Public Resources Code known as the California Environmental Quality Act, and City-adopted implementation guidelines.

* * * * *

Passed and adopted at a regular meeting of the City Council of the City of Belmont held on March 25, 2008 by the following vote:

AYES,
COUNCILMEMBERS: _____
NOES,
COUNCILMEMBERS: _____
ABSENT,
COUNCILMEMBERS: _____
ABSTAIN,
COUNCILMEMBERS: _____
RECUSED,
COUNCILMEMBERS: _____

CLERK of the City of Belmont

MAYOR of the City of Belmont

ATTACHMENT II - RESOLUTION NO. 2008-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
ADOPTING A GENERAL PLAN AMENDMENT, LOT MERGER AND A TENTATIVE
SUBDIVISION MAP FOR A CONDOMINIUM CONVERSION
AT 1000 SOUTH ROAD/950 HOLLY ROAD (APPL. NO. 2006-0088)

WHEREAS, Carol Jansen, applicant on behalf of Prospect Point Development, LLC requests a General Plan Amendment, Rezone to Planned Development, Conceptual Development Plan, Lot Merger and Tentative Subdivision Map approval for a condominium conversion development at 1000 South Road/950 Holly Road; and,

WHEREAS, on June 5, 2007, the Planning Commission, following notification in the prescribed manner (including a notice in the *San Mateo Times* and mailing to property owners within 300 feet of the site), conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements and legislative actions and continued the request off calendar; and,

WHEREAS, on January 15, 2008 , 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 aforementioned requested entitlements and legislative actions; and,

WHEREAS, on February 26, 2008 & March 25, 2008, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and a staff report/memorandum on the aforementioned requested entitlements; and,

WHEREAS, the City Council of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An Initial Study (draft May 2007 IS/MND) and Addendum to said document (2008 Addendum) was prepared for the project and determined that the project would have a less than significant impact with implementation of the identified mitigation measures; and,

WHEREAS, a Mitigated Negative Declaration and Addendum was prepared and the City Council adopted the document (interchangeably referred to as the IS/MND; IS and Addendum; draft May 2007 IS/MND) and,

WHEREAS, the City Council hereby adopts the staff reports dated June 5, 2007, January 15, 2008, February 26, 2008 & March 25, 2008 and the facts contained therein as its own findings of facts; and,

WHEREAS, the City Council, after consideration of all testimony and reports, hereby determines that the proposed General Plan Amendment, Lot Merger and Tentative Subdivision Map for the proposed demolition of the single-family structure and demolition of the apartment

building *achieves the objectives of the Zoning Plan and General Plan for the City* for the following reasons:

1. The Project Site is on the edge of the Central Neighborhood District. The Project Site is somewhat of a transitional site and considerably more transitional in nature than the other multi-family designated and developed sites in the project area. Other Rh and R-4 designated and developed property south east of the Project Site fronts entirely on Ralston Avenue and is separated from the adjacent R1 and R-1 land uses by South Road. The Project Site is bordered by three roads; Holly and South Roads and Ralston Avenue, and is adjacent to the R1 and R1-A designated and developed property to the north; thereby void of any transitional space.

The proposed north west expansion of the project, the portion of the building closest to the 940 Holly Road single-family residence, would consist of approximately 9,085 square feet. The addition in this area would subordinate to the 54,439 square feet of the main building and the 12,465 square foot south east expansion. This subordination in size and height which would range from 16 feet to 37'-11" would provide a "single-family feel" to the transition from the project to the smaller lot single-family development adjacent to and north of the project; a transition that currently does not exist. The proposed Craftsman-style architecture with the use of wood and stone, varying heights and recessing and projecting plains would further add to a "single-family feel" in this area; a transition from the Project Site which currently does not exist with the three story rectangular building.

The project proposes to develop the Project Site within the Rm Land Use Designation (8-20 dwelling units per acre) and the density would be 19.20 dwelling units per acre. Re-designating and redeveloping the Project Site as Medium Density Residential would provide a transition from the Project Site to the adjacent single-family development that currently does not exist.

2. The City Council finds that the project is consistent with the following General Community Goals and Policies of the General Plan.
 - 1015.1. *Assure that Belmont will be a balanced community with residences, schools, businesses, industry and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.* The project consists of redevelopment of an apartment building in significant disrepair. The project would provide for a newly emerging housing need, not envisioned in the 1980's when the General Plan was drafted, which is higher-end condominium housing. This type of housing product addresses the needs of "empty nesters" those whose families have grown and left home leaving households whom desire to downsize their homes surrounded by many amenities as well as style. The high end condominium product also responds to the needs of dual-earning and high-earning single person households.
 - 1015.2. *Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.* The project would provide a medium density transition to

the immediately adjacent single-family development. The project would improve the safety and visual character of the site by eliminating buildings in dis-repair and reconstructing to the latest Uniform Building and Fire Codes. The project would also retain and enhance buffer landscaping along South and Holly Roads and the single-family uses to the west and north of the site.

- 1015.3. *Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.* The project would preserve views by reducing the proposed density, and height toward the adjacent single-family uses. Rock outcroppings and trees are proposed to be retained on the site, thereby retaining potential habitat for birds and mammals. Tree removal on the Project Site would be required to occur during the non nesting season for migratory birds (February to September) or a Migratory Bird Study shall be conducted and if nests are found they shall be avoided. Holman & Associates, Archaeological Consultants have determined that no archaeological or paleontological resources are present on the site. The project would relocate and retain the stone grotto on the site. The project proposes to retain many heritage trees and plant new trees in conformance with the City's Tree Ordinance. The project complies with this General Community goal.
- 1015.4. *Maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.* The project is the renovation of an older residential structure. The project proposes to replace a non-descript architectural style in substantial disrepair with a Craftsman-style structure. The project proposes to remove dead and diseased trees and replace them with natives in compliance with the City's Tree Ordinance and as reviewed and supervised by the City's consulting arborist, the tree removal plan is in compliance with the City's ordinance.
- 1015.7. *Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.* The Project Site is currently supplied with water, sanitary sewer, storm drain, and telephone and cable services. The site is within the Central Neighborhood; a built-out residential neighborhood in Belmont. The project proposes to avoid development on the steeper north eastern slopes of the site and to preserve native woodland vegetation.
- 1015.8. *Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.* The project would be required to conform to the latest Uniform Building Code construction requirements. Therefore, the construction on the site would be an upgrade from existing conditions which conform to the 1960 Uniform Building Code, and the 1940's building standards of the Holly Road structure. The project would also comply with the latest geotechnical construction standards as required by the Uniform Building Code and the geotechnical studies prepared for the project and peer reviewed by the City geologist for the project

1015.9. *Protect and conserve significant community resources such as energy, clean air and water and historic or architecturally interesting buildings.* None of the structures on the project site are identified on the *City's Historic Building Survey* as amended in 1993. The single-family residence, indicated by building permit records to be constructed in the 1940's, was modified in the 1970's to include brick veneer and vinyl siding thereby degrading any historic significance it may have possessed. The apartment building was built in the 1960's and is essentially a rectangular structure void of architectural detail or interest. The stone grotto, date of construction unknown, is proposed to be relocated on the site.

1015.10. *Provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*

The proposed project would reduce the curb cuts along the Holly and South Road boundaries from three to two. The project would not add a curb cut on Ralston Avenue. The project would reduce traffic to the site and in the area by approximately six daily trips. The project would add street lighting along its frontage where none currently exists. The project as such would improve movement of people and goods and not result in additional environmental effects.

1016.1. *New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment.* Although the project does not represent new development, but redevelopment of the site, it does conform to this policy. The proposed medium density development would provide a softer transition to the adjacent single family development.

1016.2. *Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirements, parking requirements, and traffic movements should be based upon the following general principles:*

- a) *Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- b) *The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- c) *Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking, noise, fire safety, drainage, natural hazards, resource conservation and aesthetics.*
- d) *Intensity of land use should be regulated according to the availability of community facilities and services.*

The intensity of use proposed on the site decreases as it approaches the single family development. The north west area is proposed to decrease in size, height and density as it approaches the single-family residences on Holly Road. This area of the project site is also the steepest as the site increases in elevation to the north west. The majority of the project is proposed where it currently exists. The south east area steps toward Ralston Avenue. The majority of the density of the project, 21 units, is in the main and south east areas and the lowest density, height and bulk is proposed in the north west area. The main and south east Expansions is the portion of the project that is closest to Ralston Avenue, a major thoroughfare and furthest from the small lot single-family development to the north east.

The lowest intensity of the project would occur on the steeper portion of the site while leaving steeper portions of the site (further to the north west) in open space. Existing vegetation would be largely preserved throughout the entire site and would be completely preserved in the north west open space areas, save for trimming and scrub removal recommended by the City's Arborist. The City's Arborist recommends removing dead, unstable and trees that are in poor condition throughout the site. Storm drain and erosion control measures are proposed by the project and required as standard City conditions of approval. The aesthetics of the site would be improved by the project; the poorly maintained and architecturally vague building would be removed and replaced with a Craftsman-style structure. Views from adjacent sites would largely be preserved due to the reduction of development intensity as the slopes of the site increases to the north west.

The project would be required to meet regional water and air quality requirements as noted in the Air Quality and Hydrology sections of the IS and Addendum. The project would be required to meet current Uniform Building Code and fire codes which regulate new construction to address protection from natural hazards. The project would generally improve the aesthetics of existing buildings and would not diminish resource conservation. The project would not impact community facilities and all utility providers have been and can continue to adequately serve the site. Although the project would generate (temporary) construction noise impacts to adjacent west and north western residences, the Mitigation and Monitoring Program provides measures to reduce this temporary impact to a less than significant level

1016.3. *All land uses should conform to the environmental quality and safety policies in Part 3 of this plan.* The adopted Initial Study for the project analyzes air quality, noise, geologic and seismic safety and hydrology issues. As identified in Section IV Summary of Initial Study /Mitigated Negative Declaration Findings, of the IS and Addendum the project would not result in an impact and as such complies with this policy.

