

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
UPHOLDING THE PLANNING COMMISSION'S DECISION
TO DENY A TENTATIVE PARCEL MAP AND SINGLE FAMILY DESIGN REVIEW
REQUEST FOR 1109 ALOMAR WAY (APPL. NO. 2006-0054)**

WHEREAS, Alpheus W. Jessup, applicant, on behalf of Jean Adams, property owner, requests Tentative Subdivision Map and Single Family Design Review approval to subdivide an existing 12,390 square-foot lot into two parcels, and to construct one new 1,492 square-foot single family dwelling on the proposed vacant parcel, located at 1109 Alomar Way; and,

WHEREAS, a public hearing was duly noticed, held, and closed on July 8, 2008; and,

WHEREAS, the City Council of the City of Belmont finds that the project qualifies for a statutory exemption pursuant to the California Environmental Quality Act, Section 15270; and,

WHEREAS, the City Council hereby adopts the staff report dated July 8, 2008 and the facts contained therein as its own findings of fact; and,

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

WHEREAS, the City Council has reviewed the request for a Tentative Parcel Map and based upon that review, is unable to make the following two findings in the affirmative, pursuant to Section 11.4 of the Belmont Subdivision Ordinance:

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

In reviewing the project for consistency with the Belmont General Plan, it is noted that the project would not comply with five (5) of the specific goals and policies of the General Plan, as described below.

The proposed subdivision would not be consistent with Goal 2 of the General Goals and Policies section of the General Plan which encourages development that preserves “*significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.*” The subdivision request would create a new parcel (Parcel 2) from the rear yard area of the existing lot which can be characterized as having dense native vegetation, regulated and protected heritage trees, and a very steep natural slope of 54.3 percent. The subdivision would allow development of a new single family dwelling on this parcel, which would result in significant topography modifications and tree removals.

The proposed subdivision would not be consistent with Policies 2 (a), (b), and (c) of the General Policies and Goals section of the General Plan “*requiring that intensity of land use should decrease as steepness of the terrain increases and that the lowest intensity of use should occur on steep hillsides.*” Contrary to this policy, the proposed new parcel and new single family dwelling would be located on the steepest portion of the existing single family residential lot.

Additionally, Policy 2(c) requires that “*intensity of use should be governed by existing development patterns, natural hazards, resource conservation, and aesthetics.*” The proposed subdivision would create an isolated parcel fronting onto Maywood Drive which is inconsistent with the configuration of the two adjacent through-lots (1105 and 1115 Alomar Way). Both of those lots front onto Alomar Way, and do not contain any development in their rear yard areas. Those rear yard areas are characterized by dense vegetation and steep slopes which are similar to the terrain of the proposed parcel.

City Staff has surveyed 28 surrounding properties that front onto both Alomar Way and Maywood Drive to determine the average lot size of the existing single family neighborhood. Of the 28 properties surveyed, the total lot sizes ranged from 7,150 square feet to 15,400 square feet, with an average lot size of 9,603 square feet. The proposed subdivision would create two new parcels having lot sizes of 6,000 square feet and 6,390 square feet. These proposed lots would be significantly smaller than the average lot size in the surrounding neighborhood, and thus inconsistent with the existing development pattern.

City staff also reviewed the same 28 surrounding properties to determine average lot slope for lots within this established neighborhood. Out of the 28 properties surveyed, at least 24 have an average lot slope of less than 30 percent. The remaining four properties have an average lot slope ranging from 30 to 40 percent. No existing properties in this neighborhood have an average lot slope that exceeds 40 percent. The applicant proposes to create a new vacant parcel with an approximately 54.3 percent lot slope, which would be significantly steeper than the average slope of any existing lot in the surrounding neighborhood. Based on the foregoing analysis, this subdivision would be inconsistent with the existing development patterns with respect to average lot slope.

The proposed Tentative Parcel Map would not be consistent with Policy 4(d) and (i) of the General Policies and Goals section of the General Plan recommending that “*grading be kept to a minimum necessary to permit development of land, and that development on slopes exceeding 30% should be avoided whenever possible.*” The subject property currently contains a single family residence which is located on the portion of the site with the least steep slope. If the Tentative Parcel Map were approved, the new lot slated for single family residential development would have an average slope of 54.3%. Development of the proposed single family residence on such a steep slope would require 828 cubic yards of earthwork cut from the site, which is also inconsistent with Policy 4(d).

The proposed Tentative Parcel Map would not be consistent with Policy 6 of the General Policies and Goals section of the General Plan recommending “*preservation of natural features, including steep hillsides.*” The proposed project site is located on a steep hillside containing dense natural vegetation and trees.

The proposed subdivision would not be consistent with Goal 6 of the “Residential Areas” of the Land Use Element of the General Plan, which states that “*residential development should occur in areas of low risk from geologic and hydrologic hazards.*” The City Geotechnical Consultant has outlined concerns with development of the proposed parcel, and has characterized the lot as being constrained by precipitous slopes that may be potentially unstable during excavation of required project retaining walls. The City Geologist also indicated that the site excavations on

the proposed parcel are of sufficient magnitude to potentially result in slope instability impacting Maywood Drive and portions of the existing parcel.

Based on the foregoing analysis, the City Council is unable to make this finding.

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

The proposed subdivision would split the existing single family lot essentially in half, creating a new vacant lot from the large rear yard area of the existing parcel. The proposed has significant slopes and dense native vegetation, including 14 regulated trees that were surveyed by the City Arborist. The City Geotechnical Consultant reviewed the proposed project and provided written comments. The report indicates that the proposed subdivision and development is potentially constrained by precipitous slopes that may be unstable during excavation of the project retaining walls. The report also indicated that the site excavations on the proposed parcel are of sufficient magnitude to potentially result in slope instability impacting Maywood Drive and portions of the existing parcel.

The development proposed on the new parcel would require 755 cubic yards of cut for a 1,492 square-foot single family residence. The steep slope of the proposed parcel requires significantly more grading to accommodate the single family dwelling than would be required for a similarly sized home on a less steep lot. For example, the steep slopes require a basement level garage and partially subterranean living levels at the rear of the home.

The City Arborist has reviewed the project proposal and concluded that the proposed development of a single family home on the proposed parcel would result in the removal of five regulated, protected-size coast live oak trees. Additionally, one regulated but non-protected size oak tree and one Lombardy poplar tree would be removed. Seven (7) of the 14 surveyed trees located on the proposed would be removed to accommodate site development.

The City Council does not believe the site is physically suitable for the proposed type of development and cannot make the finding.

WHEREAS, denial of the Tentative Parcel Map request would thereby result in denial of the Single Family Design Review request;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont hereby upholds the Planning Commission's decision denying the Tentative Parcel Map and Single Family Design Review to subdivide an existing 12,390 square-foot lot into two parcels, and to construct one new 1,492 square-foot single family dwelling on the proposed vacant parcel, located at 1109 Alomar Way.

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I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting held thereof held on July 22, 2008 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont