MEETING OF MARCH 3, 2009

AGENDA ITEM NO. 5C

Application I.D.:	2008-0043
Application Type:	Single Family Design Review
Location:	2819 San Juan Boulevard
Applicant:	Hashim Al-Yassin, A.I.A.
Owners:	David Dalo
APN:	043-322-330
Zoning:	R-1B – Single Family Residential
General Plan Designation:	RL – Low Density Residential
Environmental Determination:	Categorically Exempt, Section 15303, Class 3(a)

PROJECT DESCRIPTION

The applicant requests Single Family Design Review approval to construct a new 3,447 square-foot single-family residence on an existing 10,408 square-foot vacant lot that is below the maximum zoning district permitted 3,500 square feet for the site.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Single Family Design Review subject to the conditions of approval contained in the attached draft resolution[1].

ZONING/GENERAL PLAN DESIGNATION

The proposed single-family residence is a permitted use in the designated R-1B (Single Family Residential) zoning district, and is conforming to the General Plan Designation RL - Low Density Residential.

PRIOR ACTIONS

The subject property was established as portions of Lot 27, Lot 48, and Lot 49, Block 105 of the Belmont Country Club Properties No. 9 Subdivision, recorded in 1926. According to County of San Mateo Records the site was developed with a single family home in 1936. In 2005 the

300-500 FOOT RADIUS MAP

[1] 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.

existing single family residential structure was extensively damaged by a fire. The property owner received a demolition permit in January 2007 for complete removal of all structures on the site.

SITE CONDITIONS

The subject vacant property is located in a single family residential neighborhood developed with both one and two-story single-family homes that utilize a variety of architectural styles and finishes. The 10,408 square-foot interior lot has a 24% average slope, and slopes down from the front property line. All building structures have been removed from the site. There are four existing trees on the site, including 2 protected size trees (one Coast Live Oak and one Lombardly Poplar); these trees were surveyed by the City arborist as detailed in the attached Arborist Report (Attachment V).

PROJECT ANALYSIS

Proposed Street Level (Main Floor)

The proposed new home would include a fully complying two-car garage with interior dimensions measuring 20-feet by 20-feet. The garage would take access from San Juan Boulevard via a driveway measuring 20 feet wide by 20 feet long (plus an additional 10 feet of length within the public right of way). An interior stairway would connect the basement level garage to the home interior. The first floor living area includes an entry foyer, family room, living room, dining area, kitchen, laundry closet, guest bedroom suite with a full bathroom, as well one additional half bathroom. The kitchen has access to an on grade patio at the rear and side of the home. The main floor level would include a total of 1,730 square feet.

Proposed Lower Level

The proposed upper floor plan includes a master bedroom suite, two additional bedroom suites, and a multi-purpose room. The master bedroom would have doors providing access to an open wood deck. The upper level would measure approximately 1,258 square feet. The resulting home would have a total of three bedrooms.

Dwelling Floor Area Summary	
Proposed Square Footage	**Proposed Modifications/Additions**
Basement Level Garage – 459 Sq. Ft.	
Main Level – 1,730 Sq. Ft.	Proposed: Fully complying two-car garage, entry foyer, family room, living room, dining room/kitchen, laundry closet, bedroom suite, half bathroom.
Lower Main Level – 1,258 Sq. Ft.	Proposed: Master bedroom suite, two additional bedroom suites, multi-purpose room.
Total for dwelling = 3,447 Sq. Ft.	

Exterior Materials/Colors

The exterior materials include:

Roof: Composition shingle roofing, gray.

Exterior Walls: Textured stucco; main body painted "Almond Paste" tan.

Fascia, Gutters, Trim: Painted "Earth Mover" brown.

Windows: Casement paneled windows.

External stairs: On-grade sandstone with red brick accents.

Driveway: Multi-colored earth tone pavers.

Front Door: Dark brown stained wood.

See Attachment VIII for samples of exterior colors and materials.

Landscaping

The site contains 3 regulated size trees and one non regulated size tree which were surveyed by the City Arborist and documented in the attached Arborist Report (Attachment V). The Arborist Report documents that ten regulated size trees were removed in 2007 concurrent with demolition of the fire damaged residential structure. Approval for tree removal was not conferred with approval of the demolition permit. The arborist has documented each of these trees and provided the required tree removal fees that must be paid by the applicant prior to building permit issuance.

