

**MEETING OF December 16, 2008  
AGENDA ITEM NO. 6B**



Application I.D.: 2008-0006

Application Type (s): Mitigated Negative Declaration, Design Review, Conditional Use Permit, Grading Plan, and Parcel Map

Location: Vacant Lot on Carlmont Drive

Applicant: Moshe Dinar

Owner: Laura Watanuki

APN: APN: 045-023-100

Zoning: Multi-Family Residential (R-4)

General Plan Designation: High Density Residential (Rh)

Environmental Determination: Mitigated Negative Declaration

**PROJECT DESCRIPTION**

The applicant requests Design Review, Conditional Use Permit, Grading Plan, and Parcel Map approval for the construction of three, two-story townhome condominiums totaling 6,093 square feet in gross floor area on a vacant 10,421 square foot parcel located on Carlmont Drive.

**RECOMMENDATION**

Staff recommends that the Planning Commission **approve** the Design Review, Conditional Use Permit, Grading Plan, and Parcel Map subject to the conditions of approval contained in the attached draft resolution<sup>1</sup>.

**ZONING/GENERAL PLAN DESIGNATION**

The proposed multi-family residential project is a permitted use in the R-4 (Multi-family Residential) zoning district, and is conforming to the General Plan Designation Rh – High Density Residential.

**PRIOR ACTIONS**

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<sup>1</sup> Please note: This recommendation is made in advance of public testimony or Commission discussion of the project. At the public hearing, these two factors, in conjunction with the staff analysis, will be considered by the Commission in rendering a decision on the project.

PLANNING COMMISSION STAFF REPORT  
RE: Vacant Lot on Carlmont Drive; PA#2008-0006  
December 16, 2008

The lot was established on November 2, 1956 as Lot 8, Block 1 of the Carlmont Village Subdivision.

A Preliminary Design Review for the construction of four two-story town homes, was reviewed by the Planning Commission in October of 2007.

In February of 2008, a formal application for the construction of three townhomes was submitted. Environmental Review was required for the project, and a Mitigated Negative Declaration (MND) was published for a 20-day comment period from June 25, 2008 through July 14, 2008. The Planning Commission reviewed the MND at a July 1, 2008 Study Session, commenting on the tree removal, and potential parking and site circulation impacts. The Commission was particularly concerned about the danger of vehicles backing out onto the street along the curve in Carlmont Drive.

Subsequent to the Study Session, the applicant worked with Planning staff and the City Traffic Engineer to study parking impacts and revised the project to allow vehicles to turn around on site, avoiding potential circulation impacts. A revised application was submitted on November 16, 2008.

## **SITE CONDITIONS**

The roughly triangular, approximately 10,421 square foot project site is located along the curve of the Carlmont Drive block, and is currently vacant. The property slopes moderately downward (approximately 14%) from south to north. The property is vegetated with native grass and six mature trees, two oaks, one bay and three acacia. There is a retaining wall and wood fence along the east property line, and a wood fence along the north property line. There is currently a full sidewalk, and curb and gutter located along the site's frontage. Surrounding uses include apartment buildings to the north, south and west, and a convalescent home to the east.

## **PROJECT ANALYSIS**

### Project Overview

The applicant proposes to construct three, two-story townhome condominiums on the vacant parcel. Each unit would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. The removal of six trees, and approximately 500 cubic yards of grading would be required for the construction of the townhomes. The project details are as follows:

### Architecture

The three contemporary-style buildings would have stucco exterior walls, painted wood doors and trim, vinyl windows, and composite shingle roofs in one of three different, earth-tone color palettes.

### Parking and Circulation

Driveway access to the three townhome condominiums would be provided from one location on Carlmont Drive. The curb at the driveway access would be "built out" into the roadway to prevent parked vehicles from blocking the view of vehicles exiting from the site (see Plan Sheet A1). Each townhome condominium would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. A hammer-head design would be used to allow vehicles to turn around on site. The space in front of the garage for unit A is twenty-four feet long, which

would allow for the parking of vehicles, including most large sport utility vehicles that are generally no more than sixteen feet in length, and an eight foot travel area behind the vehicle. However, staff is recommending conditions of approval that would require that Units A be moved back two feet on the final plans, and that CC&Rs include language restricting parking of extra large vehicles (vehicles in excess of eighteen feet in length) in driveways and parking in designated travel ways so as to ensure that the proposed site circulation will work. Concrete walkways (pavers over a pervious substrate) would provide pedestrian access to the units from the existing sidewalk located at the front of the site.

Floor Plans

The proposed floor plans for the three units consist of the following:

<b>Floor Area Summary</b>	
<b>Unit A (each unit )</b>	<b>Type of rooms</b>
First Level – 1,004.5 Sq. Ft.	Garage, foyer, living room, dining room, kitchen and bathroom
Second Level – 1,004.5 Sq. Ft.	Three bedrooms, two bathrooms, laundry and walk-in closet
Total – 2,009 Sq. Ft.	
<b>Unit B</b>	<b>Type of rooms</b>
First Level – 1,026 Sq. Ft.	Garage, foyer, living room, dining room, kitchen and bathroom
Second Level – 1,049 Sq. Ft.	Three bedrooms, two bathrooms, laundry and walk-in closet
Total – 2,075 Sq. Ft.	
Proposed Unit A Floor Areas – 4,018 Sq. Ft. (two units)	
Proposed Unit B Floor Areas – 2,075 Sq. Ft (one unit)	
<b>Total = 6,093 Sq. Ft. - Three Units</b>	

Tree Removal & Landscape Plan

A total of six trees (three protected and three unprotected) are proposed for removal from the site to allow construction of the town homes. The following trees would be removed: 30-inch oak tree (protected), 36-inch oak tree (protected), 60-inch, multi-stem, bay tree (protected), 66-inch, multi-stem, acacia tree (not protected), 28-inch acacia tree (not protected), and 14-inch acacia tree (not protected)

The landscape plan proposes nine, 24-inch box replacement trees including five western redbuds, two Australian willows, one coast-live oak and one Catalina cherry. Four trees are proposed along the front property line, and five trees are proposed along the rear property line. A variety of native and non-native shrubs and groundcover are proposed throughout the site including, Manzanita, Cleveland sage, carpet bugle, and matilija poppy. Drip irrigation is proposed for trees. Overhead spray irrigation is proposed for shrubs, ground cover and turf grass areas. Outdoor amenity space (wooden deck, paved terrace and open lawn area) is proposed at the rear of the units “A” and the rear and side of Unit “B.” A six-foot high wooden fence would extend from the front of the units to the side and rear property lines, and then continue along the perimeter of the side and rear of the

property. Driveways and pedestrian walkways would be finished in pavers over a pervious surface.

Grading & Drainage

Approximately 500 cubic yards of grading (250 cubic yards of cut and 250 cubic yards of fill) would be necessary for the construction of the town homes and other associated site improvements (i.e., decks patios, driveways, etc.). Grading would be balanced on site, such that import and export of soil would be unnecessary. Small retaining walls (from one to four feet high) would be located adjacent to driveway aprons and building frontages in order to stabilize the land and to provide for controlled drainage on site.

Storm water currently percolates into the soil and/or “sheet flows” down the slope of the vacant property from the front to the rear. The applicant proposes a storm drain collection system to collect the water on the site, and convey it either to the existing City storm drains at the front of the site, or to energy dissipaters at the rear of the site. Rainwater collected from the buildings’ rooftop gutters and storm drain inlets at the front of the property would be directed via a sidewalk drain to the street, where it would enter a catch basin to the city storm drain system. Rainwater collected from the buildings’ rooftop gutters and storm drain inlets at the rear of the site would be directed to energy dissipaters, where it would percolate into the ground at the back of the site.

Hardscape

The site is currently vacant and devoid of impervious surfaces or “hardscape” elements. Hardscape for the project is as follows:

<b>Feature</b>	<b>Existing sq. ft. / Resulting %*</b>	<b>Proposed sq. ft. / Resulting %*</b>	<b>Proposed hardscape per feature (%)</b>
Building footprints	N/A	3,058 sq. ft. / (29.3%)	29.3%
Driveways	N/A	2,208 sq. ft. / (50.3%)	21%
Walkways	N/A	116 sq. ft. / (54.4%)	1.1%
Decks	N/A	345 sq. ft. / (55.5%)	3.3%
Terrace	N/A	400 sq. ft. / (58.8%)	3.8%
<b>Total</b>	N/A	<b>6,127 sq. ft. (61.5%)</b>	<b>58.5%</b>

\* The resulting percentage is a running tally of total hardscape, which includes the hardscape of all previous features in the table. An individual hardscape percentage for each feature is found in the last column to the right. The driveway, and terrace would be pavers over a pervious substrate which would result in approximately 50% permeability. Revised calculations would result in approximately 4,823 sq ft of hardscape or 46 % hardscape coverage, base upon expected permeability.

Groundwork and Geotechnical Recommendations

The applicant has submitted a geotechnical investigation for the project, prepared by Summit Engineering, dated July 7, 2007, and supplemental letter on April 4, 2008. The report and subsequent letters of response were peer-reviewed by the City’s Consulting Geologist, Cotton,

Shires & Associates, Inc., March 11, 2008, and April 9, 2008. A copy of the report and letter are included as Attachments IX and X, respectively.

There are no known geological hazards in the immediate neighborhood of the subject property. The geotechnical report concluded that the proposed residential development may be constrained by locally expansive soils and the susceptibility of the site to strong seismic ground shaking. The City Geologist does not have feasibility objections to the layout of the proposed site improvements, but does require the project geotechnical consultant review all plans, field work and conditions to assure that the project is built to specifications. In addition, the City Geologist has also provided recommendations for geotechnical review of final building and grading plans and field inspections during construction. All of the City Geologist recommendations have been included in the attached conditions of approval.

**PROJECT DATA**

<b>Development Criteria</b>	<b>Proposed</b>	<b>Required or Max. Allowed</b>
<b>Lot Size</b>	<b>10,421 sf</b>	<b>10,000 sf</b>
<b>Lot Width</b>	120	75
<b>Lot Area per unit</b>	3,743 sf	1,700 sf
<b>FAR</b>	0.58	1.4
<b>Density</b>	13 units /acre	30 units/acre
<b>Parking Spaces</b>	6 covered 6 uncovered	6 covered 3 uncovered
<b>Open space per unit<sup>1</sup></b>	756 sf	450 sf
<b>Setbacks</b>		
• <b>Front</b>	15	15
• <b>Rear</b>	15	15
• <b>Side</b>	6	6
<b>Height</b>	28 feet	50 feet
<sup>1</sup> Open space includes private amenity areas such as decks as well as shared yard areas.		

**GENERAL PLAN CONFORMANCE**

The Belmont General Plan currently designates the project site (RH) High Density Residential, permitting up to 30 dwelling units per acre. The project proposes three residential dwelling units on the approximately 10,421 sq. ft. project site (13 units per acre) consistent with this designation. The project would also be consistent with the following City of Belmont General Plan Goals and Policies:

Goals

- 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.*

**Analysis:** The project consists of three residential town homes on a site that has been designated in the General Plan for housing. The subject homes would be surrounded by residential development

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

and within walking distance to the shops and restaurants at Carlmont Center. Thus, the construction of housing at this location would be in keeping with the present character of the city.

*1015.2. Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.*

*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.*

**Analysis:** The proposed two-story town homes are well designed and articulated and would provide a relatively smooth transition from the larger (three to four story) structures across the street from the site to the smaller (one to two story) structures on the adjacent property to the rear of the site. In addition, the project would include buffer yard areas and landscaping along the site's frontage and between the proposed buildings and the care home to the rear of the site. Thus, the project would preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.

*1015.7. Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.*

**Analysis:** The applicant has submitted "will-serve" letters for the supply of water, sanitary sewer, storm drain, and telephone and cable services. The site is within a substantially built-out residential neighborhood in Belmont. The project proposes to reduce density on the site that would be less than permitted under the full build-out of the City of Belmont General Plan.

*1015.8. Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.*

**Analysis:** 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. The project would be required to conform to the latest Uniform Building Code construction requirements. 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.

## Policies

- *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.*

- *Intensity of land use should be regulated according to the availability of community facilities and services.*

## **Analysis:**

### *Intensity of Land Use*

The Belmont General Plan currently designates the project site (RH) High Density Residential, permitting up to 30 dwelling units per acre. The project proposes three residential dwelling units on the approximately 10,421 sq. ft. project site (13 units per acre) consistent with this designation.

### *Traffic*

The three dwelling units associated with the project would not increase traffic significantly (18 Average Daily Trips), and would reduce the traffic anticipated for the site under full build-out in the City of Belmont General Plan, which anticipated seven dwelling units. The Director of Public Works (City Traffic Engineer) has also determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service.

### *Parking/Circulation*

The project has been revised to prevent circulation impacts. Driveway access to the three townhome condominiums would be provided from one location on Carlmont Drive. The curb at the driveway access would be “built out” into the roadway to prevent parked vehicles from blocking the view of vehicles exiting from the site. Each townhome condominium would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. A hammer-head design would be used to allow vehicles to turn around on site. The City Traffic Engineer has reviewed the revised plan and determined that the proposed driveway access and on-site turnaround would be safe and appropriate for the project location.

### *Water Conservation/Quality*

While the existing vegetation can not be preserved due to its location and the relatively small size of the project site, a significant amount of re-planting and re-vegetation would occur with drought-tolerant, native California plant species. In addition, storm drain and erosion control measures are proposed for the project and required as standard City conditions of approval.

### *Air Quality/Safety/Utilities*

The project would be required to meet regional water and air quality requirements. In addition, staff has included conditions of project approval that would require expanded dust control measures, and

the suspension of grading and the operation of equipment on “Spare the Air” days. The project would also be required to meet current Uniform Building Code and Fire codes which regulate new construction to address protection from natural hazards. All utility providers have been contacted and will provide service to the new residential units.

### *Noise Impacts*

The project would generate (temporary) construction noise impacts to adjacent residential properties. However, mitigation measures identified in the MND prepared for the project (i.e., notification of neighbors, and installation of a noise barrier, etc.) are designed to ensure noise impacts would be less than significant. The mitigation measures would be required as conditions of project approval.

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.

**Analysis:** The project has been designed to meet the above the development standards; such standards are also addressed as conditions of project approval. All utility services will be provided to the site. The Belmont Police Department and the Belmont-San Carlos 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 and is proposed on slopes of less than 30 percent. Impervious surfaces would be 46 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 and as noted in this document. As proposed and conditioned, safe site access would be provided to the site, and traffic resulting from three additional dwelling units would not significantly impact traffic in the surrounding neighborhood.

*2007.2 A variety of types and densities of residential uses should be provided to meet the needs of the different life styles and incomes of the people who live in the community.*

**Analysis:** The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide condominium housing at a medium range density. This type of housing product addresses the needs of families who desire smaller homes in relative proximity to urban amenities.

*2007.5 In high density residential areas the dominant dwelling unit types should be detached or*

*commonwall. All dwelling units shall have usable private outdoor space. For commonwall developments, common areas for parking and active recreation should be provided.*

**Analysis:** The proposed project would provide usable, private outdoor space (decks, patios and open landscaped yard areas) for each unit consistent with this policy.

*2007.8 Residential developments of three units or more or on parcels with an average slope of 30 percent or more shall be subject to design review to ensure compatibility with adjoining uses and adherence to the following standards:*

- a. Location, height and bulk of buildings and other improvements shall be controlled to minimize disruption of existing views and protect the profile of prominent ridgelines.*
- b. Drainage ways and natural vegetation, including trees and ground cover, should be conserved to the extent possible.*
- c. Exterior materials and colors should blend with the adjoining development and the natural environment of the site.*
- d. Overall grading and site disruption should be minimized.*
- e. Measures shall be taken to control erosion during construction, followed by planting to ensure long-term erosion control. Native plants should be emphasized in new landscaping.*
- f. The amount of impervious surface should be minimized to provide for maximum possible on-site water retention.*
- g. Houses, accessory buildings and residential roads shall be located on stable ground that is free from flood hazards as demonstrated by professional evaluation of site conditions.*

**Analysis:** The proposed town home condominiums would be 28-feet high, well within the 50-foot height limit of the project site's R-4 Zoning District, and review of the project site and surrounding area indicates that no public views would be impacted by the project. Replanting of the site is proposed with draught-tolerant, native, Californian plant species. Overall grading would be approximately 500 cubic yards and hardscape would cover approximately 46% of the site (consistent with the level of grading and hardscape typically seen with small residential developments). Erosion control measures, best management practices (BMPs) to prevent water quality impacts, and geotechnical review of the project are standard project conditions of approval.

## **ZONING CONFORMANCE**

The subject property is located within the R-4 (Multi-family Residential) zone. Multi-family residential uses are conditionally permitted within the R-4 zone. The project is consistent with all required Zoning Ordinance development criteria (i.e., setbacks, floor area, height, etc).

## **NEIGHBORHOOD OUTREACH**

The applicant reports performing neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report (see Attachment VII). In March 2008, the property owner reportedly sent letters and project elevations to all residents within 300 feet of the subject property. The

applicant reportedly described the project and invited neighbors to comment to the architect, engineer or owner. A meeting was held on April 10, 2008, but no one from the public attended. Staff has not received any public comments regarding this project as of the writing of this report. The applicant appears to have achieved the outreach strategy tasks.

### **ENVIRONMENTAL CLEARANCE (CEQA)**

The proposed project is subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). An Initial Study (IS) was prepared for the project. The IS/MND is included as Attachments V and VI to this staff report. Although the Initial Study identified potentially significant impacts in the areas of Air Quality, Biological Resources, Cultural Resources, and Noise, there will not be a significant effect in this instance because mitigation measures required for the project and agreed to by the applicant will reduce the effects to less-than-significant levels.

Based upon the findings of the IS, staff prepared a draft Mitigated Negative Declaration (MND). The City noticed the availability of the IS/MND along with the *Notice of Intent to Adopt a Mitigated Negative Declaration* in the San Mateo Times on June 25, 2008. The same noticing was also mailed to property owners within a 300 foot radius of the site. A 20-day public review period commenced on June 25, 2008 and closed on July 14, 2008.

As previously discussed, the Planning Commission reviewed the draft MND at a July 1, 2008 Study Session, and commented on the tree removal, and potential parking and site circulation impacts. The Commission was particularly concerned about the danger of vehicles backing out onto the street along the curve in Carlmont Drive. The Commission's comments and staffs' responses are included within Attachment VI of this report. No other comments have been received on the IS/MND as of the date of publication of this staff report.

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FINDINGS**

The Initial Study (IS) evaluated the project in light of sixteen state mandated environmental categories.

The evaluation resulted in finding that there are no potential impacts associated with environmental categories for Agriculture Resources, Land Use and Planning, Mineral Resources, and Population and Housing as identified in the IS.

The evaluation resulted in finding that there are no potential impacts or less-than-significant impacts associated with the environmental categories for Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems. Mitigation measures were not necessary to reduce impacts in these categories to less-than-significant, because the City identifies measures that reduce project impacts which are already required as a matter of law. These measures are implemented by the City through either conditions of approval or as a requirement of obtaining a grading, hauling or building permit. These measures are not additional measures that are identified through the CEQA process, but rather measures that the City requires as a standard practice, and as such are not identified as mitigation measures. As an example, the City through its General Plan and Grading and Subdivision Ordinances requires the preparation of a site specific geologic study to be submitted as part of a project application. Peer review of that report is also a requirement of the grading and subdivision ordinances. Therefore, as noted in the Geology and Soils discussion of the IS, there is a discussion of the applicant's geotechnical study as well as the peer review conducted by Cotton Shires Associates on behalf of the City. The geotechnical report and its peer review are not identified as mitigation measures because they are already required as a matter of law by the City.

The evaluation resulted in finding that four environmental categories, Air Quality, Biological Resources, Cultural Resources, and Noise, could potentially be impacted by the proposed project. The IS identifies mitigation measures that would reduce project related impacts to less than significant levels. A full discussion of the regulatory framework, and potential project impacts for these categories is provided in the attached IS/MND. A brief discussion of the potential impacts and the recommended mitigations measures for these categories is provided below:

### Air Quality

The subject property is bordered by multi-family residential development to the north, south and west, and a convalescent home to the east. The proposed residential development would not generate substantial pollutant concentrations, and compliance with the regulations and procedures, already established and enforced as part of the permit review process, would ensure that potential short-term air quality impacts would be reduced to a level of insignificance. However, grading and earthwork that would be required during project construction may generate significant PM<sub>10</sub> concentrations for short periods of time in relative close proximity to known sensitive receptors (residents of the convalescent home), who tend to be more susceptible to respiratory distress. These residents may be as close as fifty feet away from the project site and generally downwind (the prevailing wind blows from west to east toward the convalescent home from the project site). Therefore, in addition to the standard dust control measures, the following mitigation measures are recommended to ensure impacts to sensitive receptors would be less-than-significant:

### **Mitigation Measures**

- III.d.1. A dust control coordinator shall be designated for the project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly, and shall have the authority to take corrective action.
- III.d.2. The project sponsor shall be responsible to notify adjacent property owners no less than ten (10) calendar days prior to the start of grading, trenching and or tree removal for the project. The Community Development Department of the City of Belmont, and the project planner shall also be notified.
- III.d.3. All active construction areas shall be watered at least twice daily, and shall be maintained in a moist condition (as moist as possible) while still allowing grading to occur. A water truck or equivalent method shall be in place prior to commencing grading operations, and shall be on site at all times when grading or trenching occurs.
- III.d.4. All equipment shall be shut down (engines turned off) when not in use, or warming up prior to operation.
- III.d.5. Grading and running of gasoline and/or diesel powered equipment shall not occur on designated "spare the air days."
- III.d.6. Excavation and grading activity shall be suspended when wind gusts exceed 15 miles per hour.
- III.d.7 The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.