1016.4. *The following standards shall apply to all new development:*

- a) *Sewage disposal shall be by sanitary sewers.*
- b) *Storm drainage facilities shall be provided.*

- c) Erosion shall be minimized through such measures as runoff retention and revegetation.*
- d) Grading and new impervious surfaces shall be kept to the minimum necessary to permit development of land in a manner compatible with its characteristics and designated use.*
- e) Land, water and energy shall be used efficiently.*
- f) Structures shall be clustered, where possible, to maximize open space and minimize costs of providing public services.*
- g) Safe access to the public road system of the community shall be provided.*
- h) Fire and police protection shall be adequately provided.*
- i) Slopes exceeding 30 percent shall be avoided whenever possible.*

The project has been designed to meet the above the development standards and the above development standards are also addressed as standard conditions of project approval. All utility services have been and are serving the site. The Belmont Police Department and the San Carlos-Belmont Fire Department have reviewed the project and with their identified conditions of approval there are adequate emergency services for the project. The project does not entail significant grading (relative to the proposed building size and scope), and would be located predominately in the central portions of the site where the apartment building is located. Development is proposed on slopes less than 30 percent. Impervious surfaces would be 38.7 (39) percent of the site area. A geotechnical report is proposed as part of the project. The City's geotechnical consultant has peer reviewed the report and found that it adequately addresses the conditions on the site. Adherence to erosion control and air quality measures would be required and incorporated for the project as standard conditions of approval as identified in the IS for the project. Site access would result in eliminating one curb cut along Holly and South Roads, and that coupled with an estimated six less vehicle trips per day to serve the site, would result continuing the safe circulation pattern on the site and in the vicinity of the project.

1016.6. *Natural features, such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees, should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements.* The project proposes to retain rock outcrops, Heritage and Protected Trees and reduce development scale as it moves up the site. These features are discussed in the IS and Addendum for the project.

1016.8. *In any development within the Planning Area, geologic conditions should be thoroughly evaluated to avoid or mitigate problems of unstable land.* A geotechnical report (including the assessment of the geological site conditions) has been prepared for the project. The findings of this report have been peer reviewed and included as part of the adopted Initial Study and Addendum for the project. The environmental study concluded that should the design and recommendations of the applicant's geotechnical study and City's third party consultant (Cotton Shires, Associates) be included for the project,

issues related to site stability would be mitigated to less than significant levels. These measures are required as a matter of law.

- 1016.9. *In all new development, significant historical and archaeological features should be identified and, as determined appropriate, protected or conserved.* The adopted Initial Study and Addendum states there are no archaeological sites recorded on the project site; no evidence of prehistoric archaeological materials was found by the City's consulting archaeologist (Holman and Associates). The two residential structures are not identified as containing any historic value as disclosed in the Initial Study for the project. Additionally, the project proposes to retain the stone grotto on the site; the date of its construction is not known.
- 1016.10. *Through traffic should be channeled onto major streets and collectors and diverted, to the extent possible, from residential neighborhoods.* No significant public capital improvements are anticipated to modify the street pattern for surrounding areas of the site. As such, all major traffic enters and exits the project area from Ralston Avenue, a major arterial. South and Holly Roads are minor residential streets and the volume of traffic traveling on them would be reduced by six trips as noted in the Addendum to the draft May 2007 IS/MND for the for the project.
- 1016.11. *On-street parking should be controlled by requiring provision of off-street parking in new development, construction of additional off-street parking spaces, especially in the Central Business District and near Old County Road, preventing the conversion of space or uses to higher intensities unless adequate off-street parking is provided.* The project proposes 73 parking spaces; 69 in garage spaces and four uncovered. The Belmont Zoning Ordinance requires two off street parking spaces per multi-family unit of which one is required to be garaged. No visitor parking is required. Therefore the project proposes 25 more parking spaces than required by code of which all but four are stealthed in the garage. Currently the site provides 37 parking spaces which do not meet the minimum parking requirement required by Code.
- 1016.12. *Incompatible land uses should be separated by landscaped open spaces, streets or other forms of buffers.* The project would not result in an incompatible land use. The project is the continuation of residential land use in a residential area. Additionally, the reduction in density, from high to medium, would provide a smoother transition between the project and the adjacent single-family land uses. Mature edge and central landscaping is proposed to be retained on the site.
3. The City Council finds that the project is consistent with the following goals and policies of the Elements of the Land Use Pattern Element of the General Plan.
- 2006.1. *To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses.* The proposed project is not new multiple family housing but redevelopment of existing housing. The

Project Site is under 30% slope and in an area that is planned for, zoned and developed residentially. Site access is off Ralston Avenue via South Road. Goods and services are located within 0.25 miles of the site within the Downtown Plan Area and across the street in Twin Pines Park.

2006.2. *To address the housing needs of traditional families, senior citizens and young adults by encouraging a mix in housing type, design, and cost.* The project proposes high-end condominium housing: a newly emerging and desired housing product.

2007.2. *A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community.* The project proposes high-end condominium housing: a newly emerging and desired housing product. This type of housing product will provide a “gateway” into the Central Neighborhood and provide a presence along Ralston Avenue that is currently missing.

4. The City Council finds that the project is consistent with the following Circulation Element Goals and Policies of the General Plan.

2080.1. *To provide a transportation system consistent with the residential, small city character and physical setting of Belmont.* No changes are proposed to the existing transportation system or surrounding streets of the Project Site. No off-site mitigation measures are required as part of the traffic analysis/circulation assessment for the project as disclosed in the project IS and Addendum.

2080.4. *To route through vehicular traffic around, rather than through, residential neighborhoods. Traffic patterns would not be altered as a result of the project.* Project traffic to and from the site would be from Ralston Avenue via South Road.

2081.2. *Through traffic should be routed to streets on the periphery of residential areas to the maximum extent possible.* The subject site is located on a main arterial; all vehicular ingress/egress from the project site will be routed back to Ralston Avenue.

2081.3. *When it is determined that through traffic is adversely affecting a residential area, reasonable actions should be taken to re-route the traffic or otherwise reduce the traffic or mitigate its effects.* The IS and Addendum for the project indicates that the project would result in less traffic on the site, in the neighborhood and in the area. No off-site traffic circulation mitigation measures are required for the project.

2081.5. Streets and roads should be designed for safe travel at moderate speeds and for low maintenance costs. No adverse safety conditions (on adjacent streets) have been identified as disclosed in the Initial Study for the project.

5. The City Council finds that the project is consistent with the following Safety Element Goals and Policies of the General Plan.

- 3040.2. *To continue to obtain and incorporate into City decision-making information delineating geologic, hydrologic and seismic hazards.* The adopted IS and Addendum for the project includes an assessment of geologic, hydrologic, and seismic hazards for the proposed development. As a matter of law, the project complies with this goal. A geotechnical study was prepared for the project and peer reviewed by the City's consulting geologists. Ted Sayre of Cotton Shires Associates, the City's consulting geologist, determined that the project as revised would not result in an additional impact on the environment. Bedrock is found three to 12 feet below the surface on the Project Site and either deeper footings or a different amount of cushion fill would be required to construct the subterranean garage. The borings that will be prepared by the Applicant shall still be peer reviewed by the City's consultant, and the revision to the project does not add to or require new mitigation measures. The recommendations of both studies are required to be incorporated into the project as stipulated by the Belmont Subdivision and Grading Ordinance's and as implemented through the grading, hauling and building permit processes.
- 3041.1. *The City shall require investigations by both registered soils engineers and engineering geologists prior to issuing building permits for any new construction unless waived due to current existing information and location.* All such reports shall be independently evaluated, on behalf of the City, for completeness and accuracy. As disclosed in adopted IS and Addendum for the project, this resolution, the staff reports and the administrative record, this has been done, documented and is required by law.
- 3041.4. *All environmental reports submitted to the City in support of development proposals shall include sections evaluating seismic, geologic, fire and flood hazards.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum, and required by law through the Belmont Subdivision Ordinance and building and grading permit process.
- 3041.13. *No new construction shall be permitted in areas where emergency access cannot be adequately ensured.* As the adopted IS and Addendum for the project discloses, the Police Department and Belmont-San Carlos Fire Department have confirmed that adequate emergency services can be provided for the site. All service levels can be maintained to protect the public health, safety and welfare.
- 3041.14. *Sprinkler systems and/or smoke detectors should be required according to ordinance provisions administered by the South County Fire District.* As disclosed in the adopted IS and Addendum for the project, a new fire hydrant, smoke detectors, a Class 1 fire standpipe and sprinkler system is required as a condition of project approval for the project.
- 3041.15. *Fire retardant roofing and exterior siding materials should be required for any major remodeling of structures in presently developed areas which are adjacent to wooded*

open space areas or without adequate emergency access or water flow, assuming that 80 percent of the siding or roofing is being remodeled. Should the project be approved, appropriate fire retardant materials for the building would be required as per the Uniform Fire Code as administered by the Belmont-San Carlos Fire Department.

3041.16. *All geologic reports required by the City in support of a development application shall include an evaluation of seismic conditions on and near the site and how they could affect the proposed development.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum for the project and required by law through the building and grading permit process.

3041.19. *The City supports strict control of the use, storage and transport of toxic, explosive or other hazardous materials.* As disclosed in the adopted IS and Addendum for the project no storage, or transport of toxic, explosive or other hazardous materials is proposed for the project. The Initial Study included a records search of federal, state, and local databases pertaining to the transport, storage or disposal of hazardous materials or wastes. Regulatory records indicate no potential on or off-site sources of hazardous substances that could affect soil and groundwater quality at the site.

6. The City Council finds that the project is consistent with the following Housing Element Goals and Policies of the General Plan.