The site plan indicates that one protected size oak tree will be retained on the site at the front of the property, but a protected size poplar tree will be removed to allow for construction of the new driveway. The landscape plan indicates that the existing plum tree will also be removed. Tree removal fees for each of these trees will be assessed as part of the building permit fees.

The City Arborist has indicated that the proposed improvements at the south east corner of the rear yard may have a significant impact on an existing oak tree on the adjacent property. Arborist recommended conditions of approval include site plan modifications that would relocate the drain line trench in this area are modify the proposed rear deck footings. All grading should be done by hand within the tree protection zone.

The proposed landscape plan (sheet L-1) indicates that 19 new trees would be planted on the site, including 11 24-inch box trees. Tree species proposed include Shumard oaks, Japanese maples, redbud varieties, several flowering trees and five fruit producing trees. The proposed tree plantings are generally appropriate for the site and would suffice for the three required mitigation tree plantings resulting from removal of the protected poplar tree.

Other proposed landscaping for the site includes a variety of five and one-gallon shrubs and perennials. A series of garden walls (maximum height 4 ½ feet) are proposed throughout the rear yard area that create landscape planters and seating areas. An irrigation plan has also been prepared that indicated adequate water supply through the landscaping areas. The landscape plan is appropriate for this proposed new home.

Groundwork and Geotechnical Recommendations

The applicant has submitted a Geotechnical Investigation, prepared by Normdo Associates dated July 25, 2007. The report was peer-reviewed by the City's Consulting Geologist, Cotton, Shires & Associates, Inc., in a letter dated August 20, 2008. A copy of the report and letter are included as Attachments VI and VII.

The project requires approximately 100 cubic yards of cut and 350 cubic yards of fill (net import of 250 cubic yards). The geotechnical report concluded that while the proposed residential development is potentially constrained by surficial materials, moderately steep slopes and anticipated strong seismic ground shaking, the project geotechnical design criteria provided in the geotechnical investigation generally appear appropriate for the site conditions. The City Geologist has included 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

Criteria	Proposed	Required/Max. Allowed
Lot Size	10,408 s.f.	N/A
Lot Width	91 ft.	N/A
Slope	24%	N/A
FAR	0.331	0.336 (for 3,500 sq. ft. maximum)
Square Footage	3,447 sq. ft.	3,500 sq. ft.
Parking	Two-car garage (20' by 20') Two uncovered	Two-car garage (20' x 20') Two uncovered
Setbacks:		
Front	20 ft. (plus 10 ft in ROW)	16 ft.*
Side (east)	17 ft.	9 ft.
Side (west)	19 ft.	9 ft.
Rear	40 ft.	15 ft.
Driveway length	20 ft.	18 ft.
Height	28 ft.**	28 ft.

* **Front Yard Setback per 9.7.4(a):** Eight lots on the same side of the street were evaluated to determine the average front yard setback. The front yard setbacks ranged from 14' to 20', with an overall average of 16 feet.

**** Building Height:** The applicant has confirmed that the proposed chimney complies with the 28-foot height limit.

GENERAL PLAN CONFORMANCE

The proposed single-family residence is in conformance with the low-density residential General Plan designation.

ZONING CONFORMANCE

The proposed single-family residence is in conformance with the permitted uses set out in Section 4.2.1, *Permitted Uses [in Residential Districts]*.

- Section 8.1.4 of the Belmont Zoning Ordinance provides as follows:

  > *"At the time of erection or enlargement of any building containing one or more dwelling units…there shall be provided and maintained not less than four vehicle space – two (2) automobile garage spaces and two (2) spaces which need not be covered – for each new or added dwelling unit in any one or two family structures…"*

  The applicant is providing a 459 square-foot basement level garage at the front of the property that has minimum interior dimensions of 20 feet by 20 feet. The proposed driveway is 18 feet wide (wider in some locations to allow for vehicle turnaround) and approximately 40 feet long and satisfies the requirement for two uncovered spaces while also providing adequate back-up space.

- Section 9.7.3 (a) of the BZO states that, "*Accessory structures not requiring a building permit may occupy any yard area.*" Several of the proposed walkways, stairs, and decks are located within the front and side setback areas. Staff has confirmed that these structures would be on-grade thus not requiring a building permit, and would fully comply with Section 9.7.3 (a) of the BZO.