### **Biological Resources**

The project site is located in an urban setting with adjoining residential uses, and is not connected to any wildlife corridors to the north, south, east or west. However, the site is vacant of buildings and contains six mature trees (to be removed as part of the project) that may provide habitat for nesting birds. Nesting birds, if present on the site could be impacted if tree removal were to occur during the nesting season which is from February 1- August 31. Implementation of the following mitigation measure would avoid impacts to nesting birds on site, resulting in a less-than-significant impact:

### **Mitigation Measure**

- IV.a.b.1 Construction activities, including but not limited to vegetation and tree removal, grading, trenching and building 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.

If tree removal is unavoidable during the nesting season, a qualified biologist shall conduct a survey for nesting raptors and other birds within five days prior to the start of any

construction activities (as defined above). 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.

### Cultural Resources

The vacant project site is located in a developed urbanized area with buildings, pavement, and street landscaping. An archaeological literature review was conducted for the subject property by the Northwest Information Center located at Sonoma State University (file no. 07-1579). There are no archaeological sites recorded on the project site, and no known unique paleontological resources or sites located at or in proximity to the subject property. In addition, there are no formal cemeteries on the site. However, given the subject property's moderate archaeological sensitivity rating, and the fact that the City of Belmont was once inhabited by Native Americans, excavation activities associated with the projects could potentially disturb cultural resources. As such, the following mitigation measures are required to ensure that impacts to cultural resources would be less than significant:

### **Mitigation Measures**

- V.b, V.c & V.d.1 Prior to building permit submittal, a qualified archeologist shall conduct further archival and field study of the site to identify cultural resources. Said study may include, but not be limited to: pedestrian survey, auguring, and monitoring construction activities.
- V.b, V.c & V.d.2 If archeological or cultural resources are discovered during construction activities, all construction activity shall stop until the resource can be evaluated by a qualified archaeologist and a determination can be made of the resource's significance and need/method for its recovery.
- V.b, V.c & V.d.3 If human remains are discovered during excavation or site preparation the applicant shall stop work immediately and contact the San Mateo County Coroner. After being notified by the person responsible for the excavation, the Coroner shall examine the remains. If the remains are Native American, the Coroner has 24 hours after the examination to notify the Native American Heritage Commission.
- V.b, V.c & V.d.4 Prior to issuance of building permits, the applicant shall ensure that construction crews have proper training for the discovery, handling and retention methods for archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.

## Noise

The process for the new construction on the vegetated, vacant lot can be divided into four stages: tree removal/ grading, foundation work, framing/building construction, and finish work/landscaping. The noise level for each phase of construction would vary, but tree removal/grading and foundation work would typically be responsible for the highest levels of noise generation. Typical noise levels for grading and foundation work can range from an Lmax of 80 to 85 dBA at a point 50 feet from the source. Grading and foundation work is estimated to take from two to four weeks to complete.

Construction noise, although annoying, is usually considered a temporary impact; it is not a 24-hour seven day a week noise source that would “run with the land” (i.e., be permitted in perpetuity as a result of a zoning entitlement). The Belmont Noise Ordinance requires gasoline-powered construction equipment to be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted. In addition, the Noise Ordinance limits the hours of construction activity to the least sensitive times of the day and week, for the majority of the people: 10:00 AM to 5:00 PM Monday through Friday (while most people are at work) and 10:00 AM to 5:00 PM on Saturdays, only. Construction activities are not permitted during the noise sensitive times of the day, evenings and nights when people are home from work relaxing and sleeping.

Given the limited grading schedule (approximately two to four weeks), the Noise Ordinance time restrictions on grading and construction activities, and the attenuation that baffling and muffler systems provide, project noise impacts would typically be considered reduced to a less than significant level. However, in this particular case, there is a convalescent home within close proximity of the project site with residents that do not work, and may be relaxing and/or sleeping at any point during the day. The mitigation measures listed below would reduce temporary construction-related noise impacts to less-than-significant.

XI.a.1. To minimize the potential annoyance from construction noise at nearby noise-sensitive receptors, the following measures shall be taken:

- a. Neighbors located adjacent to the project site (i.e., the residential buildings to the north and south) shall be notified in writing of the construction schedule.
- b. Power construction equipment shall be turned off when not in use.
- c. All stationary noise-generating construction equipment, such as air compressors, shall be located as far a practical from existing nearby homes and offices.
- d. A construction disturbance coordinator shall be designated for the site. A coordinator approved by the City shall be hired by the project sponsor and perform on an on-call basis paid for by the project sponsor. The coordinator shall be responsible for receiving and acting on complaints about construction noise when activities are occurring. The coordinator shall determine the cause and implement remedial measures as necessary to alleviate significant noise problems. The telephone number of the coordinator shall be clearly posted on a sign at each construction site entrance.

- e. Prior to the issuance of a building permit, an acoustical consultant shall provide a recommendation for a noise barrier along the eastern property line, adjacent to the convalescent home. This barrier shall be capable of providing a noticeable 8 to 12 dBA of noise reduction for ground level residences and outdoor use areas when construction activities occur at ground level. Since it would be temporary, plywood or barium loaded vinyl sheeting would be acceptable materials for the surface of the wall. The noise barrier shall be installed and inspected prior to tree removal or grading on the site, and shall remain in place until construction of the buildings is completed.

### **Mitigation Monitoring and Reporting Program**

CEQA Guidelines (Section 15074.d) require that when a Lead Agency adopts a MND that they also adopt a program for reporting on or monitoring the changes that it has required in the project or made a condition of approval to mitigate or avoid significant environmental effects. The program is referred to a Mitigation Monitoring and Reporting Program (MMRP). The MMRP for the project is included as part of Attachment V to this report.

### **DESIGN REVIEW**

The proposed project is required to meet the Design Review Principles established in Section 13.5.3 of the Belmont Zoning Ordinance (BZO). Following is an analysis of those standards:

- a) *Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.*

The proposed project considers the size, shape and slope of the site in the overall design and layout of the town homes by orienting the entrances of the units with the curve of the street frontage, and creating small flat amenity areas at the rear of the property, where privacy can be maintained. In addition, the proposed two-story town homes would provide a relatively smooth transition from the larger scale apartment buildings (three to four story) across the street from the site to the smaller structures on the adjacent property to the rear of the site. Furthermore, the proposed town homes mitigate project-related bulk by including projected and recessed room elements, variation in roof forms, substantial window framing, and color and material variation and ornamentation. Overall, the site layout and configuration of the lot provides appropriate scale, proportion, and use of materials that are compatible with the existing character of the neighborhood.

- b) *Review of proposed exterior color and material application with relationship to adjacent architectural of natural elements. The intent with respect to review of color is to avoid the use of extreme color.*

The proposed town homes would each be painted in one of three earth-tone color combinations with greens, tans, and browns for building walls, trim, windows, and roof material. This color scheme is appropriate for its surroundings, and consistent with the multi-family residences and structures in the vicinity of the development site.

- c) *Review of the proposed location, height, and materials of walls, fences, hedges and screen*

*plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other surfacing to prevent dust erosion.*

A six-foot high wooden fence would extend from the front of the units to the side and rear property lines, and then continue along the perimeter of the side and rear of the property. The fence would screen the trash and recycling areas for the units. The landscape plan also proposes nine, 24-inch box replacement trees including five western redbuds, two Australian willows, one coast-live oak and one Catalina cherry. Four trees are proposed along the front property line, and five trees are proposed along the rear property line. The proposed landscaping features would soften and screen the massing of structures on the site, as seen from the surrounding area. In addition, the proposed fencing and the landscaping scheme would be harmonious with the established character of the neighborhood.

- d) *Review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance of harmony with the environment. The intent with respect to review of color is to avoid the use of extreme color.*

No signage is proposed.

- e) *Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.*

The town home entrances would be oriented with the curve of the street frontage, and small flat amenity areas would be created at the rear of the property, where privacy can be maintained. In addition, the project would include buffer yard areas and landscaping along the site's frontage and between the proposed buildings and the care home to the rear of the site. Thus, the project would preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods, and maximize the building's harmony with most other structures in the area.

- f) *Review of the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.*

Driveway access to the three townhome condominiums would be provided from one location on Carlmont Drive. The curb at the driveway access would be "built out" into the roadway to prevent parked vehicles from blocking the view of vehicles exiting from the site. Each townhome condominium would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. A hammer-head design would be used to allow vehicles to turn around on site. Concrete walkways would provide pedestrian access to the units from the existing sidewalk located at the front of the site. The driveway and turnaround areas on the site would be constructed of pavers over a pervious substrate to reduce runoff from the site. The City Traffic Engineer has reviewed the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways, and finds that the project would provide safe and appropriate vehicular and pedestrian access.

- g) *Review of site landscaping including adequacy of irrigation plans, size and location of plant materials, and protection of existing plant materials.*

A total of six trees (three protected and three unprotected) are proposed for removal from the site to allow construction of the town homes. However, the applicant will be required to pay tree removal fees and the landscape plan proposes nine, 24-inch box replacement trees, which is consistent with the City Tree Ordinance replacement planting requirements. Four trees are proposed along the front property line, and five trees are proposed along the rear property line. A variety of native and non-native shrubs and groundcover are proposed throughout the site including, Manzanita, Cleveland sage, carpet bugle, and matilija poppy. Drip irrigation is proposed for trees. Overhead spray irrigation is proposed for shrubs, ground cover and turf grass areas. Staff believes the proposed landscaping and irrigation plan conforms to all required standards and is generally compatible with neighboring properties.