2.2. *Ensure that residential sites have appropriate public services, facilities, circulation, and other needed infrastructure to support development.* As noted in the adopted IS and Addendum for the project, public services, facilities, circulation, and other needed infrastructure are in place to support the development.

7. The City Council finds that the project is consistent with the following Conservation Element Goals and Policies of the General Plan.

3051.3. *To minimize the erosion of soil.* As disclosed in the adopted IS and Addendum for the project, should the project be approved, compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department as mandated by the Regional Water Quality Control Board will be required as a matter of law which minimizes soil erosion.

3051.5. *As appropriate, to comply and encourage compliance with regulations designed to achieve state and federal air quality standards.* As described in the adopted IS and Addendum for the project, the project will be required to meet Bay Area Air Quality Management District (BAAQMD) requirements in its design and operation. These standards are enacted to preserve clean air for the Bay Area region. These measures are required as a matter of law.

3051.6. *To provide for the efficient use of energy resources in activities carried out or regulated by the City.* The project will be required to meet the Uniform Building Code which

includes provisions for compliance with Title 24 – Energy Conservation for new construction. This would be an improvement over existing conditions given that the structures on the project site were built 40 to 60 years ago when energy and conservation standards were not in place. The project also includes energy star appliances, prohibition on gas powered landscaping equipment and six electric car charging stations.

- 3051.8. *To protect scenic views to and from the hillsides.* The project is proposed within the relatively flatter portions of an existing developed site. The proposed height and intensity of development of the project is reduced in scale as it moves up the site. The fourth floor is proposed in the central portion of the site, and not at the higher elevations. The project proposes to maintain many Heritage Trees on the site as discussed in the Biology section of the IS. All trees to be removed will be replaced at a 3:1 ratio, not only Protected and Heritage Trees. Additionally, the Aesthetic section of the IS and Addendum notes that views will not be diminished as a result of the project.
- 3052.1. *New development shall be located and designed to preserve specimen trees and significant stands of trees to the extent possible.* As noted in the adopted IS and Addendum for the project Heritage and Protected Trees, as defined by Ordinance, will be preserved on the site.
- 3052.4. *The City shall control both the amount and timing of grading to prevent accelerated erosion of the soil. Erosion and runoff control facilities shall be regularly maintained and preventative measures taken whenever possible.* Compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department and mandated by the Regional Water Quality Control Board will be required for the project. These measures will include adherence to Best Management Practices (BMP's) in the design/construction of new buildings to address grading, erosion control, and storm water quality control for the proposed development.
- 3052.6. *In carrying out its functions, the City will comply and encourage compliance with all applicable federal and state air quality regulations.* The City not only encourages, but it requires through its permitting process, compliance with state and federal air quality regulations. These regulations, identified in the IS and Addendum for the project, are required as a matter of law.
- 3052.12. *Structures should be located and designed and landscaping designed and maintained to protect, to the extent possible, views to and from the hillsides.* The project is sited within a relatively flat area of the site and as such, will not affect views to and from hillsides. As noted above and in the IS and Addendum for the project, Heritage and Protected Trees would be retained on site. The steeper portion of the site, the northwestern area, would not be developed. The fourth floor on the main portion of the building is located on the flatter portion of the site and would not significantly obstruct views to hillsides as development on Holly Road is at a higher elevation than the Project Site. Some views are currently framed by existing landscaping on residential lots.

3052.13. *A right to plant trees on a property should be balanced with the right of a view from adjacent property.* Mature perimeter landscaping is proposed to be retained. Landscaping required to fill in where dead, diseased, or exotic trees are proposed to be removed would be replaced native trees and smaller plantings. These plantings are not expected to diminish existing views.

8. The City Council finds that the project is consistent with the following Parks and Recreation Element Goals and Policies of the General Plan.

2062.1. *To provide recreation areas for community and neighborhood use, conveniently located and properly designed to serve the needs of the residents of the community.* Twin Pines Park is located across the street from the project which serves the residents of the community as well as the project. The recreational uses at Twin Pines Park along with the passive and active recreational uses proposed on the site would provide recreational opportunities to the project occupants.

2062.3. *To preserve and enhance existing parks, recreational areas and facilities to serve neighborhood and community needs to the maximum extent possible.* The City is in the process of updating its Park Master Plan (Master Plan). The City is in the process of updating its Park Master Plan (Master Plan). The Master Plan which is still in effect was adopted in 1992 with a 15 year horizon. The Master Plan is currently being amended and should be complete by the end of 2008. The Master Plan contains goals and programs aimed at providing and maintaining recreational facilities in the City of Belmont. Approximately 80 percent of the goals identified in 1992 Master Plan have been touched upon these past 15 years. Goals germane to Twin Pines Park, across the street from the project that have been achieved include the construction of a playground, upgrading pathways to meet accessibility requirements, construction of a stage in the meadow for the music series and landscaping. Some accessibility upgrades are still needed in Twin Pines Park. Additional restroom upgrades are still needed as well as additional landscaping, pathway lighting, and benches.

The City and the Applicant have negotiated an in-lieu fee for the project which will be used to improve existing park lands including Twin Pines Park, other City parks and potential transportation improvements such as future Holly Road reconstruction.

2062.4. *To expand opportunities for active recreation in existing community parks.* The project does propose to expand the recreational opportunities for Twin Pines Park.

2063.11. *To the extent possible, volunteer activity and private financial resources should be used in combination with public funds for acquisition, maintenance and operation of recreation facilities. In addition, the provision of private recreational facilities to serve the community should be encouraged.* The applicant proposes an in lieu fee or in-kind services of which some would be used for improvements to Twin Pines Park or other suitable locations in Belmont.

9. The City Council finds that the project is consistent with the following Open Space Goals and Policies of the General Plan.

2070.2. *To provide opportunities for the enjoyment of natural beauty, solitude and relief from the pressures of urban life.* As noted in Goal 2070.1, the open space and green belt buffer will be maintained on the property as a matter of law.

2070.6. *To provide open space areas as separations between incompatible uses.* The proposed medium density residential land use is not incompatible to the adjacent single-family or the other multi-family residential uses in the immediate area. The project is not incompatible because it proposes to reduce intensity as it moves up the site toward the single family uses while still maintaining a multi-family intensity towards Ralston Avenue. The reduction in intensity and density coupled with increased setbacks in some areas and the retention of mature perimeter landscaping provides a smooth transition from the project site to adjacent residential uses.

2071.1. *In any land development project, the basic visual character of the Planning Area should be conserved through project design.* The project improves the visual character of the site and provides a “gateway” entrance into the Central Neighborhood. Refinements to the design may be identified through the Design Review, Conditional Use Permit and Detailed Development Plan process; however, the basic improvement as proposed is noted.

2071.2. *All major visual features, such as ridgelines and steep valley sides, should be preserved through regulation or public acquisition of fee title or lesser interest.* The project does not include steep hillsides or ridgelines.

2071.3. *Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include: ... (a) Hillsides generally over 30% slope.* The project does not entail construction in any hillside areas of over 25% slope. As identified in the adopted Initial Study, the project does not hazardous to the public safety and welfare.

2071.5. *A variety of vistas should be provided and preserved ranging from the small enclosed private views to the more distant views shared by many people.* As discussed in the adopted IS and Addendum for the project, the project would not block scenic views. Private view sheds within the property would be provided. Views of the project from Ralston Avenue would experience a stronger architectural and landscaping statement. Views from the portions of Holly Road north of the site would not be blocked to the hillsides in the southern and western portions of the City.

2071.7. *Landscaped open spaces should be included in new developments, especially in commercial areas and along streets and pathways.* Landscaped areas are included

along and around all four elevations of the proposed building. Wooded pathways with directional path lighting are proposed along the Holly and South Road frontages and a portion of the Ralston Avenue frontage.

2071.8. *Measures should be taken to improve the visual quality and safety of pedestrian ways along roads.* A significant visual and safety improvement is proposed along the Holly and South Road frontages. Curb, gutter and sidewalk are proposed and street lighting is proposed along the project frontage as shown on the plans. The public sidewalk will abut a landscaped area of the project which will provide a visual amenity (including wood walkways, landscaping and pathway landscaping) to the pedestrian experience along Holly and South Roads. Additionally a portion of the in lieu fee or in-kind services is earmarked for Holly Road resurfacing.

2071.12. *The City shall explore opportunities to obtain easements to establish a trail system linking residential areas to open space lands, schools, parks and commercial areas.* The project does not propose a trail system linking to other trails. The project includes construction of curb, gutter and sidewalk leading to Ralston Avenue. There is a crosswalk at the Ralston Avenue and South Road intersection connecting to Twin Pines Park.

WHEREAS, the City Council, after consideration of all testimony and reports, hereby approves the proposed Lot Merger and Tentative Subdivision Map for the condominium conversion based on the following findings required by Section 9.8 of the Belmont Subdivision Ordinance:

A. *The proposed map is consistent with the applicable general and specific plans.*

The applicant proposes a condominium conversion to substantially redevelop existing residential uses and redevelop at 19.20 dwelling units per acre within the requested Medium Density Residential Land Use Designation density standards of 9-20 dwelling units per acre.

B. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design of the proposed Tentative Subdivision Map is consistent with 60 General Plan goals and polices. The Lot Merger is necessary to merge the two parcels into one and would typically in absence of the other requested entitlements and legislative acts be an administrative procedure.

C. *The site is physically suitable for the type of development.*

The adopted IS and Addendum prepared for the project along with the General Plan analysis demonstrates that the site is suitable for continued residential use. The site has been developed residentially for 40 to 60 years. The subdivision would allow for condominium ownership of a substantially renovated residential building.