- Section 9.7.1 (f) of the BZO provides as follows:

  > *"Permitted in any yard: Fences, walls or lattice-work screens having a height of not more than six feet above any portion of the adjoining ground level…"*

  Section 9.7.3 (a) of the BZO provides as follows:

  > *"In any R Districts non-required accessory uses not requiring a building permit may occupy any yard area."*

  The site plans indicates that there will be a series of garden walls, walkways, and stairs located in the front and side yard areas. The garden/retaining walls will not exceed three feet in height which would trigger the requirement for a building permit. Staff has previously interpreted BZO Section 9.7.3 (a) to mean that accessory structures, including retaining walls, not requiring a building permit are permitted in any yard areas. The retaining walls proposed for the project comply with the related BZO requirements. These walls will be visible from the public right-of-way and therefore will also be required to comply with Municipal Code Section 9-47.

The proposed additions meet all other setback, height, FAR, and permitted use regulations of the R-1B zoning district.

NEIGHBORHOOD OUTREACH

The applicant reports performing neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report (see Attachment IV). The applicant walked door to door visiting all surrounding property owners within 300-feet of the subject property and invited them to an open house meeting. However, only one family was interested in attending the open house. The applicant decided to not hold the open house and instead collected signatures in support of the project. The applicant reports that no objections to the project were provided by the neighborhood. As of the writing of this report staff has not received any responses to the Notice of Hearing that was mailed to neighbors. The applicant appears to have achieved the outreach strategy tasks.

ENVIRONMENTAL CLEARANCE (CEQA)

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

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

The proposed residence meets the above requirements for CEQA exemption.

SINGLE FAMILY DESIGN REVIEW EVALUATION

The Belmont Zoning Ordinance establishes the following findings for review of single-family residential projects (Section 13A.5(A-H)). Each finding is listed below with staff's analysis of whether this project meets each finding in the affirmative.

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

The proposed multi-story residence is situated on an interior up-sloping (24%) lot. The design, materials and color palette of the proposed dwelling are consistent with the established character (earth tones, wood and stucco) of other homes in the neighborhood. The structure has been design to step up the hillside to reduce building bulk and help reduce site grading. This structure would not disrupt public views as assessed from San Juan Boulevard. This finding can be made in the affirmative.

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

(1) building bulk
(2) grading, including
(a) disturbed surface area and
(b) total cubic yards, cut and fill
(3) hardscape, and
(4) tree removal

Building bulk

The residential structure has been designed with varying roof lines that help break up the bulk and mass of the multi-story structure. The structure steps up the hillside minimizing perceivable building bulk from San Juan Boulevard. Additionally, the applicant has designed the home such that each building elevation incorporates varied building planes which add additional depth and shadows. The architectural details appear to moderate the building bulk and are appropriate for this structure and the neighborhood.

Grading/Hardscape

The project plans indicate approximately 100 cubic yards of earthwork cut and 350 cubic yards of fill (net import of 250 cubic yards). The proposed site retaining walls do not exceed 4'6" in height and would be designed consistent with Municipal Code Section 9-47.

Property hardscape features include the concrete driveway, and on grade walkways, stairs and decks. A majority of the remaining site would be covered with proposed new landscaping and natural groundcover. While the hardscape elements are not excessive for development of a new single family home, it is recommended that rear yard walkways and the patio be made of a permeable material such as crushed granite, stones pavers, cut-out bricks, or other similar material as desired by the applicant. With this condition of approval, the proposed site grading and hardscape are appropriate in the neighborhood context.

Tree Removal

There is some existing natural vegetation on this currently vacant lot, including 4 trees that were surveyed by the City Arborist. After incorporating the Arborist's site design mitigation measures, the project will result in the removal of two regulated size trees including poplar (protected size), and one plum tree.

The applicant is required to plant 3 mitigation plantings for the one protected poplar tree being removed; the applicant is proposing to install 19 new trees on the site, including eleven 24-inch box size trees.

All four factors (building bulk, grading, hardscape, and tree removal) appear to be appropriately addressed in the building design to achieve a complementary balance for the project. This finding can be made in the affirmative.