The Planning Commission has considered the applicant's request for Design Review and finds it generally consistent with the Design Review Principles in Section 13.5.3 of the Zoning Ordinance. In addition, the Planning Commission has reviewed the proposed building façade and believes the proposal (as conditioned) conforms to all required standards and is generally compatible with neighboring properties

### **CONDITIONAL USE PERMIT**

New multi-family development is a conditionally permitted use within the subject project site's R-4 (Multi-family Residential) zone. The Commission may grant the Use Permit subject to the following findings:

1. *The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation, utilities and services in the vicinity.*

The project site is located within a multi-family neighborhood, and is substantially surrounded by multi-family uses. The project would include three residential units that would generate a total population increase of approximately seven persons (2.35 persons per household). Since the project would be consistent with current zoning, project-related increases in local population levels would be within population levels assumed under buildout of the General Plan (the General Plan anticipates up to seven units on the project site). No new roads or utilities would be extended to any contiguous undeveloped areas and no residents would be displaced by the project. There are no bus stops adjacent to the project site. The proposed project would not conflict with any adopted policies, plans or programs supporting alternative transportation given that the subject property is located within close walking distance to public transit, and shopping along Alameda De Las Pulgas. The applicant has submitted "will-serve" letters for the supply of water, sanitary sewer, storm drain, and telephone and cable services. Therefore, the project will not place an undue burden on local streets, existing transportation or utilities in the area. This finding can be made in the affirmative.

- 2) *The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.*

Based on review of the submitted plans, sufficient room exists to accommodate the proposed project in conformance with all of the setback, height, floor area ratio, open space, and parking requirements of the project site's R-4 zone. This finding can be made in the affirmative.

- 3) *The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.*

The Institute of Traffic Engineers publishes 'Trip Generation Rates' for various land uses. Trip generation rates account for trips generated by residents and visitors of the residential units, the internal trips between the residential units and the support services, plus the trips associated with employees of the support services. These rates are in turn used to assess air quality, noise and transportation related impacts for development. The trip generation rates for single-family is 9.6 per unit; apartments is 6.6 per unit; and condominiums is 5.9 per unit. Trip generation is expressed as Average Daily Trips, or ADT. The trip generation generated for the project would be 18 ADT.

The project site is located in a developed area with fully improved streets that have sufficient capacity to absorb 18 ADT. Furthermore, the Public Works Director (City Traffic Engineer) has reviewed the project and determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service. This finding can be made in the affirmative.

- 4) *The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the City.*

The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide condominium housing at a medium range density. This type of housing product addresses the needs of families who desire smaller homes in relative proximity to urban amenities. In addition, any structure built would be constructed to meet all current and applicable Uniform Building Codes and safety codes which would minimize risk to the maximum extent possible. Lastly, approval of the project would not adversely impact surrounding properties, because the proposed town home condominiums would be compatible with the other surrounding multi-family uses in the area. This finding can be made in the affirmative.

## **GRADING PLAN**

The current development plan will require Grading Permit approval by the Public Works Department. In preparation for that permit, the Commission will review the following findings as specified in Section 9-27(a)-(h) of the City of Belmont Municipal Code (Grading). More specifically, the aforementioned section requires that the Planning Commission review a grading plan if the combined volume of material excavated and/or filled would exceed 500 cubic yards, or

the area of a site to be disturbed would exceed six thousand square feet. In order to approve the Grading Plan, the Planning Commission must make the following findings:

- a. *The project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties.*

The City's Building Division and Public Works Department have reviewed the grading plans for the project, and have determined that the plan is in conformity with the Uniform Building Code and the City of Belmont Grading Ordinance (Chapter 9 of the City Code). In addition, 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 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 as conditions of project approval.

Based on reviews by City departments and the City's geologist to assess site stability, no immediate safety concerns or hazards have been identified for the subject site or adjacent properties. Therefore, as proposed and conditioned, the project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties. This finding can be made in the affirmative.

- b) *The proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality.*

No streams or rivers exist at or near the project site. Storm water currently percolates into the soil and/or "sheet flows" down the slope of the vacant property from the front to the rear. The applicant proposes a storm drain collection system to collect the water on the site, and convey it either to the existing City storm drains at the front of the site, or to energy dissipaters at the rear of the site. Rainwater collected from the buildings' rooftop gutters and storm drain inlets at the front of the property would be directed via a sidewalk drain to the street, where it would enter a catch basin to the city storm drain system. Rainwater collected from the buildings' rooftop gutters and storm drain inlets at the rear of the site would be directed to energy dissipaters, where it would percolate into the ground at the back of the site.

The project has been preliminarily reviewed and found acceptable by the City's Department of Public Works, and detailed working drawings would be required to be submitted for review and approval as part of the building permit application process. With implementation of the proposed drainage plan, no additional storm water run-off would be directed to adjacent properties, and the amount of surface runoff would not increase substantially. Thus, the project would not substantially alter the existing drainage patterns of the site or area in a manner that would result in substantial erosion or siltation on or off-site.

In addition, the Department of Public Works has determined that existing storm drain system would have adequate capacity for the proposed development. Lastly, the City requires the implementation of Best Management Practices (BMP's) for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval. For new development and construction projects, the City requires the implementation BMP's to ensure the protection of water quality in storm runoff from the project site.

In brief, the measures address pollution control and management mechanisms for contractor activities, e.g. structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. They also provide direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure the effectiveness of the BMP's. The City also requires an agreement with the applicant that ensures the permanent and on-going maintenance of water quality control improvements by the applicant and/or project site owner(s).

Therefore, the proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality. This finding can be made in the affirmative.

- c) *The amount of grading proposed is necessary to allow reasonable use of the site.*

The roughly triangular, 10,421 square foot project site slopes moderately downward (approximately 14%) from south to north. Approximately 500 cubic yards of grading (250 cubic yards of cut and 250 cubic yards of fill) would be necessary for the construction of the town homes and other associated site improvements (i.e., decks patios, driveways, etc.). Grading would be balanced on site, such that import and export of soil would be unnecessary. Small retaining walls (from one to four feet high) would be located adjacent to driveway aprons and building frontages in order to stabilize the land and to provide for controlled drainage on site.

The grading plan has been reviewed by the Public Works Department and found not to be excessive. Staff finds that the proposed grading is consistent with development of other small residential properties within the city, and believes the amount of grading is acceptable to allow for a reasonable use of the site. This finding can be made in the affirmative.

- d) *The proposed grading would result in a building site that is visually compatible with the surrounding land and accommodates any required off-street parking and wall landscaping.*

The proposed grading would provide more level ground for the construction of three 28-foot tall town home condominiums, which would be well within the 50-foot height limit of the project site's R-4 Zoning District. Review of the project site and surrounding area indicates that no public views would be impacted by the project. Small retaining walls (from one to four feet high) would be located adjacent to driveway aprons and building frontages in order to stabilize the land and to provide for controlled drainage on site. Ornamental shrubs and groundcover would be provided at the base of the walls. All required parking can be accommodated on site. The proposed grading is not excessive, and staff does not believe

that it would be visually incompatible with the surrounding area, which was previously graded and developed with large multi-family structures. This finding can be made in the affirmative.

- e) *The proposed grading will meet the standards and specifications of Article IV of Chapter 9 in the City Code (Grading Ordinance).*

Conditions of approval have been attached to the project to ensure that the final grading plan for the project will meet all of the standards contained in Article IV of Chapter 9 of the City Code (Grading Ordinance). This finding can be made in the affirmative.

- f) *The Director of Public Services and the applicant's Geotechnical engineer shall find that the form of vehicular access and methods of excavation are the simplest and least intrusive possible to obtain the geologic information required by the city.*

The Public Works Department has reviewed the grading plan, vehicular access, and methods of excavation and found them to be adequate and complete. Conditions of approval require the final grading and drainage plans be consistent with Public Works Department requirements for the design and construction of the site improvements. This finding can be made in the affirmative.

- g) *The grading permit is conditioned on issuance of a hauling permit, if required.*

No hauling permit is required for this project. The required finding can be made in the affirmative.

- h) *The design of the project preserves existing protected trees on the site and trees on adjoining property to the extent possible.*

The project site is relatively small at 10,421 sq. ft. and includes a 14% slope from front to rear. There are six trees located at the front and in the middle of the project site (three protected and three unprotected). No trees would need to be removed from adjacent properties, but the six trees at the front of the project are proposed for removal to allow room for site access, and construction of the three proposed townhomes. The City Arborist has reviewed the project plans and has determined that a significant amount of the existing tree's root systems would be impacted by the project, necessitating removal of the trees (see Attachment VIII). Thus, given the given the size of the project site, and the need to gain access and turn around on site, it is not feasible to save the existing trees as part of the project. However, the applicant will be required to pay tree removal fees and the landscape plan proposes nine, 24-inch box replacement trees, which is consistent with the City Tree Ordinance replacement planting requirements. This finding can be made in the affirmative.

#### **MINOR SUBDIVISION (PARCEL MAP) ANALYSIS**

In order to approve the proposed Parcel Map, the Planning Commission must make the following findings as per Section 11.4 (A-G) of the Subdivision Ordinance:

- a) *The proposed map is consistent with the applicable general and specific plans.*

The Belmont General Plan currently designates the project site (RH) High Density Residential, permitting up to 30 dwelling units per acre. The project proposes three residential dwelling units on the approximately 10,421 sq. ft. project site (13 units per acre) consistent with this designation.

In addition, the project site is located in a developed area with full access to services and utilities, and would not result in environmental/safety impacts consistent with General Plan Goals and Policies 1015.7, 1015.8, 1016.2, and 1016.4. A complete General Plan consistency analysis is included on pages 7 through 10 of this report. This finding can be made in the affirmative.

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

The Parcel Map will allow for the construction of three townhome condominiums. The project has been designed to meet all of the required development standards of the R-4 (Multi-family Residential) zone, would minimize grading and hardscape, not impact existing views, and include native California landscaping, consistent with the General Plan Goals and Policies 1015.1, 1015.2, 1015.4, 2007.2, 2007.5, and 2007.8. A complete General Plan consistency analysis is included on pages 7 through 10 of this report. This finding can be made in the affirmative.

- c) *The site is physically suitable for the type of development.*

The 10,421 sq. ft. project site fronts upon a fully improved roadway with access to all required utilities, and is within walking distance of shops and businesses. The site slopes moderately from front to rear at approximately 14%, which minimizes the amount of grading required to construct the proposed townhomes and other associated improvements. The project site has received conditional geotechnical clearance, and contains no environmental constraints with the exception of the three protected trees that would be removed, to make it suitable for residential development. Staff believes this finding can be made in the affirmative.