D. *The site is physically suitable for the proposed density of development.*

The 1000 South Road portion of the Project Site has been developed within the High Density Residential Land Use density designation (21-30 dwelling units per acre) since it was constructed in the 1960's. The Medium Density Residential Land Use density designation is a formality required to acknowledge the increased lot area which results in a lower density of actual development (19.20 dwelling units per acre).

E. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.*

The subdivision will be required to comply with the mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Addendum for the project, the City's conditions of approval and the permitting process for grading, hauling and building permits. No substantial adverse impacts were identified as part of the environmental study for the project.

F. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

All public utilities can serve the proposed project, and the project will be required to comply with all mitigations in the adopted Initial Study/Mitigated Negative Declaration, conditions of project approval, and Uniform Building and fire codes. The redeveloped project would result in an improvement over existing site conditions. The project will be required to conform to the latest Uniform Building and fire codes which have been amended over the years to improve safety. The project would be required to install a fire hydrant, Class I standpipe, sprinkler the residential portions of the building and upgrade the smoke alarms.

G. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.*

The project proposes to dedicate to the City a 10 foot strip of land along the Holly and South Road frontage. There are no public access easements on the project site. Water, storm drain and sanitary sewer lines are shown on the map.

Subdivision Ordinance Section 15.1.A finding stipulates that *the proposed conversion would be not detrimental to the supply of alternative types of housing within the City of Belmont and that approval of the proposed map would not tend to create a shortage of a particular housing type within the community.*

The condominium conversion would add to the diversity of housing types in Belmont by providing well-designed high-end multi-family housing. Approximately 63% of the housing stock in Belmont is single-family and approximately 35% is multi-family consisting of five units

or more. As of 2000 approximately 72% of Belmont’s housing stock was over 30 years old, and 15% over 50 years old. A general rule in the housing industry, and as can be evidenced by the conditions on the project site, is that structures over 30 years in age begin to show deterioration and require reinvestment to maintain their quality (Housing Element, Belmont General Plan, page 2-16). The project proposes to renovate the deteriorated housing on the site and retain multi-family housing opportunities as well as ownership opportunities.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the General Plan Amendment (as shown on Exhibit 1 to the Ordinance approving the rezone and Conceptual Development Plan), Lot Merger and Tentative Subdivision Map for a condominium conversion and redevelopment of the 1000 South Road and 950 Holly Road, subject to the Performance Standards/Conditions of Approval attached as Exhibit “IV”.

* * * * *

Passed and adopted at a regular meeting of the City Council of the City of Belmont held on March 25, 2008 by the following vote:

AYES,
COUNCILMEMBERS: _____
NOES,
COUNCILMEMBERS: _____
ABSENT,
COUNCILMEMBERS: _____
ABSTAIN,
COUNCILMEMBERS: _____
RECUSED,
COUNCILMEMBERS: _____

CLERK of the City of Belmont

MAYOR of the City of Belmont

ATTACHMENT III - ORDINANCE NO. _____

ORDINANCE AMENDING THE R-4 ZONING ON 1000 SOUTH ROAD AND THE R-1
ZONING ON 950 HOLLY ROAD TO ESTABLISH A PLANNED DEVELOPMENT ZONE
AND A CONCEPTUAL DEVELOPMENT PLAN
AT 1000 SOUTH ROAD/950 HOLLY ROAD (APPL. NO. 2006-0088)

WHEREAS, Carol Jansen, applicant on behalf of Prospect Point Development, LLC requests a Rezone to Planned Development and Conceptual Development Plan approval for a condominium conversion development at 1000 South Road/950 Holly Road; and,

WHEREAS, on June 5, 2007, the Planning Commission, following notification in the prescribed manner (including a notice in the *San Mateo Times* and mailing to property owners within 300 feet of the site), conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements and legislative actions and continued the request off calendar; and,

WHEREAS, on January 15, 2008, 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 aforementioned requested entitlements and legislative actions; and,

WHEREAS, on February 26, 2008 & March 25, 2008, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports/memorandums on the aforementioned requested entitlements; and

WHEREAS, the City Council of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An Initial Study (draft May 2007 IS/MND) and Addendum to said document (2008 Addendum) was prepared for the project and determined that the project would have a less than significant impact with implementation of the identified mitigation measures; and,

WHEREAS, a Mitigated Negative Declaration and Addendum was prepared and the City Council adopted the document (interchangeably referred to as the IS/MND; IS and Addendum; draft May 2007 IS/MND) and,

WHEREAS, the City Council hereby adopts the staff reports dated June 5, 2007, January 15, 2008, February 26, 2008 & March 25, 2008 and the facts contained therein as its own findings of facts; and,

WHEREAS, the City Council, after consideration of all testimony and reports, hereby determines that the proposed Rezoning of the subject property to Planned Development (PD) and associated Conceptual Development Plan (CDP) for the proposed demolition of the single-family

structure and apartment building achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

1. The Project Site is on the edge of the Central Neighborhood District. The Project Site is somewhat of a transitional site and considerably more transitional in nature than the other multi-family designated and developed sites in the project area. Other Rh and R-4 designated and developed property south east of the Project Site fronts entirely on Ralston Avenue and is separated from the adjacent R1 and R-1 land uses by South Road. The Project Site is bordered by three roads; Holly and South Roads and Ralston Avenue, and is adjacent to the R1 and R1-A designated and developed property to the north; thereby void of any transitional space.

The proposed north west expansion of the project, the portion of the building closest to the 940 Holly Road single-family residence, would consist of approximately 9,085 square feet. The addition in this area would subordinate to the 54,439 square feet of the main building and the 12,465 square foot south east expansion. This subordination in size and height which would range from 16 feet to 37'-11" would provide a "single-family feel" to the transition from the project to the smaller lot single-family development adjacent to and north of the project; a transition that currently does not exist. The proposed Craftsman-style architecture with the use of wood and stone, varying heights and recessing and projecting plains would further add to a "single-family feel" in this area; a transition from the Project Site which currently does not exist with the three story rectangular building.

The project proposes to develop the Project Site within the Rm Land Use Designation (8-20 dwelling units per acre) and the density would be 19.20 dwelling units per acre. Re-designating and redeveloping the Project Site as Medium Density Residential would provide a transition from the Project Site to the adjacent single-family development that currently does not exist.

2. The City Council finds that the project is consistent with the following General Community Goals and Policies of the General Plan.

1015.1. *Assure that Belmont will be a balanced community with residences, schools, businesses, industry and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.* The project consists of redevelopment of an apartment building in significant disrepair. The project would provide for a newly emerging housing need, not envisioned in the 1980's when the General Plan was drafted, which is higher-end condominium housing. This type of housing product addresses the needs of "empty nesters" those whose families have grown and left home leaving households whom desire to downsize their homes surrounded by many amenities as well as style. The high end condominium product also responds to the needs of dual-earning and high-earning single person households.

1015.2. *Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.* The project would provide a medium density transition to

the immediately adjacent single-family development. The project would improve the safety and visual character of the site by eliminating buildings in dis-repair and reconstructing to the latest Uniform Building and Fire Codes. The project would also retain and enhance buffer landscaping along South and Holly Roads and the single-family uses to the west and north of the site.

- 1015.3. *Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.* The project would preserve views by reducing the proposed density, and height toward the adjacent single-family uses. Rock outcroppings and trees are proposed to be retained on the site, thereby retaining potential habitat for birds and mammals. Tree removal on the Project Site would be required to occur during the non nesting season for migratory birds (February to September) or a Migratory Bird Study shall be conducted and if nests are found they shall be avoided. Holman & Associates, Archaeological Consultants have determined that no archaeological or paleontological resources are present on the site. The project would relocate and retain the stone grotto on the site. The project proposes to retain many heritage trees and plant new trees in conformance with the City's Tree Ordinance.
- 1015.4. *Maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.* The project is the renovation of an older residential structure. The project proposes to replace a non-descript architectural style in substantial disrepair with a Craftsman-style structure. The project proposes to remove dead and diseased trees and replace them with natives in compliance with the City's Tree Ordinance and as reviewed and supervised by the City's consulting arborist, the tree removal plan is in compliance with the City's ordinance.
- 1015.7. *Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.* The Project Site is currently supplied with water, sanitary sewer, storm drain, and telephone and cable services. The site is within the Central Neighborhood; a built-out residential neighborhood in Belmont. The project proposes to avoid development on the steeper north eastern slopes of the site and to preserve native woodland vegetation.
- 1015.8. *Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.* The project would be required to conform to the latest Uniform Building Code construction requirements. Therefore, the construction on the site would be an upgrade from existing conditions which conform to the 1960 Uniform Building Code, and the 1940's building standards of the Holly Road structure. The project would also comply with the latest geotechnical construction standards as required by the Uniform Building Code and the geotechnical studies prepared for the project and peer reviewed by the City geologist for the project.
- 1015.9. *Protect and conserve significant community resources such as energy, clean air and water and historic or architecturally interesting buildings.* None of the structures on

the project site are identified on the *City's Historic Building Survey* as amended in 1993. The single-family residence, indicated by building permit records to be constructed in the 1940's, was modified in the 1970's to include brick veneer and vinyl siding thereby degrading any historic significance it may have possessed. The apartment building was built in the 1960's and is essentially a rectangular structure void of architectural detail or interest. The stone grotto, date of construction unknown, is proposed to be relocated on the site.

- 1015.10. *Provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*

The proposed project would reduce the curb cuts along the Holly and South Road boundaries from three to two. The project would not add a curb cut on Ralston Avenue. The project would reduce traffic to the site and in the area by approximately six daily trips. The project would add street lighting along its frontage where none currently exists. The project as such would improve movement of people and goods and not result in additional environmental effects.

- 1016.1. *New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment.* Although the project does not represent new development, but redevelopment of the site, it does conform to this policy. The proposed medium density development would provide a softer transition to the adjacent single family development.