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

The proposed driveway has clear access to/from San Juan Boulevard. This driveway has sufficient back-up space (20 feet within the property plus an additional 10 feet of right-of-way). A safe pedestrian walkway is proposed to provide access from the street to the front door of the home, and another walkway would provide access from the front yard to the side and rear yard patio area. This finding can be made in the affirmative.

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

To accommodate the proposed new home, the applicant is proposing approximately 100 cubic yards of cut and 250 cubic yards of fill, requiring a net import of 250 cubic yards. A final grading plan will be reviewed and approved by the Public Works Department prior to building permit issuance. The City's Consulting Geologist has requested that some additional geotechnical information be submitted to the City Engineer prior to issuance of building permits. The project geotechnical design criteria provided in the geotechnical investigation generally appear appropriate for the site conditions, and there are no streams on or near the property. This finding can be made in the affirmative.

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

A driveway is proposed that would provide safe vehicular access to/from San Juan Boulevard. The proposed exterior patio, decks and walkways are not excessive and are appropriately integrated into the overall site design. There is some existing fencing, both wood and chain link, running along the property lines. This will be replaced with a maximum six-foot tall wood fence. This finding can be made in the affirmative.

F. The landscape plan incorporates:

(1) Native plants appropriate to the site's environmental setting and microclimate, and
(2) Appropriate landscape screening of accessory and support structures, and
(3) Replacement trees in sufficient quantity to comply with the standards of Section 25 (Trees) of the Belmont City Code

There is some existing vegetation on the vacant lot including four trees. Two of the trees would be removed due to conflicts with the proposed site plan, and 19 new tree plantings are proposed,

including eleven 24-inch box sized trees. Other proposed landscaping around the front and side yard areas include six different shrub and perennial varieties. The landscape plan is appropriate for this site; this finding can be made in the affirmative.

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

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. The City Arborist has reviewed construction impacts to protected trees and recommended specific tree protection measures that also have been included as conditions of project approval. All construction would be completed in compliance with the Uniform Building Code and NPDES standards as administered by the City of Belmont. Staff believes this finding can be made in the affirmative.

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

The proposal includes no new structural encroachments into the public right-of-way. Staff believes finding can be made in the affirmative.

CONCLUSION AND RECOMMENDATION

Based on the analysis and required findings, staff recommends approval of the Single-Family Design Review application with the Conditions of Approval in Attachment III.

ACTION ALTERNATIVES

1. Continue the application for redesign.

2. Deny the Single Family Design Review. The Commission will identify specific facts to support a denial, and a resolution would be returned to the Commission for final action.

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ATTACHMENTS

I. 500 foot radius map of project site (incorporated as Page 2 of report)
II. Resolution approving the Single Family Design Review
III. Conditions of Approval
IV. Neighborhood Outreach Materials
V. Arborist Report prepared by Walter Levison, dated 12/18/08.
VI. Geotechnical Investigation, prepared by Normdo Associates, dated 07/25/07.
VII. Geotechnical Peer Review, prepared by Cotton Shires & Associates Inc., dated 08/20/08.
VIII. Applicant's plans, materials board, and photos (Commission only)
IX. Color Aerial Photograph (Commission Only)

Respectfully submitted,

_____	_____
Jennifer Walker	Carlos de Melo
Associate Planner	Community Development Director

CC: Applicant/Owners

RESOLUTION NO. 2009-____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A SINGLE FAMILY DESIGN REVIEW
FOR 2819 SAN JUAN (APPL. NO. 2008-0043)

WHEREAS, Hashim Al-Yassin, applicant, on behalf of David Dalo, property owners, requests Single Family Design Review approval to construct a new 3,447 square-foot single family residence that is below the maximum permitted 3,500 square feet for this property; and,

WHEREAS, a public hearing was duly noticed, held, and closed on March 3, 2009; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project to be categorically exempt pursuant to the California Environmental Quality Act, Section 15303, Class 3 (a); and,

WHEREAS, the Planning Commission hereby adopts the staff report dated March 3, 2009 and the facts contained therein as its own findings of facts; and,

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

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

The proposed multi-story residence is situated on an interior up-sloping (24%) lot. The design, materials and color palette of the proposed dwelling are consistent with the established character (earth tones, wood and stucco) of other homes in the neighborhood. The structure has been design to step up the hillside to reduce building bulk and help reduce site grading. This structure would not disrupt public views as assessed from San Juan Boulevard. This finding is affirmed.