- d) *The site is physically suitable for the proposed density of development.*

The proposed three dwelling units comply with the maximum residential density permitted under the General Plan, and the maximum floor area ratio (FAR) permitted under the Zoning Ordinance. No Variances are requested, and the project would conform to all required development criteria (height, setbacks, open space per unit, and parking). In addition, all supporting plans and reports (geotechnical investigation, grading and drainage plan, etc.) indicate that three units would be suitable on the site. Therefore, staff believes this finding can be made in the affirmative.

- 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 parcel map will be required to comply with all mitigations outlined in the Mitigated Negative Declaration, and the applicant's geotechnical report. No substantial adverse impacts were identified as part of the environmental study for the project. Staff believes this finding can be made in the affirmative.

- 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 design will not cause serious public health problems. The project will be required to comply with all mitigations in the Mitigated Negative Declaration, conditions of project approval, and Uniform Building and Fire Codes. Staff believes this finding can be made in the affirmative.

- 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 proposed project will not conflict with existing easements; however, the Department of Public works has included a standard project condition of approval that requires that storm drain, sanitary sewer easements be provided as determined necessary. The Belmont/San Carlos Fire Authority and Public Works Department have reviewed and approved the circulation plan for the proposed project. Staff believes this finding can be made in the affirmative.

## **VI. CONCLUSION AND RECOMMENDATION**

Based on the foregoing analysis, staff recommends the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Approve the Design Review, Conditional Use Permit, Grading Plan, and Parcel Map.

## **VII. ACTION ALTERNATIVES**

The Planning Commission could deny the proposed project, and provide staff with direction on the findings for such an action.

## **VIII. ATTACHMENTS**

- I. 500 foot radius map of project site (incorporated as Page 2 of report)
- II. Resolution adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)
- III. Resolution Approving Design Review Permit, Conditional Use Permit, Grading Plan, and Parcel Map
- IV. Conditions of Approval
- V. MND and MMRP

PLANNING COMMISSION STAFF REPORT  
RE: Vacant Lot on Carlmont Drive; PA#2008-0006  
December 16, 2008

- VI. Initial Study Checklist and Response to Comments
- VII. Neighborhood Outreach Materials
- VIII. Arborist Reports from applicant and City Arborist
- IX. Geotechnical Investigation, prepared by Summit Engineers, Inc.,
- X. Geotechnical Peer Review, by Cotton Shires & Associates Inc.
- XI. Applicant's plans, materials board, and photos (Commission only)

Respectfully submitted,

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Damon DiDonato  
Senior Planner

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Carlos de Melo  
Community Development Director

**PLEASE NOTE:** Attachments V through XI are not included as part of this document. Please contact the Community Development Department at (650) 595-7417 for more information on viewing these attachments.

RESOLUTION NO. 2008-\_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL  
SIGNIFICANCE AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR  
A DESIGN REVIEW, CONDITIONAL USE PERMIT, GRADING PLAN, AND PARCEL  
MAP APPROVAL FOR THE CONSTRUCTION OF THREE, TWO-STORY TOWNHOME  
CONDOMINIUMS ON A VACANT 10,421 SQUARE FOOT PARCEL (APN: 045-023-100)  
LOCATED ON CARLMONT DRIVE (APPL. NO. 2008-0006)

WHEREAS, an Initial Study and a Mitigated Negative Declaration of Environmental Significance and a Mitigation Monitoring and Reporting Program has been prepared for the proposed Design Review, Conditional Use Permit, Grading Plan, and Parcel Map approval for the construction of three, two-story townhome condominiums totaling 6,093 square feet in gross floor area on a vacant 10,421 square foot parcel (APN: 045-023-100) located on Carlmont Drive; and,

WHEREAS, an Initial Study was prepared for the 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 prepared and posted at the County of San Mateo Recorder's office for a 20-day public review period commencing on June 25, 2008, and ending on July 14, 2008; 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 June 25, 2008 and the same noticing was also mailed to property owners within a 300 foot radius of the site; and,

WHEREAS, the Planning Commission reviewed the draft MND at a July 1, 2008 Study Session, and commented on the project and the Commissioner's comments and staff's response to comments have been incorporated into the public record; and,

WHEREAS, a public hearing was duly noticed, held on December 16, 2008, and closed; and,

WHEREAS, there are no potential impacts associated with environmental categories for Agriculture Resources, Land Use and Planning, Mineral Resources, and Population and Housing as identified in the Initial Study; and

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 for the environmental categories of Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems, as identified in the Initial Study; and

WHEREAS, the Initial Study identifies four environmental categories: Air Quality, Biological Resources, Cultural Resources, and Noise, could potentially be impacted by the proposed project, but that the Initial Study identifies mitigation measures that would reduce project related impacts to less than significant level; and

Resolution to Adopt an Initial Study/Mitigated Negative Declaration  
Vacant lot (045-023-100) located on Carlmont Drive  
December 16, 2008

WHEREAS, the Planning Commission has considered the potential impacts of the proposed project as set forth in the Initial Study/Negative Declaration of environmental significance attached as part of the December 16, 2008 Staff Report, and finds that there are no significant effect on the environment with implementation of the identified mitigation measures as stated in the report.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby adopts a Mitigated Negative Declaration of Environmental Significance 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 Planning Commission of the City of Belmont held on December 16, 2008 by the following vote:

AYES,  
COMMISSIONERS: \_\_\_\_\_

NOES,  
COMMISSIONERS: \_\_\_\_\_

ABSENT,  
COMMISSIONERS: \_\_\_\_\_

ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_

RECUSED,  
COMMISSIONERS: \_\_\_\_\_

\_\_\_\_\_  
Carlos de Melo  
Planning Commission Secretary

RESOLUTION NO. 2008-\_\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A DESIGN REVIEW PERMIT, CONDITIONAL USE PERMIT, GRADING  
PLAN, AND PARCEL MAP FOR THE CONSTRUCTION OF THREE, TWO-STORY TOWN  
HOME CONDOMINIUMS ON A VACANT 10,421 SQUARE FOOT PARCEL (APN: 045-  
023-100) LOCATED ON CARLMONT DRIVE (APPL. NO. 2008-0006)

The Planning Commission of the City of Belmont does hereby resolve and order as follows:

WHEREAS, Moshe Dinar, applicant, on behalf of Laura Watanuki, owner, seeks approval of a Design Review, Conditional Use Permit, Grading Plan, and Parcel Map for the construction of three, two-story townhome condominiums totaling 6,093 square feet in gross floor area on a vacant 10,421 square foot parcel (APN: 045-023-100) located on Carlmont Drive; and

WHEREAS, on December 16, 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,

WHEREAS, on December 16, 2008, in a separate action, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project pursuant to the California Environmental Quality Act; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated December 16, 2008 and the facts contained therein as its own findings of facts; and,

WHEREAS, the Planning Commission has considered the request for a Design Review Permit for the proposed project and finds that it meets required principles as set forth in Section 13.5.3 of the Zoning Ordinance as follows:

- a) *Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.*

The proposed project considers the size, shape and slope of the site in the overall design and layout of the town homes by orienting the entrances of the units with the curve of the street frontage, and creating small flat amenity areas at the rear of the property, where privacy can be maintained. In addition, the proposed two-story town homes would provide a relatively smooth transition from the larger scale apartment buildings (three to four story) across the street from the site to the smaller structures on the adjacent property to the rear of the site. Furthermore, the proposed town homes mitigate project-related bulk by including projected and recessed room elements, variation in roof forms, substantial window framing, and color and material variation and ornamentation. Overall, the site layout and configuration of the lot provides appropriate scale, proportion, and use of materials that are compatible with the existing character of the neighborhood.

- b) *Review of proposed exterior color and material application with relationship to adjacent architectural of natural elements. The intent with respect to review of color is to avoid the use of extreme color.*

The proposed town homes would each be painted in one of three earth-tone color combinations with greens, tans, and browns for building walls, trim, windows, and roof material. This color scheme is appropriate for its surroundings, and consistent with the multi-family residences and structures in the vicinity of the development site.

- c) *Review of the proposed location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other surfacing to prevent dust erosion.*

A six-foot high wooden fence would extend from the front of the units to the side and rear property lines, and then continue along the perimeter of the side and rear of the property. The fence would screen the trash and recycling areas for the units. The landscape plan also proposes nine, 24-inch box replacement trees including five western redbuds, two Australian willows, one coast-live oak and one Catalina cherry. Four trees are proposed along the front property line, and five trees are proposed along the rear property line. The proposed landscaping features would soften and screen the massing of structures on the site, as seen from the surrounding area. In addition, the proposed fencing and the landscaping scheme would be harmony with the established character of the neighborhood.

- d) *Review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance of harmony with the environment. The intent with respect to review of color is to avoid the use of extreme color.*

No signage is proposed.

- h) *Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.*

The town home entrances would be oriented with the curve of the street frontage, and small flat amenity areas would be created at the rear of the property, where privacy can be maintained. In addition, the project would include buffer yard areas and landscaping along the site's frontage and between the proposed buildings and the care home to the rear of the site. Thus, the project would preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods, and maximize the building's harmony with most other structures in the area.

- i) *Review of the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.*

Driveway access to the three townhome condominiums would be provided from one location on Carlmont Drive. The curb at the driveway access would be "built out" into the roadway to prevent parked vehicles from blocking the view of vehicles exiting from the site. Each

townhome condominium would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. A hammer-head design would be used to allow vehicles to turn around on site. Concrete walkways would provide pedestrian access to the units from the existing sidewalk located at the front of the site. The driveway and turnaround areas on the site would be constructed of pavers over a pervious substrate to reduce runoff from the site. The City Traffic Engineer has reviewed the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways, and finds that the project would provide safe and appropriate vehicular and pedestrian access.

- j) *Review of site landscaping including adequacy of irrigation plans, size and location of plant materials, and protection of existing plant materials.*

A total of six trees (three protected and three unprotected) are proposed for removal from the site to allow construction of the town homes. However, the applicant will be required to pay tree removal fees and the landscape plan proposes nine, 24-inch box replacement trees, which is consistent with the City Tree Ordinance replacement planting requirements. Four trees are proposed along the front property line, and five trees are proposed along the rear property line. A variety of native and non-native shrubs and groundcover are proposed throughout the site including, Manzanita, Cleveland sage, carpet bugle, and matilija poppy. Drip irrigation is proposed for trees. Overhead spray irrigation is proposed for shrubs, ground cover and turf grass areas. The Planning Commission believes the proposed landscaping and irrigation plan conforms to all required standards and is generally compatible with neighboring properties.