- 1016.2. *Intensity of use of land as measured by such factors as parcel size, population density, building coverage, extent of impervious surfaces, public service requirements, parking requirements, and traffic movements should be based upon the following general principles:*

- e) Intensity of land use should decrease as steepness of terrain and distance from major thoroughfares increase.*
- f) The lowest intensities of use should occur on the steep hillsides to limit storm runoff, prevent increased erosion, avoid unstable slopes, protect vegetation and watersheds and maintain scenic qualities.*
- g) Intensity of use of individual parcels and buildings should be governed by considerations of existing development patterns, water and air quality, accessibility, traffic generation, parking, noise, fire safety, drainage, natural hazards, resource conservation and aesthetics.*
- h) Intensity of land use should be regulated according to the availability of community facilities and services.*

The intensity of use proposed on the site decreases as it approaches the single family development. The north west area is proposed to decrease in size, height and density as it approaches the single-family residences on Holly Road. This area of the project site is also the steepest as the site increases in elevation to the north west. The majority of the

project is proposed where it currently exists. The south east area steps toward Ralston Avenue. The majority of the density of the project, 21 units, is in the main and south main and south east area is the portion of the project that is closest to Ralston Avenue, a major thoroughfare and furthest from the small lot single-family development to the north east.

The lowest intensity of the project would occur on the steeper portion of the site while leaving steeper portions of the site (further to the north west) in open space. Existing vegetation would be largely preserved throughout the entire site and would be completely preserved in the north west open space areas, save for trimming and scrub removal recommended by the City's Arborist. The City's Arborist recommends removing dead, unstable and trees that are in poor condition throughout the site. Storm drain and erosion control measures are proposed by the project and required as standard City conditions of approval. The aesthetics of the site would be improved by the project; the poorly maintained and architecturally vague building would be removed and replaced with a Craftsman-style structure. Views from adjacent sites would largely be preserved due to the reduction of development intensity as the slopes of the site increases to the north west.

The project would be required to meet regional water and air quality requirements as noted in the Air Quality and Hydrology sections of the IS and Addendum. The project would be required to meet current Uniform Building Code and Fire codes which regulate new construction to address protection from natural hazards. The project would generally improve the aesthetics of existing buildings and would not diminish resource conservation, as noted in the above paragraphs. The project, a slight reduction from the existing density on the site, would not impact community facilities and all utility providers have been and can continue to adequately serve the site. Although the project would generate (temporary) construction noise impacts to adjacent west and north western residences, the Mitigation and Monitoring Program provides measures to reduce this temporary impact to a less than significant level

1016.3. *All land uses should conform with the environmental quality and safety policies in Part 3 of this plan.* The adopted Initial Study for the project analyzes air quality, noise, geologic and seismic safety and hydrology issues. As identified in Section IV Summary of Initial Study /Mitigated Negative Declaration Findings, of the IS and Addendum the project would not result in an impact and as such complies with this policy.

1016.4. *The following standards shall apply to all new development:*

- j) Sewage disposal shall be by sanitary sewers.*
- k) Storm drainage facilities shall be provided.*
- l) Erosion shall be minimized through such measures as runoff retention and revegetation.*
- m) Grading and new impervious surfaces shall be kept to the minimum necessary to permit development of land in a manner compatible with its characteristics and*

designated use.

- n) Land, water and energy shall be used efficiently.*
- o) Structures shall be clustered, where possible, to maximize open space and minimize costs of providing public services.*
- p) Safe access to the public road system of the community shall be provided.*
- q) Fire and police protection shall be adequately provided.*
- r) Slopes exceeding 30 percent shall be avoided whenever possible.*

The project has been designed to meet the above the development standards and the above development standards are also addressed as standard conditions of project approval. All utility services have been and are serving the site. The Belmont Police Department and the San Carlos-Belmont Fire Department have reviewed the project and with their identified conditions of approval there are adequate emergency services for the project. The project does not entail significant grading (relative to the proposed building size and scope), and would be located predominately in the central portions of the site where the apartment building is located. Development is proposed on slopes less than 30 percent. Impervious surfaces would be 38.7 (39) percent of the site area. A geotechnical report is proposed as part of the project. The City's geotechnical consultant has peer reviewed the report and found that it adequately addresses the conditions on the site. Adherence to erosion control and air quality measures would be required and incorporated for the project as standard conditions of approval as identified in the IS for the project. Site access would result in eliminating one curb cut along Holly and South Roads, and that coupled with an estimated six less vehicle trips per day to serve the site, would result continuing the safe circulation pattern on the site and in the vicinity of the project.

- 1016.6. *Natural features, such as ridgelines, canyons, steep hillsides, meadows, streamsides and significant stands of trees, should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements.* The project proposes to retain rock outcrops, Heritage and Protected Trees and reduce development scale as it moves up the site. These features are discussed in the IS and Addendum for the project.
- 1016.8. *In any development within the Planning Area, geologic conditions should be thoroughly evaluated to avoid or mitigate problems of unstable land.* A geotechnical report (including the assessment of the geological site conditions) has been prepared for the project. The findings of this report have been peer reviewed and included as part of the adopted Initial Study and Addendum for the project. The environmental study concluded that should the design and recommendations of the applicant's geotechnical study and City's third party consultant (Cotton Shires, Associates) be included for the project, issues related to site stability would be mitigated to less than significant levels. These measures are required as a matter of law.
- 1016.9. *In all new development, significant historical and archaeological features should be identified and, as determined appropriate, protected or conserved.* The adopted Initial

Study and Addendum states there are no archaeological sites recorded on the project site; no evidence of prehistoric archaeological materials was found by the City's consulting archaeologist (Holman and Associates). The two residential structures are not identified as containing any historic value as disclosed in the Initial Study for the project. Additionally, the project proposes to retain the stone grotto on the site; the date of its construction is not known.

1016.10. *Through traffic should be channeled onto major streets and collectors and diverted, to the extent possible, from residential neighborhoods.* No significant public capital improvements are anticipated to modify the street pattern for surrounding areas of the site. As such, all major traffic enters and exits the project area from Ralston Avenue, a major arterial. South and Holly Roads are minor residential streets and the volume of traffic traveling on them would be reduced by six trips as noted in the Addendum to the draft May 2007 IS/MND for the for the Project.

1016.11. *On-street parking should be controlled by requiring provision of off-street parking in new development, construction of additional off-street parking spaces, especially in the Central Business District and near Old County Road, preventing the conversion of space or uses to higher intensities unless adequate off-street parking is provided.* The project proposes 73 parking spaces; 69 in garage spaces and four uncovered. The Belmont Zoning Ordinance requires two off street parking spaces per multi-family unit of which one is required to be garaged. No visitor parking is required. Therefore the project proposes 25 more parking spaces than required by code of which all but four are located in the garage. Currently the site provides 37 parking spaces which do not meet the minimum parking requirement required by Code.

1016.12. *Incompatible land uses should be separated by landscaped open spaces, streets or other forms of buffers.* The project would not result in an incompatible land use. The project is the continuation of residential land use in a residential area. Additionally, the reduction in density, from high to medium, would provide a smoother transition between the project and the adjacent single-family land uses. Mature edge and central landscaping is proposed to be retained on the site.

4. The City Council finds that the project is consistent with the following goals and policies of the Elements of the Land Use Pattern Element of the General Plan.

2006.1. *To encourage location of new multiple family housing in relatively flat areas which have good access, service availability and compatible adjacent uses.* The proposed project is not new multiple family housing but redevelopment of existing housing. The Project Site is under 30% slope and in an area that is planned for, zoned and developed residentially. Site access is off Ralston Avenue via South Road. Goods and services are located within 0.25 miles of the site within the Downtown Plan Area and across the street in Twin Pines Park.

2006.2. *To address the housing needs of traditional families, senior citizens and young adults by encouraging a mix in housing type, design, and cost.* The project proposes high-end condominium housing: a newly emerging and desired housing product.

2007.2. *A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community.* The project proposes high-end condominium housing: a newly emerging and desired housing product. This type of housing product will provide a “gateway” into the Central Neighborhood and provide a presence along Ralston Avenue that is currently missing.

4. The City Council finds that the project is consistent with the following Circulation Element Goals and Policies of the General Plan.

2080.1. *To provide a transportation system consistent with the residential, small city character and physical setting of Belmont.* No changes are proposed to the existing transportation system or surrounding streets of the Project Site. No off-site mitigation measures are required as part of the traffic analysis/circulation assessment for the project as disclosed in the project IS and Addendum.

2080.4. *To route through vehicular traffic around, rather than through, residential neighborhoods. Traffic patterns would not be altered as a result of the project.* Project traffic to and from the site would be from Ralston Avenue via South Road.

2081.2. *Through traffic should be routed to streets on the periphery of residential areas to the maximum extent possible.* The subject site is located on a main arterial; all vehicular ingress/egress from the project site will be routed back to Ralston Avenue.

2081.3. *When it is determined that through traffic is adversely affecting a residential area, reasonable actions should be taken to re-route the traffic or otherwise reduce the traffic or mitigate its effects.* The IS and Addendum for the project indicates that the project would result in less traffic on the site, in the neighborhood and in the area. No off-site traffic circulation mitigation measures are required for the project.

2081.5. Streets and roads should be designed for safe travel at moderate speeds and for low maintenance costs. No adverse safety conditions (on adjacent streets) have been identified as disclosed in the Initial Study for the project.

5. The City Council finds that the project is consistent with the following Safety Element Goals and Policies of the General Plan.

3040.2. *To continue to obtain and incorporate into City decision-making information delineating geologic, hydrologic and seismic hazards.* The adopted IS and Addendum for the project includes an assessment of geologic, hydrologic, and seismic hazards for the proposed development. As a matter of law, the project complies with this goal. A

geotechnical study was prepared for the project and peer reviewed by the City's consulting geologists. Ted Sayre of Cotton Shires Associates, the City's consulting geologist, determined that the project as revised would not result in an additional impact on the environment. Bedrock is found three to 12 feet below the surface on the Project Site and either deeper footings or a different amount of cushion fill would be required to construct the subterranean garage. The borings that will be prepared by the Applicant shall still be peer reviewed by the City's consultant, and the revision to the project does not add to or require new mitigation measures. The recommendations of both studies are required to be incorporated into the project as stipulated by the Belmont Subdivision and Grading Ordinance's and as implemented through the grading, hauling and building permit processes.

- 3041.1. *The City shall require investigations by both registered soils engineers and engineering geologists prior to issuing building permits for any new construction unless waived due to current existing information and location.* All such reports shall be independently evaluated, on behalf of the City, for completeness and accuracy. As disclosed in adopted IS and Addendum for the project, this resolution, the staff reports and the administrative record, this has been done, documented and is required by law.
- 3041.4. *All environmental reports submitted to the City in support of development proposals shall include sections evaluating seismic, geologic, fire and flood hazards.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum, and required by law through the Belmont Subdivision Ordinance and building and grading permit process.
- 3041.13. *No new construction shall be permitted in areas where emergency access cannot be adequately ensured.* As the adopted IS and Addendum for the project discloses, the Police Department and Belmont-San Carlos Fire Department have confirmed that adequate emergency services can be provided for the site. All service levels can be maintained to protect the public health, safety and welfare.
- 3041.14. *Sprinkler systems and/or smoke detectors should be required according to ordinance provisions administered by the South County Fire District.* As disclosed in the adopted IS and Addendum for the project, a new fire hydrant, smoke detectors, a Class 1 fire standpipe and sprinkler system is required as a condition of project approval for the project.
- 3041.15. *Fire retardant roofing and exterior siding materials should be required for any major remodeling of structures in presently developed areas which are adjacent to wooded open space areas or without adequate emergency access or water flow, assuming that 80 percent of the siding or roofing is being remodeled.* Should the project be approved, appropriate fire retardant materials for the building would be required as per the Uniform Fire Code as administered by the Belmont-San Carlos Fire Department.

- 3041.16. *All geologic reports required by the City in support of a development application shall include an evaluation of seismic conditions on and near the site and how they could affect the proposed development.* This analysis is included in the geologic studies, documented in the adopted IS and Addendum for the project and required by law through the building and grading permit process.
- 3041.19. *The City supports strict control of the use, storage and transport of toxic, explosive or other hazardous materials.* As disclosed in the adopted IS and Addendum for the project no storage, or transport of toxic, explosive or other hazardous materials is proposed for the project. The Initial Study included a records search of federal, state, and local databases pertaining to the transport, storage or disposal of hazardous materials or wastes. Regulatory records indicate no potential on or off-site sources of hazardous substances that could affect soil and groundwater quality at the site.
6. The City Council finds that the project is consistent with the following Housing Element Goals and Policies of the General Plan.
- 2.0. *Provide residential sites through land use, zoning, and specific plan designations to encourage a broad range of housing opportunities.* The site is currently planned, zoned and used residentially. The site and structures are in disrepair and the housing stock is dated. The PD-zoning will facilitate the upgrade of the existing housing by allowing versatility in the development standards; thereby continuing, in a rehabilitated form, the housing opportunities that currently exist on the site. The PD-zoning will allow development standards (setbacks, heights, floor area ratio) to be set that recognize the uniqueness of the site (discussed in more detail under the Zoning Map Amendment Section), preserve the uniqueness of the site such as Heritage Trees and rock out crops and provide a stronger and more prominent architectural presence on Ralston Avenue.
- 2.2. *Ensure that residential sites have appropriate public services, facilities, circulation, and other needed infrastructure to support development.* As noted in the adopted IS and Addendum for the project, public services, facilities, circulation, and other needed infrastructure are in place to support the development.
7. The City Council finds that the project is consistent with the following Conservation Element Goals and Policies of the General Plan.
- 3051.3. *To minimize the erosion of soil.* As disclosed in the adopted IS and Addendum for the project, should the project be approved, compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department as mandated by the Regional Water Quality Control Board will be required as a matter of law which minimizes soil erosion.
- 3051.5. *As appropriate, to comply and encourage compliance with regulations designed to achieve state and federal air quality standards.* As described in the adopted IS and

Addendum for the project, the project will be required to meet Bay Area Air Quality Management District (BAAQMD) requirements in its design and operation. These standards are enacted to preserve clean air for the Bay Area region. These measures are required as a matter of law.

- 3051.6. *To provide for the efficient use of energy resources in activities carried out or regulated by the City.* The project will be required to meet the Uniform Building Code which includes provisions for compliance with Title 24 – Energy Conservation for new construction. This would be an improvement over existing conditions given that the structures on the project site were built 40 to 60 years ago when energy and conservation standards were not in place. The project also includes energy star appliances, prohibition on gas powered landscaping equipment and six electric car charging stations.
- 3051.8. *To protect scenic views to and from the hillsides.* The project is proposed within the relatively flatter portions of an existing developed site. The proposed height and intensity of development of the project is reduced in scale as it moves up the site. The fourth floor is proposed in the central portion of the site, and not at the higher elevations. The project proposes to maintain many Heritage Trees on the site as discussed in the Biology section of the IS. All trees to be removed will be replaced at a 3:1 ratio, not only Protected and Heritage Trees. Additionally, the Aesthetic section of the IS and Addendum notes that views will not be diminished as a result of the project.
- 3052.1. *New development shall be located and designed to preserve specimen trees and significant stands of trees to the extent possible.* As noted in the adopted IS and Addendum for the project Heritage and Protected Trees, as defined by Ordinance, will be preserved on the site.
- 3052.4. *The City shall control both the amount and timing of grading to prevent accelerated erosion of the soil. Erosion and runoff control facilities shall be regularly maintained and preventative measures taken whenever possible.* Compliance with stormwater runoff/erosion control measures as required by the Belmont Public Works Department and mandated by the Regional Water Quality Control Board will be required for the project. These measures will include adherence to Best Management Practices (BMP's) in the design/construction of new buildings to address grading, erosion control, and storm water quality control for the proposed development.
- 3052.6. *In carrying out its functions, the City will comply and encourage compliance with all applicable federal and state air quality regulations.* The City not only encourages, but it requires through its permitting process, compliance with state and federal air quality regulations. These regulations, identified in the IS and Addendum for the project, are required as a matter of law.
- 3052.12. *Structures should be located and designed and landscaping designed and maintained to protect, to the extent possible, views to and from the hillsides.* The project is sited within a relatively flat area of the site and as such, will not affect views to and from

hillsides. As noted above and in the IS and Addendum for the project, Heritage and Protected Trees would be retained on site. The steeper portion of the site, the northwestern area, would not be developed. The fourth floor on the main portion of the building is located on the flatter portion of the site and would not significantly obstruct views to hillsides as development on Holly Road is at a higher elevation than the project site. Some views are currently framed by existing landscaping on residential lots.

3052.13. *A right to plant trees on a property should be balanced with the right of a view from adjacent property.* Mature perimeter landscaping is proposed to be retained. Landscaping required to fill in where dead, diseased, or exotic trees are proposed to be removed would be replaced native trees and smaller plantings. These plantings are not expected to diminish existing views.

8. The City Council finds that the project is consistent with the following Parks and Recreation Element Goals and Policies of the General Plan.

2062.1. *To provide recreation areas for community and neighborhood use, conveniently located and properly designed to serve the needs of the residents of the community.* Twin Pines Park is located across the street from the project which serves the residents of the community as well as the project. The recreational uses at Twin Pines Park along with the passive and active recreational uses proposed on the site would provide recreational opportunities to the project occupants.

2062.3. *To preserve and enhance existing parks, recreational areas and facilities to serve neighborhood and community needs to the maximum extent possible.* The City is in the process of updating its Park Master Plan (Master Plan). The City is in the process of updating its Park Master Plan (Master Plan). The Master Plan which is still in effect was adopted in 1992 with a 15 year horizon. The Master Plan is currently being amended and should be complete by the end of 2008. The Master Plan contains goals and programs aimed at providing and maintaining recreational facilities in the City of Belmont. Approximately 80 percent of the goals identified in 1992 Master Plan have been touched upon these past 15 years. Goals germane to Twin Pines Park, across the street from the project that have been achieved include the construction of a playground, upgrading pathways to meet accessibility requirements, construction of a stage in the meadow for the music series and landscaping. Some accessibility upgrades are still needed in Twin Pines Park. Additional restroom upgrades are still needed as well as additional landscaping, pathway lighting, and benches. The Applicant has agreed to an in lieu fee of which will be used to improve existing park lands including Twin Pines Park.

2062.4. *To expand opportunities for active recreation in existing community parks.* The project does propose to expand the recreational opportunities for Twin Pines Park.

2063.11. *To the extent possible, volunteer activity and private financial resources should be used in combination with public funds for acquisition, maintenance and operation of recreation facilities. In addition, the provision of private recreational facilities to serve the community should be encouraged.* The applicant proposes an in lieu fee of which could be used for improvements to Twin Pines Park or other suitable locations in Belmont.

9. The City Council finds that the project is consistent with the following Open Space Goals and Policies of the General Plan.

2070.1. *To designate and protect open space lands for the preservation of scenic areas, views, trees, natural drainage channels and plant and wildlife habitats; for the managed production of natural resources; for outdoor recreation; for protection of historical and cultural resources; for public health and safety and for structuring urban development.* The project does not propose a formal dedication of open space. However, the project proposes that 31,000 square feet of the site would be used for active and passive open space and recreation. The proposed PD-zoning would lock this open space in as a matter of law; the PD-zoning cannot be amended in absence of a legislative action. Therefore, the project would continue to maintain this amount of open space on the site providing a green belt buffer and recreational areas for the occupants as a matter of law; unless amended by action of the City Council.