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

(1) building bulk
(2) grading, including
(a) disturbed surface area and
(b) total cubic yards, cut and fill
(3) hardscape, and
(4) tree removal

<u>Building bulk</u>

The residential structure has been designed with varying roof lines that help break up the bulk and mass of the multi-story structure. The structure steps up the hillside thus minimizing perceivable building bulk from San Juan Boulevard. Additionally, the applicant has designed the home such that each building elevation incorporates varied building planes which add additional depth and shadows. The architectural details appear to moderate the building bulk and are appropriate for this structure and the neighborhood.

Grading/Hardscape

The project plans indicate approximately 100 cubic yards of earthwork cut and 350 cubic yards of fill (net import of 250 cubic yards). The proposed site retaining walls do not exceed 4'6" in height and would be designed consistent with Municipal Code Section 9-47.

Property hardscape features include the concrete driveway, and on grade walkways, stairs and decks. A majority of the remaining site would be covered with proposed new landscaping and natural groundcover. While the hardscape elements are not excessive for development of a new single family home, it is recommended that rear yard walkways and the patio be made of a permeable material such as crushed granite, stones pavers, cut-out bricks, or other similar material as desired by the applicant. With this condition of approval, the proposed site grading and hardscape are appropriate in the neighborhood context.

Tree Removal

There is some existing natural vegetation on this currently vacant lot, including 4 trees that were surveyed by the City Arborist. After incorporating the Arborist's site design mitigation measures, the project will result in the removal of two regulated size trees including poplar (protected size), and one plum tree.

The applicant is required to plant 3 mitigation plantings for the one protected poplar tree being removed; the applicant is proposing to install 19 new trees on the site, including eleven 24-inch box size trees.

All four factors (building bulk, grading, hardscape, and tree removal) appear to be appropriately addressed in the building design to achieve a complementary balance for the project. This finding is affirmed.

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

The proposed driveway has clear access to/from San Juan Boulevard. This driveway has sufficient back-up space (20 feet within the property plus an additional 10 feet of right-of-way). A safe pedestrian walkway is proposed to provide access from the street to the front door of the

home, and another walkway would provide access from the front yard to the side and rear yard patio area. This finding is affirmed.

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

To accommodate the proposed new home, the applicant is proposing approximately 100 cubic yards of cut and 250 cubic yards of fill, requiring a net import of 250 cubic yards. A final grading plan will be reviewed and approved by the Public Works Department prior to building permit issuance. The City's Consulting Geologist has requested that some additional geotechnical information be submitted to the City Engineer prior to issuance of building permits. The project geotechnical design criteria provided in the geotechnical investigation generally appear appropriate for the site conditions, and there are no streams on or near the property. This finding is affirmed.

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

A driveway is proposed that would provide safe vehicular access to/from San Juan Boulevard. The proposed exterior patio, decks and walkways are not excessive and are appropriately integrated into the overall site design. There is some existing fencing, both wood and chain link, running along the property lines. This will be replaced with a maximum six-foot tall wood fence. This finding is affirmed.

F. The landscape plan incorporates:

There is some existing vegetation on the vacant lot including four trees. Two of the trees would be removed due to conflicts with the proposed site plan, and 19 new tree plantings are proposed, including eleven 24-inch box sized trees. Other proposed landscaping around the front and side yard areas include six different shrub and perennial varieties. The landscape plan is appropriate for this site; this finding is affirmed.

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

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. The City Arborist has reviewed construction impacts to protected trees and recommended specific tree protection measures that also have been included as conditions of project approval. All construction would be completed in compliance with the Uniform Building Code and NPDES standards as administered by the City of Belmont. This finding is affirmed.

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

The proposal does not include any permanent structural encroachments into the public right-of-way. This finding is affirmed.

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Single Family Design Review to construct a new 3,447 square-foot residence at 2819 San Juan Boulevard, subject to the attached conditions in Exhibit "A".

* * * * * * * * * * * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on March 3, 2009 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
SINGLE FAMILY DESIGN REVIEW
2819 SAN JUAN BOULEVARD (APPL. NO.2008-0043)

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. 2008-0043, date stamped February 9, 2009. 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 San Juan Boulevard to direct traffic to ensure that these vehicle movements can be done in safety.

7. The applicant shall be required to notify all property owners/residents within a 300-foot radius of the subject site prior to any/all grading operations – such notification shall include the following:

   (a) A statement of the published haul route for the cut/fill work.
   (b) A description of the staging area(s) for all equipment involved with the project cut/fill work.
   (c) The dates or a timeframe in which the cut/fill work for the project is expected to take place.
   (d) Contact Information for the project construction manager.

8. The final landscape sit plan submitted for building permits shall indicate the use of a permeable material for the rear yard on grade walkways and patio (i.e. crushed granite, stones pavers, cut-out bricks, or other similar material).

9. The project is subject to Public Works Department and City Geologist review and approval with the following conditions:

   (a) Geotechnical Evaluations and Plan Review – The applicant's geotechnical consultant should prepare 2007 CBC seismic design parameters for the project and evaluate the potential for existing, leaning retaining walls along the southern property boundary to adversely impact the proposed project. If appropriate, removal and replacement of existing failing retaining structures should be recommended/considered. The Consultant should alsol 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 the geotechnical reports' recommendations have been properly incorporated.

   The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits. Final construction plans should be submitted to the City for review by the City Engineer and the City Geotechnical Consultant.

   (b) Geotechnical Field Inspection – The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The consultant shall verify that any existing, substandard fill materials are removed in the vicinity of proposed site improvements. The results of these inspections and the as-

built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

10. The applicant shall provide a written plan for construction staging and storage areas. This information shall be submitted in conjunction with application for a building permit for City review and approval.

11. The project is subject to Community Development Department and City Arborist review and approval with the following conditions regarding tree removal, tree retention measures, tree protection fencing and irrigation. The following detailed recommendations must be included as "tree protection notes" in the final stamped building set of plans.

(a) ROOT CROWN EXCAVATION (RCE): Retain a qualified tree care campany (see vendor list in this report) to perform a root crown excavation on the south side of oak #1. Use only dull, rounded hand tools to expose the flaring buttress roots and reestablish original soil grade elevation at trunk base. Allow Contract City Arborist (CCA) to inspect the trunk base and recommend further maintenance (if applicable) after RCE is completed.

(b) WOOD CHIP MULCH: Install a 4 inch thick layer of coarse wood chip mulch (not shredded redwood bark or bark mulch) over the entire area between tree trunks and TPZ fence perimeters for trees #1, #13, and #15. Pull chips out 12 inches away from the trunk edges of the trees to avoid moisture buildup.

Natural "wood chips" may be available from tree care companies straight out of their chipper trucks, or can be purchased (self pickup) at Lyngso landscape supply in Redwood City for $28/cubic yard. (www.lyngsogarden.com).

(c) ROOT CROWN EXCAVATION (RCE): Retain a qualified tree care campany (see vendor list in this report) to perform a root crown excavation on the south side of oak #1. Use only dull, rounded hand tools to expose the flaring buttress roots and reestablish original soil grade elevation at trunk base. Allow Contract City Arborist (CCA) to inspect the trunk base and recommend further maintenance (if applicable) after RCE is completed.

(d) WOOD CHIP MULCH: Install a 4 inch thick layer of coarse wood chip mulch (not shredded redwood bark or bark mulch) over the entire area between tree trunks and TPZ fence perimeters for trees #1, #13, and #15. Pull chips out 12 inches away from the trunk edges of the trees to avoid moisture buildup.

Natural "wood chips" may be available from tree care companies straight out of their chipper trucks, or can be purchased (self pickup) at Lyngso landscape supply in Redwood City for $28/cubic yard. (www.lyngsogarden.com).

(e) SUPPLEMENTAL IRRIGATION: (To be determined during pre-construction meeting between CCA and General Contractor). Trees #1, #13, and #15 may require temporary

irrigation in the form of black rubber soaker hose(s), water truck drench, and/or tow-behind water tank/spray apparatus drench on a monthly basis during summer and fall.

(f) PRUNING: All airspace clearance pruning of trees on the subject property shall be performed only by or under direct site supervision of an ISA Certified Arborist, and shall conform to the most recent edition of ANSI A300 Part I: Tree, Shrub, and Other Woody Plant Maintenance, Standard Practices, Pruning.