The Planning Commission has considered the applicant's request for Design Review and finds it generally consistent with the Design Review Principles in Section 13.5.3 of the Zoning Ordinance. In addition, the Planning Commission has reviewed the proposed building façade and believes the proposal (as conditioned) conforms to all required standards and is generally compatible with neighboring properties

WHEREAS, the Planning Commission has considered the applicant's request for a Conditional Use Permit for a multi-family development within the subject project site's R-4 (Multi-family Residential) zone, and finds that it meets required findings as set forth in Section 11.5.1 of the Zoning Ordinance as follows:

- 1) *The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation, utilities and services in the vicinity.*

The project site is located within a multi-family neighborhood, and is substantially surrounded by multi-family uses. The project would include three residential units that would generate a total population increase of approximately seven persons (2.35 persons per household). Since the project would be consistent with current zoning, project-related

increases in local population levels would be within population levels assumed under buildout of the General Plan (the General Plan anticipates up to seven units on the project site). No new roads or utilities would be extended to any contiguous undeveloped areas and no residents would be displaced by the project. There are no bus stops adjacent to the project site. The proposed project would not conflict with any adopted policies, plans or programs supporting alternative transportation given that the subject property is located within close walking distance to public transit, and shopping along Alameda De Las Pulgas. The applicant has submitted “will-serve” letters for the supply of water, sanitary sewer, storm drain, and telephone and cable services. Therefore, the project will not place an undue burden on local streets, existing transportation or utilities in the area. This finding is affirmed.

- 2) *The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.*

Based on review of the submitted plans, sufficient room exists to accommodate the proposed project in conformance with all setback, height, floor area ratio, open space, and parking requirements of the project site’s R-4 zone. This finding is affirmed.

- 3) *The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.*

The Institute of Traffic Engineers publishes ‘Trip Generation Rates’ for various land uses. Trip generation rates account for trips generated by residents and visitors of the residential units, the internal trips between the residential units and the support services, plus the trips associated with employees of the support services. These rates are in turn used to assess air quality, noise and transportation related impacts for development. The trip generation rates for single-family is 9.6 per unit; apartments is 6.6 per unit; and condominiums is 5.9 per unit. Trip generation is expressed as Average Daily Trips, or ADT. The trip generation generated for the project would be 18 ADT.

The project site is located in a developed area with fully improved streets that have sufficient capacity to absorb 18 ADT. Furthermore, the Public Works Director (City Traffic Engineer) has reviewed the project and determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service. This finding is affirmed.

- 4) *The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the City.*

The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide condominium housing at a medium range density. This type of housing product addresses the needs of families who desire smaller homes in relative proximity to urban amenities. In addition, any

structure built would be constructed to meet all current and applicable Uniform Building Codes and safety codes which would minimize risk to the maximum extent possible. Lastly, approval of the project would not adversely impact surrounding properties, because the proposed town home condominiums would be compatible with the other surrounding multi-family uses in the area. This finding is affirmed.

WHEREAS, the Planning Commission hereby evaluates a Grading Plan proposal as specified in Section 9-27(a)-(h) of the City of Belmont Municipal Code (Grading), subject to the following findings:

- a). The project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties.

The City's Building Division and Public Works Department have reviewed the grading plans for the project, and have determined that the plan is in conformity with the Uniform Building Code and the City of Belmont Grading Ordinance (Chapter 9 of the City Code). In addition, 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 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 as conditions of project approval.

Based on reviews by City departments and the City's geologist to assess site stability, no immediate safety concerns or hazards have been identified for the subject site or adjacent properties. Therefore, as proposed and conditioned, the project will not endanger the stability of the site or adjacent properties, or pose a significant ground movement hazard to adjacent properties. This finding is affirmed.

- b) *The proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality.*

No streams or rivers exist at or near the project site. Storm water currently percolates into the soil and/or "sheet flows" down the slope of the vacant property from the front to the rear. The applicant proposes a storm drain collection system to collect the water on the site, and convey it either to the existing City storm drains at the front of the site, or to energy dissipaters at the rear of the site. Rainwater collected from the buildings' rooftop gutters and storm drain inlets at the front of the property would be directed via a sidewalk drain to

the street, where it would enter a catch basin to the city storm drain system. Rainwater collected from the buildings' rooftop gutters and storm drain inlets at the rear of the site would be directed to energy dissipaters, where it would percolate into the ground at the back of the site.

The project has been preliminarily reviewed and found acceptable by the City's Department of Public Works, and detailed working drawings would be required to be submitted for review and approval as part of the building permit application process. With implementation of the proposed drainage plan, no additional storm water run-off would be directed to adjacent properties, and the amount of surface runoff would not increase substantially. Thus, the project would not substantially alter the existing drainage patterns of the site or area in a manner that would result in substantial erosion or siltation on or off-site. In addition, the Department of Public Works has determined that existing storm drain system would have adequate capacity for the proposed development. Lastly, the City requires the implementation of Best Management Practices (BMP's) for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval. For new development and construction projects, the City requires the implementation BMP's to ensure the protection of water quality in storm runoff from the project site. In brief, the measures address pollution control and management mechanisms for contractor activities, e.g. structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. They also provide direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure the effectiveness of the BMP's. The City also requires an agreement with the applicant that ensures the permanent and on-going maintenance of water quality control improvements by the applicant and/or project site owner(s).

Therefore, the proposed drainage improvements, landscaping, and erosion control measures would be adequate to control erosion or flooding and would not degrade riparian habitats, stream channel capacity or water quality. This finding is affirmed.

- c) The amount of grading proposed is necessary to allow reasonable use of the site.

The roughly triangular, 10,421 square foot project site slopes moderately downward (approximately 14%) from south to north. Approximately 500 cubic yards of grading (250 cubic yards of cut and 250 cubic yards of fill) would be necessary for the construction of the town homes and other associated site improvements (i.e., decks patios, driveways, etc.). Grading would be balanced on site, such that import and export of soil would be unnecessary. Small retaining walls (from one to four feet high) would be located adjacent to driveway aprons and building frontages in order to stabilize the land and to provide for controlled drainage on site.

The grading plan has been reviewed by the Public Works Department and found not to be excessive. Staff finds that the proposed grading is consistent with development of other small residential properties within the city, and believes the amount of grading is acceptable to allow for a reasonable use of the site. This finding is affirmed.

- d) The proposed grading would result in a building site that is visually compatible with the surrounding land and accommodates any required off-street parking and wall landscaping.

The proposed grading would provide more level ground for the construction of three 28-foot tall town home condominiums, which would be well within the 50-foot height limit of the project site's R-4 Zoning District. Review of the project site and surrounding area indicates that no public views would be impacted by the project. Small retaining walls (from one to four feet high) would be located adjacent to driveway aprons and building frontages in order to stabilize the land and to provide for controlled drainage on site. Ornamental shrubs and groundcover would be provided at the base of the walls. All required parking can be accommodated on site. The proposed grading is not excessive, and staff does not believe that it would be visually incompatible with the surrounding area, which was previously graded and developed with large multi-family structures. This finding is affirmed.

- e) The proposed grading will meet the standards and specifications of Article IV of Chapter 9 in the City Code (Grading Ordinance).

Conditions of approval have been attached to the project to ensure that the final grading plan for the project will meet all of the standards contained in Article IV of Chapter 9 of the City Code (Grading Ordinance). This finding is affirmed.

- f) *The Director of Public Services and the applicant's Geotechnical engineer shall find that the form of vehicular access and methods of excavation are the simplest and least intrusive possible to obtain the geologic information required by the city.*

The Public Works Department has reviewed the grading plan, vehicular access, and methods of excavation and found them to be adequate and complete. Conditions of approval require the final grading and drainage plans be consistent with Public Works Department requirements for the design and construction of the site improvements. This finding is affirmed.

- g) The grading permit is conditioned on issuance of a hauling permit, if required.

No hauling permit is required for this project. This finding is affirmed.

- h) The design of the project preserves existing protected trees on the site and trees on adjoining property to the extent possible.

The project site is relatively small at 10,421 sq. ft. and includes a 14% slope from front to rear. There are six trees located at the front and in the middle of the project site (three protected and three unprotected). No trees would need to be removed from adjacent properties, but the six trees at the front of the project are proposed for removal to allow room for site access, and construction of the three proposed townhomes. The City Arborist has reviewed the project plans and has determined that a significant amount of the existing tree's

root systems would be impacted by the project, necessitating removal of the trees. Thus, given the given the size of the project site, and the need to gain access and turn around on site, it is not feasible to save the existing trees as part of the project. However, the applicant will be required to pay tree removal fees and the landscape plan proposes nine, 24-inch box replacement trees, which is consistent with the City Tree Ordinance replacement planting requirements. This finding is affirmed.

WHEREAS, the Planning Commission hereby approves a Parcel Map pursuant to the following findings as per Section 11.4 (A-G) of the Belmont Subdivision Ordinance:

- a) *The proposed map is consistent with the applicable general and specific plans.*

The Belmont General Plan currently designates the project site (RH) High Density Residential, permitting up to 30 dwelling units per acre. The project proposes three residential dwelling units on the approximately 10,421 sq. ft. project site (13 units per acre) consistent with this designation.

In addition, the project will also be consistent with the following General Plan Goals and Policies:

*1015.7. Guide the timing and location of growth and development to ensure the availability of services and protection of sensitive natural environments.*

**Analysis:** The applicant has submitted “will-serve” letters for the supply of water, sanitary sewer, storm drain, and telephone and cable services. The site is within a substantially built-out residential neighborhood in Belmont. The project proposes to reduce density on the site that would be less than permitted under the full build-out of the City of Belmont General Plan.

*1015.8. Protect persons and property from unreasonable exposure to natural hazards such as floods, fire, unstable ground, erosion and earthquakes.*

**Analysis:** 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. The project would be required to conform to the latest Uniform Building Code construction requirements. 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.

Policies

- *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.*
- *Intensity of land use should be regulated according to the availability of community*

*facilities and services.*

**Analysis:**

*Intensity of Land Use*

The Belmont General Plan currently designates the project site (RH) High Density Residential, permitting up to 30 dwelling units per acre. The project proposes three residential dwelling units on the approximately 10,421 sq. ft. project site (13 units per acre) consistent with this designation.

*Traffic*

The three dwelling units associated with the project would not increase traffic significantly (18 Average Daily Trips), and would reduce the traffic anticipated for the site under full build-out in the City of Belmont General Plan, which anticipated seven dwelling units. The Director of Public Works (City Traffic Engineer) has also determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service.

*Parking/Circulation*

The project has been revised to prevent circulation impacts. Driveway access to the three townhome condominiums would be provided from one location on Carlmont Drive. The curb at the driveway access would be “built out” into the roadway to prevent parked vehicles from blocking the view of vehicles exiting from the site. Each townhome condominium would have two garage parking spaces and one uncovered parking space within the driveway in front of the garage. A hammer-head design would be used to allow vehicles to turn around on site. The City Traffic Engineer has reviewed the revised plan and determined that the proposed driveway access and on-site turnaround would be safe and appropriate for the project location.

*Water Conservation/Quality*

While the existing vegetation can not be preserved due to its location and the relatively small size of the project site, a significant amount of re-planting and re-vegetation would occur with drought-tolerant, native California plant species. In addition, storm drain and erosion control measures are proposed by the project and required as standard City conditions of approval.

*Air Quality/Safety/Utilities*

The project would be required to meet regional water and air quality requirements. In addition, staff has included conditions of project approval that would require expanded dust control measures, and the suspension of grading and the operation of equipment on “Spare

the Air” days. The project would also be required to meet current Uniform Building Code and Fire codes which regulate new construction to address protection from natural hazards. All utility providers have been contacted and will provide service to the new residential units.

*Noise Impacts*

The project would generate (temporary) construction noise impacts to adjacent residential properties. However, mitigation measures identified in the MND prepared for the project (i.e., notification of neighbors, and installation of a noise barrier, etc.) are designed to ensure noise impacts would be less than significant. The mitigation measures would be required as conditions of project approval.

*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.*

**Analysis:** 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 will be provided to the site. The Belmont Police Department and the Belmont-San Carlos 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 and is proposed on slopes of less than 30 percent. Impervious surfaces would be 46 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 and as noted in this document. As proposed and conditioned, safe site access would be provided to the site, and traffic resulting from three additional dwelling units would not significantly impact traffic in the surrounding neighborhood. This finding is affirmed.

- b) The design or improvement of the proposed subdivision is consistent with applicable general*

*and specific plans.*

The Parcel Map will allow for the construction of three townhome condominiums. The project has been designed to meet all of the required development standards of the R-4 (Multi-family Residential) zone, would minimize grading and hardscape, not impact existing views, and include native California landscaping, consistent with the following General Plan Goals and Policies:

Goals

*1010.1. 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.*

**Analysis:** The project consists of three residential town homes on a site that has been designated in the General Plan for housing. The subject homes would be surrounded by residential development and within walking distance to the shops and restaurants at Carlmont Center. Thus, the construction of housing at this location would be in keeping with the present character of the city.

*1015.1 Preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.*

*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.*

**Analysis:** The proposed two-story town homes are well designed and articulated and would provide a relatively smooth transition from the larger (three to four story) structures across the street from the site to the smaller (one to two story) structures on the adjacent property to the rear of the site. In addition, the project would include buffer yard areas and landscaping along the site's frontage and between the proposed buildings and the care home to the rear of the site. Thus, the project would preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods.

*2007.2 A variety of types and densities of residential uses should be provided to meet the needs of the different life styles and incomes of the people who live in the community.*

**Analysis:** The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide condominium housing at a medium range density. This type of housing product addresses the needs of families who desire smaller homes in relative proximity to urban amenities.

*2007.5 In high density residential areas the dominant dwelling unit types should be detached or commonwall. All dwelling units shall have usable private outdoor space. For*

*commonwall developments, common areas for parking and active recreation should be provided.*

**Analysis:** The proposed project would provide usable, private outdoor space (decks, patios and open landscaped yard areas) for each unit consistent with this policy.

*2007.8 Residential developments of three units or more or on parcels with an average slope of 30 percent or more shall be subject to design review to ensure compatibility with adjoining uses and adherence to the following standards:*

- h. Location, height and bulk of buildings and other improvements shall be controlled to minimize disruption of existing views and protect the profile of prominent ridgelines.*
- i. Drainage ways and natural vegetation, including trees and ground cover, should be conserved to the extent possible.*
- j. Exterior materials and colors should blend with the adjoining development and the natural environment of the site.*
- k. Overall grading and site disruption should be minimized.*
- l. Measures shall be taken to control erosion during construction, followed by planting to ensure long-term erosion control. Native plants should be emphasized in new landscaping.*
- m. The amount of impervious surface should be minimized to provide for maximum possible on-site water retention.*
- n. Houses, accessory buildings and residential roads shall be located on stable ground that is free from flood hazards as demonstrated by professional evaluation of site conditions.*

**Analysis:** The proposed 28-foot tall town home condominiums would be well within the 50-foot height limit of the project site's R-4 Zoning District, and review of the project site and surrounding area indicates that no public views would be impacted by the project. Replanting of the site is proposed with draught-tolerant, native, Californian plant species. Overall grading would be approximately 500 cubic yards and hardscape would cover approximately 46% of the site (consistent with the level of grading and hardscape typically seen with small residential developments). Erosion control measures, best management practices (BMPs) to prevent water quality impacts, and geotechnical review of the project are standard project conditions of approval.

This finding is affirmed.

- c) The site is physically suitable for the type of development.*

The 10,421 sq. ft. project site fronts upon a fully improved roadway with access to all required utilities, and is within walking distance of shops and businesses. The site slopes moderately from front to rear at approximately 14%, which minimizes the amount of grading

required to construct the proposed townhomes and other associated improvements. The project site has received conditional geotechnical clearance, and contains no environmental constraints with the exception of the three protected trees that would be removed, to make it suitable for residential development. This finding is affirmed.

- d) *The site is physically suitable for the proposed density of development.*

The proposed three dwelling units comply with the maximum residential density permitted under the General Plan, and the maximum floor area ratio (FAR) permitted under the Zoning Ordinance. No Variances are requested, and the project would conform to all required development criteria (height, setbacks, open space per unit, and parking). In addition, all supporting plans and reports (geotechnical investigation, grading and drainage plan, etc.) indicate that three units would be suitable on the site. Therefore, this finding is affirmed.

- 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 parcel map will be required to comply with all mitigations outlined in the Mitigated Negative Declaration, and the applicant's geotechnical report. No substantial adverse impacts were identified as part of the environmental study for the project. This finding is affirmed.

- 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 design will not cause serious public health problems. The project will be required to comply with all mitigations in the Mitigated Negative Declaration, conditions of project approval, and Uniform Building and Fire Codes. This finding is affirmed.

- 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 proposed project will not conflict with existing easements; however, the Department of Public works has included a standard project condition of approval that requires that storm drain, sanitary sewer easements be provided as determined necessary. The Belmont/San Carlos Fire Authority and Public Works Department have reviewed and approved the circulation plan for the proposed project. This finding is affirmed.

Resolution to Adopt an Initial Study/Mitigated Negative Declaration  
Vacant lot (045-023-100) located on Carlmont Drive  
December 16, 2008

WHEREAS, the Planning Commission conducted a duly noticed public meeting to consider the application for a Design Review Permit, Conditional Use Permit, Grading Plan and Parcel Map on December 16, 2008, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and,

WHEREAS, the Planning Commission 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 Planning Commission approves the Design Review Permit, Conditional Use Permit, Grading Plan and Parcel Map, subject to the conditions attached as Exhibit "A".

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on December 16, 2008 by the following vote:

AYES,  
COMMISSIONERS: \_\_\_\_\_  
NOES,  
COMMISSIONERS: \_\_\_\_\_  
ABSENT,  
COMMISSIONERS: \_\_\_\_\_  
ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_  
RECUSED,  
COMMISSIONERS: \_\_\_\_\_

\_\_\_\_\_  
Carlos de Melo  
Planning Commission Secretary

## EXHIBIT "A"

### CONDITIONS OF PROJECT APPROVAL DESIGN REVIEW, CONDITIONAL USE PERMIT, GRADING PLAN AND PARCEL MAP VACANT LOT (APN: 045-023-100) LOCATED ON CARLMONT DRIVE (APPL. NO.: 2008-0006)

- 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. Plans submitted for building permit and all construction shall conform to the plans on file in the Planning Division for Appl. No. 2008-0006, date stamped December 3, 2008. The Director of Community Development may approve minor modifications to the plans.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
3. Prior to issuance of building permits, the property owners shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that they have read, understand and agree to these conditions of approval.
4. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
5. In the event that this approval is challenged by a third party, the property owners and all assignees will be responsible for defending against this challenge, and agree to accept responsibility for defense at the request of the City. The property owners and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.
6. During construction activities which require frequent vehicle movements onto and off of the site, such as grading and site work, the applicant shall be required to provide flag persons on each side of

the site on Carlmont Drive to direct traffic to ensure that these vehicle movements can be done in safety. This is particularly important for traffic approaching the site from around the curve in the roadway to the east.

7. All retaining walls in the front and side yards that are visible from the public right-of-way shall comply with Section 9-47 of the Belmont Municipal Code.
8. The lighting associated with the residential units shall be the minimum required for safety. The use of up-lighting and/or flood lighting is prohibited. All project lighting shall be shielded downward and so as not to produce undue glare off-site.
9. Pursuant to Mitigation Measures III.d.1 to III.d.7, the following dust control measures are required in addition to the standard dust control requirements:
  - a. A dust control coordinator shall be designated for the project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly, and shall have the authority to take corrective action.
  - b. The project sponsor shall be responsible to notify adjacent property owners no less than ten (10) calendar days prior to the start of grading, trenching and or tree removal for the project. The Community Development Department of the City of Belmont, and the project planner shall also be notified.
  - c. All active construction areas shall be watered at least twice daily, and shall be maintained in a moist condition (as moist as possible) while still allowing grading to occur. A water truck or equivalent method shall be in place prior to commencing grading operations, and shall be on site at all times when grading or trenching occurs.
  - d. All equipment shall be shut down (engines turned off) when not in use, or warming up prior to operation.
  - e. Grading and running of gasoline and/or diesel powered equipment shall not occur on designated “spare the air days.”
  - f. Excavation and grading activity shall be suspended when wind gusts exceed 15 miles per hour.
  - g. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
10. The approval or conditional approval of a tentative parcel map shall be valid for a period of twenty-four (24) months from the date of approval by the Planning Commission or City Council. Such approval or conditional approval may be extended for a period not to exceed two (2) additional years by the Planning Commission upon written request, providing such request is made prior to the expiration of the one (1) year approval or conditional approval period.