Additionally, the Applicant proposes an in-lieu fee or in-kind services. The fees would be used by the City for park and open space improvements and transportation improvements such as future Holly Road reconstruction.

2070.2. *To provide opportunities for the enjoyment of natural beauty, solitude and relief from the pressures of urban life.* As noted in Goal 2070.1, the open space and green belt buffer will be maintained on the property as a matter of law

2070.6. *To provide open space areas as separations between incompatible uses.* The proposed medium density residential land use is not incompatible to the adjacent single-family or the other multi-family residential uses in the immediate area. The project is not incompatible because it proposes to reduce intensity as it moves up the site toward the single family uses while still maintaining a multi-family intensity towards Ralston Avenue. The reduction in intensity and density coupled with increased setbacks in some areas and the retention of mature perimeter landscaping provides a smooth transition from the project site to adjacent residential uses.

- 2071.1. *In any land development project, the basic visual character of the Planning Area should be conserved through project design.* The project improves the visual character of the site and provides a “gateway” entrance into the Central Neighborhood. Refinements to the design may be identified through the Design Review, Conditional Use Permit and Detailed Development Plan process; however, the basic improvement as proposed is noted.
- 2071.2. *All major visual features, such as ridgelines and steep valley sides, should be preserved through regulation or public acquisition of fee title or lesser interest.* The project does not include steep hillsides or ridgelines.
- 2071.3. *Areas hazardous to the public safety and welfare should be retained as open space. Areas that fall into this category include: ... (a) Hillsides generally over 30% slope.* The project does not entail construction in any hillside areas of over 25% slope. As identified in the adopted Initial Study, the project does not hazardous to the public safety and welfare.
- 2071.5. *A variety of vistas should be provided and preserved ranging from the small enclosed private views to the more distant views shared by many people.* As discussed in the adopted IS and Addendum for the project, the project would not block scenic views. Private view sheds within the property would be provided. Views of the project from Ralston Avenue would experience a stronger architectural and landscaping statement. Views from the portions of Holly Road north of the site would not be blocked to the hillsides in the southern and western portions of the City.
- 2071.7. *Landscaped open spaces should be included in new developments, especially in commercial areas and along streets and pathways.* Landscaped areas are included along and around all four elevations of the proposed building. Wooded pathways with directional path lighting are proposed along the Holly and South Road frontages and a portion of the Ralston Avenue frontage.
- 2071.8. *Measures should be taken to improve the visual quality and safety of pedestrian ways along roads.* A significant visual and safety improvement is proposed along the Holly and South Road frontages. Curb, gutter and sidewalk are proposed and street lighting is proposed along the project frontage as shown on the plans. The public sidewalk will abut a landscaped area of the project which will provide a visual amenity (including wood walkways, landscaping and pathway landscaping) to the pedestrian experience along Holly and South Roads. Additionally a portion of the in lieu fee or in-kind services is earmarked for Holly Road resurfacing.

2071.12. *The City shall explore opportunities to obtain easements to establish a trail system linking residential areas to open space lands, schools, parks and commercial areas.* The project does not propose a trail system linking to other trails. The project includes construction of curb, gutter and sidewalk leading to Ralston Avenue. There is a crosswalk at the Ralston Avenue and South Road intersection connecting to Twin Pines Park.

WHEREAS the City Council, after consideration of all testimony and reports, determines that a change in the Ordinance is required “*to achieve the objectives of the Zoning Plan and the General Plan for the City*” in that the proposed PD Zoning Designation would conform to the proposed development of the site. The zoning designation would not be a departure from the development pattern in the area, but would be more consistent with the development pattern. The proposed development of the site would remain residential which is consistent with the historic use of the site and the planning and zoning designations for the site.

WHEREAS, the City Council, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) - Conceptual Development Plan (CDP) Findings - to establish a Planned Development (PD) Zone for the subject property and allow the proposed condominium conversion and redevelopment of the site are made in the affirmative for the following reasons:

1. *That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The adopted IS and Addendum for the project and the conditions of project approval recommended by the various City departments demonstrates that the project is capable of sustainability. The site has been used residentially since the 1940’ (Holly Road) and the 1960’s (South Road). Goods and services are in place to serve the site. Infrastructure is in place to serve the site. The condominium would be constructed as “whole” as there are no separate individual buildings that are typically envisioned in larger planned developments or mixed use planned developments.

The PD zoning would realize a beneficial effect as the zoning designation would not be a departure from the development pattern in the area, but would be more consistent with the development pattern. The proposed development of the site would remain residential which is consistent with the historic use of the site and the planning and zoning designations for the site.

2. *That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The project would result in approximately six less ADT's on the site, in the neighborhood and in the project area.

3. *That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

No commercial uses are proposed; therefore this finding does not apply to the PD proposal at hand.

4. *That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The PD District zoning, in this case, would not intensify the land use on the site but would result in a reduction of two dwelling units. Reconstruction and redevelopment of the site would improve conditions with respect to police and fire as the site would be brought up to the current Uniform Building and Fire Codes which also address safety. Lighting would be improved on the site and street lights would be placed on Holly Road. Water, sewer and garbage currently serve the site.

5. *That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed parking exceeds Section 8 Zoning Ordinance requirements by 25 spaces. Additionally, the existing development accommodates 36 parking spaces; four short of the requirements of Section 8.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that the City is rezoning the property to allow a conceptual development plan. The location of the property is shown in Exhibit 1, attached to this Ordinance.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this 25th day of March, 2008.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

ATTACHMENT IV - EXHIBIT "A"

PERFORMANCE STANDARDS
CONCEPTUAL DEVELOPMENT PLAN, REZONE TO PLANNED DEVELOPMENT,
LOT MERGER AND TENTATIVE SUBDIVISION MAP
1000 SOUTH ROAD/950 HOLLY ROAD (APPL. NO.PA2006-0088)

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. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file in the subject file and date stamped January 9, 2008.
 - A. Minimum Lot Size. 54,179 square feet.
 - B. Maximum Floor Area of Uses. Gross square footage- 77,017 square feet contained in the Main Building, South East Expansion, North West Expansion, North West Penthouse and the Club House.
 - i. Main Building: Residential shall be 54,439 gross square feet consisting of 15 units of which five shall be constructed on the first floor, six on the second floor and four on the third floor. Parking shall be constructed in two levels consisting of a subterranean level of 9,900 sq. ft (21 spaces/ 15 resident and six visitor) and 12,190 square feet on the main level (37 stalls). Note: The third level is often referred to as the fourth level on the plans and in the staff report.
 - ii. South East Expansion: Residential shall be 12,465 gross square feet consisting of six residential units of which two shall be on the ground floor, one on the first level, two on sub level one and one on sub-level 2.
 - iii. North West Expansion: Residential shall be 7,142 gross sq. ft consisting of two residential units one on the first level and one on the second level. Parking shall be 2,837 gross square feet consisting of six covered spaces.

- iv. North West Penthouse: Residential shall be 2,663 gross square feet consisting of one residential unit.
 - v. Club House: Shall consist of 362 gross square feet on the ground floor for common area.
 - vi. Four surface parking spaces shall be provided as shown on the CDP drawings approximately 2,774 gross square feet including the driveway.
 - vii. Administrative modifications to the square footage and placement may be granted provide the approval does not exceed five (5) percent of the square footage.
- C. Maximum Floor Areas: Habitable- 52,144 square feet, Parking Garages– 24,927square feet; Driveway 2,774 square feet; Total All Floor Area (maximum) 77,017 square feet.
- D. Maximum Floor Area Ratio. 1.43
- E. Residential Density. A maximum of 24 residential units per acre, equivalent to 19.20 dwelling units per acre.
- F. Setbacks: Setbacks from the property lines as shown on the January 9, 2008 drawings are: Front (Ralston Avenue) 29² feet; Rear nine to 100 feet; Side (west) four feet nine inches (4'-9"); side (east) 15 feet – 49 feet.
- G. Building Height: Maximum height shall be 56.25 feet.
- H. Off-Street Parking: Sixty nine parking spaces in the parking garages and four surface parking spaces; three of which shall be van accessible and located in the parking garages.
- I. Landscaping: Minimum of 31,295 square feet of site area (including the pool area which contains combination of hard and soft scape).
- J. Open Space: 31,295 square feet (including the pool area which contains combination of hard and soft scape)
- K. Impervious surfaces: Impervious surfaces shall not exceed 39 percent of the total site area.
- L. Building Materials: The project shall include use of true materials, stone, wood, metal and/or glass.

² The Planning Commission staff report identifies this setback as 30 feet and this was corrected during the January 15, 2008 public hearing to 29 feet as shown herein.

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. Exterior building lighting shall not spill off the property or cause significant glare for adjacent properties. All external project lighting shall be downcast or upcast, shielded lighting designed to illuminate entry-ways only, with no direct visibility of the light source from the street. A lighting plan shall be submitted to and approved by the Director of Planning as a part of the building permit application package.
4. All plans submitted for site work and construction of foundations shall be reviewed by the project Consulting Geologist. The project Consulting Geologist (Geologist of Record) shall certify that the plans are drawn to the specifications of geotechnical report either by signing the plans submitted for permits or providing a letter including the date of the plans subject to the review with a statement of conformance as part of the permit package. The Consulting Geologist shall perform site inspections as identified in the geotechnical report.
5. A deposit for geotechnical peer, arborist inspections, planning review and mitigation monitoring shall be provided to the City in order that the City may bill against the account for the specified outside services. The initial deposit shall be \$7,500.
6. The mitigation measures identified in the Mitigation Monitoring and Reporting Program shall be complied with which are:

Biology Mitigation 1: *Outside of Nesting Season:* Vegetation, tree, and building removal activities (Construction Activities) shall be scheduled to take place outside of the nesting season (February 1 to August 31) to avoid impacts to nesting birds. Every attempt shall be made to protect trees and nests that contain raptor nests.