(i) The CCA expects that +/- 5 to 10 vertical feet of the lowest elevation live wood and foliage will need to be removed from the oak #1 canopy in order to crown raise the tree, thereby avoiding contact between construction machinery/vehicles and the canopy.

Tree Care Companies performing work on the subject property shall contact the CCA prior to commencement of any work. See vendor list below for recommended tree maintenance providers. The CCA will request a receipt for all tree care related work to verify use of an ISA Certified Arborist, etc.

(g) TRUNK BUFFER: For added protection, oak #1 shall be supplied with a trunk buffer covering the exposed lower trunk between grade elevation and approximately 8 to 12 feet above grade. The buffer shall consist of 10 wraps of orange plastic snow fencing around the main bole (lower trunk) and any low elevation codominant mainstems to create a trunk buffer approximately 2 inches thick along the branchless trunk bark area. Stand 2X4 wood boards side by side around the entire circumference of each tree to create a circumferential wall of wood. Continue wrapping more orange plastic snow fencing over the wood boards to secure them in place, and secure (only) the outermost plastic layer with duct tape or rope (see trunk buffer BMP photograph in this report).

(h) TREE PROTECTION FENCING: Tree protection zones (TPZ) shall be established around oak #1, plum #13, and neighbor oak #15. The areas between the tree trunk edges and these fence routes shall be known as the critical root zones or tree protection zones ("CRZ" or "TPZ").

(i) Fencing locations:

Oak #1: 15-feet out from trunk
Plum #13: 6-feet out from trunk
Neighbor oak #15: 15-feet out from trunk (i.e. 13 feet out from the existing wood fence).

(ii) Fencing material used for all protective fences as per above must be steel chain-link, at least 5-feet in height, mounted on two-inch diameter galvanized iron posts 8-feet in length, driven a minimum of 24-inches into the ground. Posts must be mounted 6-feet apart. Alternatively, use free standing chain link panels affixed

together, mounted on moveable concrete block footings and wired to steel rebar or steel layout stakes such that they are erected firmly in place. *This fence must be erected prior to any heavy machinery traffic or construction material arrival on site.*

(iii) *Compliance inspections will occur (1) at the time of fence erection (2) approximately once monthly during grubbing, demolition, grading and construction, and (3) after construction is complete. All fencing must remain in place until all construction is completed and the fencing and other protection has been received a final signoff letter from the city arborist. Permit approval will not occur until after the first inspection has been performed and the protection measures are approved by the city arborist.*

(iv) The protective fencing must not be temporarily moved during construction without the expressed written or emailed permission of the CCA. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the TPZ/CRZ.

(v) The TPZ fencing shall have one sign affixed with UV stabilized zip ties to the chain link at eye level for every 15-linear feet of fencing, minimum 8"X11" size each, plastic laminated or otherwise waterproofed, stating:

TREE PROTECTION FENCE DO NOT ALTER OR REMOVE CALL CITY ARBORIST 48-HRS ADVANCE (650) 697-0990

(i) DRIVEWAY DEMOLITION: Allow the existing old driveway to remain throughout the construction project as-is so that it acts as a soil buffer protecting the root zone of oak #1. At the time of landscape and storm drain installation (i.e. near end of project), call CCA to inspect prior to demolition. When demolishing, use only the backhoe bucket "teeth" to gently lift out pieces of the driveway to avoid cutting down into the oak tree roots which are probably located in the baserock just underneath the driveway slab.

(j) LANDSCAPE PLAN MODIFICATIONS: Rethink the proposed tree species palate. Use more long lived, more pest and disease resistant species such as coast live oak, cork oak, and straight species red oak. Create a buffer zone between oak #15 and +/- 15 horizontal feet out from oak #15, such that no tree installation or irrigation trenching will occur. Allow this area to remain as wood chip mulch under the canopy dripline of oak #15.

(k) IRRIGATION PLAN MODIFICATIONS: Relocate proposed irrigation line trenches in the oak #15 buffer zone area noted above in item #9, such that trenches are kept to 13 feet out from the existing property fence line and 15 feet out from the oak #15 trunk.

(i) Relocate the proposed PVC main irrigation line trench to at least 20 horizontal feet out from the trunk of oak #1.