11. Any failure to record a parcel map within one (1) year from the approval or conditional approval of the tentative parcel map, or any extension thereof granted, shall terminate all proceedings.
12. A parcel map shall be prepared in conformance with the approval tentative parcel map and presented to the City Clerk after a certificate has been executed by the City Engineer, and the registered civil engineer or licensed land surveyor who prepared the map, certifying compliance with all conditions of approval.
13. The parcel map shall meet all requirements of a parcel map, as set out in the California Subdivision Map Act and this Ordinance, and when improvements or dedications are required, shall be accompanied by a guaranty of title, any separate instruments of dedication or deeds and improvement agreement, all as set out in Section 10.5.
14. Prior to recordation of the Parcel Map, C.C. & R.'s which would apply to the project shall be submitted for review and approval of the Community Development Director, in consultation with the Director of Public Works, and the City Attorney. Said CC&R's shall include parking restrictions that preclude vehicles from blocking driveway and turnaround areas for the units (i.e., restricts the parking of extra large vehicles in excess of eighteen feet in length in driveways and parking in designated travel ways). Pursuant to the air quality analysis in the adopted Mitigated Negative Declaration, the CC&Rs shall also include a prohibition on gas powered leaf blowers and landscaping equipment. The CC&Rs shall be recorded by the San Mateo County Recorder at the time of recordation of the Final Parcel Map. As a minimum, the C.C.&R.'s shall provide for the following:
  - a. Statement and ownership and application of C.C.&R.'s to owners and occupants. This section shall specifically and irrevocably subject owners and occupants to the provisions of the C.C.&R.'s.
  - b. Section describing voting rights, vote distribution, majority, quorum and proxies. This section shall provide that the subdivider shall have all of the rights and responsibilities of an owner prior to sale of each unit.
  - c. Section describing the administration and responsibilities of the association. Association responsibilities shall include administration of the project, preparing and approving an annual budget, establishing and collecting monthly assessments, maintaining the project, the levying penalties for non-compliance with the C.C.&R.'s.
  - d. Section describing the composition, powers and duties and method of electing a Board of Directors and Association Officers.
  - e. Section describing the obligations of owners. This section shall include provisions for: monthly assessments, maintenance and repair of individual units, use of units, internal structural alterations, use of common areas and facilities, rights-of-entry for repair and emergency, rules of conduct.

- f. Section prohibiting the dissolution of the association with dissolution of the condominiums. This section shall also prohibit sale or development of the land owned in common without prior approval of the City.
  - g. Section providing that the homeowners association may be permitted to terminate a management agent selected by the developer upon three month's notice.
15. Prior to recordation of the Final or Parcel Map, the subdivider and subsequently the Homeowners Association shall enter into a continuing maintenance agreement with the City of Belmont, which provides for the satisfactory maintenance of the subject project.
16. Prior to the recordation of the Final Parcel Map, the subdivider shall submit 1 set of reproducible Mylar drawings and specifications of all "as built" improvements, all engineering calculations, soils reports and other information required by the City Engineer and Building Official. The Homeowners Association shall also be provided with one Mylar set of the above items at the time of conversion. The City shall retain the information for the life of the structure.
17. In order to minimize energy use for the project, the installation of energy star appliances, ventilation fans, water heaters, and furnaces, and insulation of hot water pipes is required.
18. 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.
19. Pursuant to Mitigation Measures IV.a.b.1, construction activities, including but not limited to vegetation and tree removal, grading, trenching and building 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.
- If tree removal is unavoidable during the nesting season, a qualified biologist shall conduct a survey for nesting raptors and other birds within five days prior to the start of any construction activities (as defined above). 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. The consulting biologist shall prepare a report and qualifications for review and approval by the Community Development Director, prior to any planned site disturbances.
20. The applicant shall pay tree removal fees for three protected trees on site in accordance with the City's Master Fee Schedule, in affect at the time of the tree's removal. In addition, a mitigation replacement of a 3:1 ratio using 24-inch box size native Oaks or nine trees shall be planted on site.
21. Pursuant to Mitigation Measures V.b, V.c & V.d.1 to V.b, V.c & V.d.4, the following is required:
- a. Prior to building permit submittal, a qualified archeologist shall conduct further archival and field study of the site to identify cultural resources. Said study may include, but not be limited to: pedestrian survey, auguring, and monitoring construction activities.

- b. If archeological or cultural resources are discovered during construction activities, all construction activity shall stop until the resource can be evaluated by a qualified archaeologist and a determination can be made of the resource's significance and need/method for its recovery.
  - c. If human remains are discovered during excavation or site preparation the applicant shall stop work immediately and contact the San Mateo County Coroner. After being notified by the person responsible for the excavation, the Coroner shall examine the remains. If the remains are Native American, the Coroner has 24 hours after the examination to notify the Native American Heritage Commission.
  - d. Prior to issuance of building permits, the applicant shall ensure that construction crews have proper training for the discovery, handling and retention methods for archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.
21. The following geotechnical conditions of approval are required:
- a. Geotechnical Plan Review. The Project Geotechnical Consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, retaining walls and driveway) to ensure that their recommendations have been properly incorporated.
  - b. The results of the plan reviews shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval by the City Engineer prior to acceptance of documents for building permit plan-check.
  - c. Geotechnical Field Inspection. The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspection shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel concrete. The consultant shall verify that fill materials placed on sloping ground are properly keyed and benched into supportive materials, as necessary.
  - d. The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval prior to final (granting of occupancy) project approval.
22. The Following best management practices (BMPs) shall be followed for the project:
- a. Parking lot, driveway, walkways, terrace and patio areas shall use permeable pavements. 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 concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
  - c. Landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
  - d. Outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable storm water controls include siting or set back from drainage paths and water ways, 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.
23. The project shall comply with the City of Belmont Noise Ordinance. In addition, pursuant to Mitigation Measure XI.a.1., the following is required in order to minimize the potential annoyance from construction noise at nearby noise-sensitive receptors:
- a. *Neighbors located adjacent to the project site (i.e., the residential buildings to the north and south) shall be notified in writing of the construction schedule.*
  - b. *Power construction equipment shall be turned off when not in use.*
  - c. *All stationary noise-generating construction equipment, such as air compressors, shall be located as far a practical from existing nearby homes and offices.*
  - d. *A construction disturbance coordinator shall be designated for the site. A coordinator approved by the City shall be hired by the project sponsor and perform on an on-call basis paid for by the project sponsor. The coordinator shall be responsible for receiving and acting on complaints about construction noise when activities are occurring. The coordinator shall determine the cause and implement remedial measures as necessary to alleviate significant noise problems. The telephone number of the coordinator shall be clearly posted on a sign at each construction site entrance.*
  - e. Prior to the issuance of a building permit, an acoustical consultant shall provide a recommendation for a noise barrier along the eastern property line, adjacent to the convalescent home. This barrier shall be capable of providing a noticeable 8 to 12 dBA of noise reduction for ground level residences and outdoor use areas when construction activities occur at ground level. Since it would be temporary, plywood or barium loaded vinyl sheeting would be acceptable materials for the surface of the wall. The noise barrier shall be installed and inspected prior to tree removal or grading on the site, and shall remain in place until construction of the buildings is completed.
24. Prior to recordation of the parcel map and/or issuance of building permits, whichever comes first, the project plans (parcel map, site plan, landscape plan) shall be revised to reflect Units A moved towards the rear of the site by two feet. Said plans shall be reviewed and approved by the Department of Public Works, and the Community Development Director, prior to issuance of permits.

- A. *The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.*
1. Plans shall conform to approved project plans, and all of the requirements of the California Building Code with respect to construction of the subject occupancy classification.
- 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. Obtain all required permits.
  2. The construction activities shall comply with the City Noise Ordinance, and the applicant shall post hours of operation and phone numbers for noise complaints, on site, in a location that is visible from Carlmont Drive.
  3. Provide a list of construction and demolition recycling service providers.
  4. Require contractors and subcontractors to make good faith effort to contact construction and demolition recycling providers.
  5. Notify all contractors and subcontractors of Belmont expectations of maximizing diversion of solid waste.
  6. Investigate opportunities for salvaging material for reuse.
  7. The building permit plans shall show all transformers, fire standpipes and backflow preventers.
  8. Pursuant to the *California Building Code, section 704.3 Buildings on the same lot*, “For the purposes of determining the required wall and opening protection and roof covering requirements, buildings on the same lot shall be assumed to have any imaginary line between them. The consequence of this applicable code section is where the buildings are within 5 feet of the imaginary line, one-hour fire resistant construction is required for the exterior walls and roof, and all openings will be protected.
- II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:
- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e.,

foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.

1. 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. Mitigation measures may be required to upgrade the City system.
  2. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
  3. Roof leaders and site drainage shall be directed to the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
  4. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
  5. *A residential driveway approach shall be installed in accordance with Department of Public Works approved standards, and the driveway bulb-out layout that was reviewed and approved by the Director of Public Works.*
  6. *The applicant shall submit a statement from soils engineer and civil engineer that the dissipaters designed are sufficient to handle the water without discharging to the neighboring properties based on the soil conditions. Submit analysis, if required.*
  7. 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.
  8. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
  9. 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.
- 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 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. Construction activity resulting in a land disturbance of 10,000 SF or more, or less than 10,000 SF but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrwb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.
4. 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.
5. 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.
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. The proposed development may add or replace the impervious surface area of the property. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.

8. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
9. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
10. Sanitary sewer shall include a back flow prevention device.
11. 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.
12. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
  - a. A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
  - b. Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
  - c. Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
  - d. Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
  - e. Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
  - f. Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
  - g. Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
13. *All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.*

14. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
15. *The developer shall provide to the first residents/occupants/tenants 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.*
16. *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.*
17. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
18. 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.
19. The subdivision agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City’s Consultant Geologist in accordance with the City’s Grading Ordinance.
20. 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 its costs. A refund or additional charge will be made at the conclusion of construction.
21. All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
22. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.
23. 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.
24. 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.
25. 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’).
26. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.
27. 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.

28. 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.
  29. The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
  30. 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.
  31. 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.
  32. Location of monument signs must be determined by a licensed engineer who will certify that line of sight will not be blocked and there is sufficient sight distance at the intersection. Engineer shall provide analysis to the City for review.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
  2. *Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.*
  3. All construction and related activities which require a City 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., 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, 4<sup>th</sup> 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.
  4. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.
  5. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be

initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

6. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:
  - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
  - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
  - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
  - e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
  - f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
  - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
  - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
  - i. Limit construction access routes and stabilize designated access points.
  - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
7. 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.
8. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.

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

1. An approved automatic fire sprinkler system meeting the current ordinance requirements of the Belmont-San Carlos Fire Department (BSCFD) shall be provided.
2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet BSCFD Fire Standards.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT

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

Certification of Approved Final Conditions:

\_\_\_\_\_  
Damon DiDonato  
Senior Planner

\_\_\_\_\_  
Date