During Nesting Season: A qualified biologist (Biologist) shall conduct a survey for nesting raptors and other birds within five days prior to the start of Construction Activities if tree or building removal is unavoidable during the nesting season. Construction Activities may take place as scheduled if active nests are not present. Another nest survey shall be conducted if more than five days elapse between the initial nest search and the beginning of Construction

Activities. A Biologist shall determine the appropriate buffer to be established around the nest if any active nests are detected. CDFG generally accepts a 50-foot radius buffer around passerine and non-passerine land bird nests, and up to a 250-foot radius for raptors, however the Biologist shall have flexibility to reduce or expand the buffer depending on the specific circumstances.

Noise Mitigation 1: Prohibit the use of the Holly Road driveway during grading and construction activities to the maximum extent feasible. Use the South Road driveways to the maximum extent feasible to keep the source of noise closer to Ralston Avenue and the multi-family structures.

7. Draft Covenants, Conditions and Restrictions (CC&R's) shall be prepared and provided to the City Attorney and the Planning Director for review prior to issuance of any grading or building permits for the project. The CC&R's shall include stipulations for the treatment and handling of spa and pool water, maintenance and ownership responsibilities. Parking spaces shall be assigned in the CC&R's and tandem spaces shall be assigned as a pair to one ownership. The CC&R's shall also include prohibitions on gas powered landscaping equipment.
8. A tree removal and landscape and irrigation plan shall be submitted to the Planning Department for final review and approval prior to issuance of any grading permits. Tree removal shall be at a ratio of 3:1 for all trees removed on the site, not just Protected Trees, as defined by Ordinance.
9. 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.
10. 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.
11. The applicant shall contribute a Park-In-Lieu Fee as per Section 6.10 of the Belmont Subdivision Ordinance to fund improvement of existing or future park facilities within the City. The Park-In-Lieu fee is \$676,800.
12. Should the City propose formation of a benefit assessment district or community facilities district for purposes of financing public improvements to Holly Road, the Developer agrees to vote affirmatively for the proposal while the Developer controls the project. The City intends to assess or tax the future owners of the units after the Certificate of Occupancy has been issued and the units are sold. The contribution is \$100 per month per unit/parcel for 20 years. Final language associated with this requirement will be prepared by the City Attorney

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required grading and building permits for the project. Plans shall conform to approved plans and shall show building materials and color scheme.
2. Plans shall show/provide for: building materials and color scheme, trash enclosures/mechanical equipment, monument signage, detailed landscape and irrigation plan, property maintenance, CC & Rs, transformers, fire standpipes, and back flow preventers. Plans shall show compliance with tree protection measures identified by the City Arborist.
3. Post hours of operation and phone numbers for noise complaints.
4. The applicant shall provide a list of construction and demolition recycling service providers that will be used for project demolition materials.
5. The applicant and its contractors shall require the contractors to and subcontractors to make a good faith effort to recycle demolition and construction materials, salvage materials and divert solid waste.
6. Identify on the plans (i.e., state) that the site, parking, common areas, dwelling units and all applicable parts of the project shall meet the requirements of Chapter II A “Accessibility” of the California Building Code.

II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a grading permit, 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. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.

4. The unused driveway shall be removed and replaced with sidewalk, curb and gutter in accordance with Department of Public Works approved standards.
5. Commercial driveway approaches shall be installed in accordance with Department of Public Works approved standards.
6. Street widening, improvements and any dedications shall be in accordance with City Standards and Specifications as required by the Department of Public Works.
7. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.
8. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Improvement measures may be required to upgrade the City system.
9. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection (available from BASMAA @ 510-622-2465)).
10. To control concentrated flow, drainage from paved surfaces, including streets, parking lots, driveways, and roofs, shall be routed through swales (also known as vegetated channels), buffer strips, or sand filters prior to discharge into the storm drain system. Sand filters shall be inspected and cleaned on a biannual basis. The property owner or association shall be responsible for inspection and maintenance.
11. The developer shall incorporate the following Best Management Practices (BMPs) for stormwater quality protection into site design to the extent that conditions allow. The applicant/property owner shall install, operate and the Homeowner's Association shall maintain all permanent stormwater protection measures. Inspection and maintenance records shall be provided to the Department of Public Works on or before June 30, annually. This requirement shall be disclosed in the CC&R's for the project. (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):
 - a. For walking and light traffic areas, permeable pavements shall be used where feasible. Typical pervious pavements include pervious concrete, porous asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.

- b. Parking lots shall include hybrid surfaces (pervious material for stalls only), concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
 - c. The landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
 - d. For outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable stormwater controls include siting or set back from drainage paths and water ways, and provision of roofing and curbs or berms to prevent run on and run off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.
12. New buildings such as food service facilities and/or multi-family residential complexes or subdivisions shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
13. The Homeowner's Association shall implement a trash management and litter control program including emptying trash receptacles in common areas and notifying violations by homeowners. This requirement shall be disclosed in the CC&R's for the project.
14. Runoff from trash enclosures, recycling areas, and/or food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities, the drains shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer.
15. Submit subdivision plans in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final plans shall be drafted in AutoCAD and submitted on CD-ROM.
16. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the subdivision prior to issuance of grading or building permits for the project.
17. The subdivision agreement shall provide for payment of all grading permit fees and inspection charges including reviews by the City's Consultant Geologist in accordance with the City's grading Ordinance.

18. The subdivision agreement shall provide for payment of all City inspection and plan check charges associated with the installation of public and private improvements including but not limited to streets, sanitary sewers, storm drains and street lights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess and charge costs. A refund or additional charge will be made at the conclusion of construction.
 19. The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site and off-site drainage facilities such as catch basins and storm drain pipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
 20. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
 21. The applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, such as by adding them to the regular recycle stream for on-site pick up by BFI or by returning them for redemption.
- 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. Property owner/applicant shall apply for and obtain a hauling and 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. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.

4. 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.
5. Grading shall be performed in accordance with the City Grading Ordinance. A Grading Plan shall be reviewed and approved by the Planning Commission. Soil and other construction materials shall not be stockpiled in public-right-of-way(s) unless an encroachment permit is obtained from the Public Works Department. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be conducted between the hours of 8AM to 5PM, Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMP's) for construction shall be implemented to protect water quality.
6. 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.
7. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.

8. Sanitary sewer to include a back flow prevention device.
9. 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.
10. 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, 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.
11. The developer shall provide to the homeowners practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices. This information shall be included as an attachment to the CC&R's for the project.

12. 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. This requirement shall be disclosed in the CC&R's for the project.
13. The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators. This requirement shall be disclosed in the CC&R's for the project.
14. The phrase "No Dumping-Drains to Bay" or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
15. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year. This requirement shall be disclosed in the CC&R's for the project.
16. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. Drains within the trash enclosure will be connected to the sanitary sewer system.
17. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter. This requirement shall be disclosed in the CC&R's for the project.
18. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
19. The owner/applicant shall perform a video inspection of the sewer lateral from the building to the sewer main, submit the inspection to the Department of Public Works for review and make the necessary repairs to the lateral.
20. Streets and parking areas shall be swept immediately prior to and once during the storm season. Records of street cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year. This requirement shall be disclosed in the CC&R's for the project.
21. All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
22. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.

23. 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.
 24. Pool, spa, hot tub and fountains shall not discharge directly into a sanitary sewer clean out. A hose or other system shall be directed into a sanitary clean out. The cleanout shall be installed in a readily accessible location and shown on the plans for building permit issuance. Additionally, these waters may be allowed to discharge to the storm drains if the water has been dechlorinated, is at ambient temperature and copper-based algae control has NOT been added to the water. The method of draining these waters shall be shown on the plans for building permit issuance. These requirements shall be disclosed in the CC&R's for the project.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials (i.e., brick pavers) within the public right-of-way.
 2. 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.
 3. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
 4. The project includes construction or installation of stationary equipment that may cause air pollution. The applicant should contact the Bay Area Air Quality Management District (415-771-6000) to determine if an air quality permit is required.
 5. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
 6. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.

7. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These include, 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.
8. 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.
9. The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.

10. The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private. A copy of the final subdivision map including property liens, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCad drawing files (scale 1"= 2').
11. All utilities shall be provided underground, including but not limited to electric, telephone, cable television and street lights.
12. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary. This requirement shall be disclosed in the CC&R's for the project.
13. The owner/applicant shall provide a street lighting plan for the project that includes an evaluation of the potential need/or lack thereof of street lights on adjacent streets.
14. Location of monument signs shall be determined by a licensed engineer who will certify that the line of sight will not be blocked and that there is sufficient sight distance at the intersection.
15. The project shall conform to the requirements for final map contents.
16. The applicant shall indicate all off-site improvements on tentative map on Holly and South Road and all existing and proposed easements on the map and final map.
17. The 10 foot right-of-way along Holly Road shall be dedicated to the city prior to final occupancy.
18. The applicant shall install a new handicap ramp as per Department of Public Works requirements.
19. The project shall comply with Sections IX and X of the Subdivision Ordinance.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT/SAN CARLOS FIRE DEPARTMENT:

1. An approved automatic fire sprinkler system, with standpipes, meeting the requirements of the current ordinance of the Belmont/San Carlos Fire Department shall be provided. The system shall also be monitored by an approved central station fire alarm company, or other approved service.

2. A manual and automatic fire alarm system is required for the residential portion of the project.
3. 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 Belmont/San Carlos Fire standards.
4. Provide a new fire hydrant, fed from the public water service, directly in front of the condominium and within 25 feet of the Fire Department connection for the fire sprinkler.

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.
5. Provide carport and garage lighting.
6. Roadways shall not be blocked by construction and demolition activities.

Certification of Approved Final Conditions:

Carlos de Melo
Community Development Director

Date