(l) GRADING AND DRAINAGE PLAN / SITE PLAN MODIFICATIONS: Relocate storm drain line trench cut face to at least 10 feet from oak #1 trunk edge, and 15 feet from oak #15 trunk edge.

(i) Reassess proposed deck footing locations after oak #15 is correctly plotted by the applicant on one of the plan set sheets. Deck will need to be relocated if proposed footings are in very close proximity to the trunk edge (ex. 4 horizontal feet, etc.).

(m) TREE-RELATED FEES DUE PRIOR TO SITE PLAN WORK COMMENCEMENT: Arborist inspection fee: $1,300 ($1,000 arborist fee plus 30% City admin fee).

Tree removals (2006): Retroactive fees could be up to $7,500 or per Staff and/or planning commission action (see chart in section 1.1).

Tree removals (proposed):

- Protected poplar #5: Fee of $2,000 plus in-lieu fees or plantings per Staff and/or planning commission action.
- Plum #13 (if removed or damaged): $500
- Neighbor oak #15 (damage bond): Suggest that Staff collect $4,000 removal fee up front from the applicant as a damage bond in case of decline/death as a result of construction-related activities on 2819 San Juan.

Note that in-lieu fees and/or mitigation plantings would also apply to this protected tree if significant damage were to occur as a result of site plan work.

Call the contract city arborist at (650) 697-0990 to schedule the initial tree protection inspection which MUST occur prior to any demolition, grubbing, grading, excavation, or construction on site.

The City Arborist will need to meet with contractors prior to the initial fencing inspection to discuss tree fence routes, irrigation water supply, etc.

(n) EMERGENCY TREE ISSUES: Call the contract city arborist if there is a question concerning trees or tree protection at this site. (650) 697-0990.

(o) ADDITIONAL MITIGATION MEASURES: The city arborist reserves the right but not the duty to require that additional tree protection, maintenance, or mitigation measures be installed or performed at any time up to final approval/occupancy.

Building Division

12. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. The applicant will be required to provide a construction and demolition recycling plan as a condition of the building permit. The Building Department will inspect for compliance with this plan. The conditions of approval for this permit also require the applicant to perform all work in conformance with the NPDES requirements.

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

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

1. 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.

2. A residential driveway approach shall be installed in accordance with Department of Public Works approval standards.

3. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.

4. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).

B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.

1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.

2. The property owner/applicant shall apply for and obtain a permanent encroachment agreement from the Department of Public Works, with approval by the City Council, for a structure, retaining wall, awning, or other features constructed in the public right-of-way, easement or on property in which the City holds an interest

3. The property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.

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. The plan shall incorporate the following restrictions:

   (a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the Municipal 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 the municipal Code for review process).

   (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. Storm drainage calculations shall be required for all storm drains and overland flows. Drainage shed maps shall be submitted showing all upstream acreage and run-off coefficients for each tributary area. Overland flow paths and site release points shall be clearly identified. Calculations shall be submitted to the Department of Public Works for review and approval

8. The proposed development will add impervious surface area to 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.

9. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.

10. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.

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 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.

14. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.

15. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall include the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.

C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.

1. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.

2. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.

3. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.

4. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.

5. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:

   (a) Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
   (b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
   (c) Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
   (d) Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
   (e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
   (f) Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
   (g) Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
   (h) Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
   (i) Limit construction access routes and stabilize designated access points.
   (j) Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.

6. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

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

1. An approved automatic fire sprinkler system meeting the current ordinance requirements of the Belmont/San Carlos Fire Department shall be provided.

2. Address numbers shall be illuminated and visible on all new buildings. Size of lettering and illumination shall meet Belmont-San Carlos Fire Department Standards.

3. In areas identified as Urban-Wildland Interface, a vegetation management plan shall be submitted with the plans. Minimum 30-foot clearance away from all structures and a minimum clearance of ten-feet from sides of access roads in hilly terrain may be required.

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.

2. No debris boxes or building materials shall be stored on the street.

3. Flag persons shall be positioned at both ends of blocked traffic lanes.

4. 24-hour written notice to the Police Department is required before any lane closure.

5. Construction vehicles shall be parked so as not to block any lanes of traffic.

Certification of Approved Final Conditions:

_____ _____

Jennifer A. Walker Date
Associate Planner