



Staff Report

CONSIDERATION OF A RESOLUTION FOR AN EXCEPTION FROM THE REQUIREMENTS TO INSTALL A SIDEWALK FOR A THREE-LOT SUBDIVISION AT 2007 BISHOP ROAD – APPLICATION NO. 2008-0075.

Honorable Mayor and Council Members:

Summary

The applicant requests an Exception from the requirement to install a sidewalk for an approved three-lot subdivision located at 2007 Bishop Road (the old Agape Church site). The applicants indicate that this particular neighborhood of the San Juan Hills area is low density and rural in character, and already maintains an existing continuous standard sidewalk on the other side of the street that is sufficient for pedestrians use. In addition, the applicant reasons that the installation of the sidewalk would require approximately 545 cubic yards of additional grading for the construction of a retaining wall, the removal of several mature trees and vegetation, and relocation of an existing fire hydrant and PG&E guy wire.

The Department of Public Works requires the installation of sidewalk, curb and gutter for all substantial projects (i.e., subdivisions, new home construction, etc.), but provides a departmental-level exception for properties within the San Juan Hills Area that have frontage on a street with a greater than twenty percent cross slope. Public Works has determined that the cross slope of this particular section of roadway does not meet the standard for a departmental-level exception; However, it is within the City Council's discretion to grant an exception to the requirement for sidewalk installation.

The Planning Commission reviewed the proposed exception request, and testimony from the project applicant, neighboring property owners, and a representative from the Department of Public Works on October 7, 2008 (see attached 10/7/8 Staff Report and Meeting Minutes). The Commission recommended (by a 7-0 vote) that the Council grant an Exception to the requirements for sidewalk installation for the three lots in this subdivision. Based on the analysis of the requested Exception, staff recommends the Council adopt a Resolution approving the Exception request.

Background

The project site was previously developed with a residence, church, and several accessory buildings, which were constructed in the late 1960's, and demolished in 2006.

The Planning Commission approved a three-lot subdivision of the subject property in October of 2005. Conditions of approval for the subdivision required the installation of a full sidewalk, and curb and gutter along the site's frontage.

An application for Design Review for construction of a new home on Lot 3 was submitted in December of 2007, and was found by the Department of Public Works to be non-compliant with the City's sidewalk improvement standards (i.e., the scope of the project triggered installation of a full sidewalk, curb and gutter and none were proposed). The applicant worked for several months with Public Works, and surveyed the cross slope of the street to determine if the project could be excepted from the sidewalk installation requirement; when a roadway has more than a 20% cross slope, a full sidewalk, curb and gutter can be eliminated on one side. However, Public Works determined that the roadway, at the time of its construction, had less than a 20% cross slope, so the exception would not apply.

The applicant subsequently requested that the City Council determine if a sidewalk would be appropriate along the frontage for all three lots that were created as part of the subdivision. The Planning Commission reviewed the exception request, and a Design Review application for construction of a new single-family home on Lot 3 in October 2008. The Commission approved the Design Review application, and recommended that the Council approve the exception request; a condition of the Design Review approval requires that a final landscape plan return to the Planning Commission after the Council makes a determination regarding sidewalk installation. The Planning Commission Staff Report and Meeting Minutes are included as Attachments II and III, respectively.

Discussion

The applicant requests an Exception from the requirement to install a five-foot wide sidewalk for an approved three-lot subdivision. Installation of a sidewalk would require a substantial amount of grading and the construction of a retaining wall to stabilize the eroding slope along the project site's frontage. Instead, the applicant proposes to install sedimentation controls (Jute netting and mulch) and plant draught-tolerant native plantings to stabilize the slope along the site's frontage. The Department of Public Works has determined that a sidewalk at this location would not likely serve a significant volume of people. In addition, approval of the proposed Exception would reduce project grading by approximately 400 to 545 cubic yards, save several mature trees, and prevent the relocation of an existing fire hydrant and PG&E guy wire. Staff believes that approval of the Exception would be consistent with numerous General Plan and San Juan Hills Area Plan Goals and Policies, as discussed below.

General Plan/Vision Statement

Granting the Exception would be consistent with the following General Plan and San Juan Hills Area Plan Goals and Policies:

General Plan

General Plan Goal 1015.1 (Preserve, and, where needed, enhance the present character of established residential areas), and Goal 1015.3 (Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features, of the natural environment).

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

- o Erosion shall be minimized through such measures as runoff retention and re-vegetation.*
- o 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.*
- o Land, water and energy shall be used efficiently.*

San Juan Hills Area Plan

Goal 4 (Preserve Natural Resource)

Preserve vegetation and other natural resources in the San Juan Hills Area.

Goal 5 (Preserve Public Views)

Preserve public views into, within and from the San Juan area, particularly public views of natural areas.

Policy 8 (Protect Vegetation)

Ensure that development will: a). minimize the removal of vegetation, b). protect and restore vegetation which stabilizes soils and reduces surface water runoff, erosion and sedimentation, c). protect historic and scenic trees, and d). provide revegetation of all significant tree cover, e). promote the use of native trees and plants in new landscaping.

Policy 10 (Protect Wildlife Habitat)

Protect wildlife habitat by siting and designing new development to maintain portions of existing habitats in undeveloped areas.

Policy 11 (Grading Design Standards)

Establish design standards for all grading, including grading for geologic mitigation and the development of roads and houses, to ensure that: a. changes from natural grade are minimized, b. stabilization planting for grading areas is provided prior to the normal rainy season, and c. standards to minimize erosion from grading operations are developed, d) site preparation and grading is harmonious with surrounding land.

Policy 13 (Protect Public Views)

a). Site and design new development and landscaping to protect public views, particularly from Ralston Avenue to Laurel Creek Canyon, Sugarloaf and San Francisco Bay; b). Site and design structures to maximize public view preservation.

Analysis. The Exception for sidewalk installation would preserve significant trees and public views, and substantially reduce the overall grading along the project site's frontage. In addition, approval of an Exception would avoid the construction of a retaining wall, minimizing erosion, preserving

features of the natural environment and allowing stabilization of the slope with native, drought-tolerant plant species.

Fiscal Impact

None at this time.

Public Contact

No notice was required for this matter other than the posting of the agenda.

Recommendation

Staff recommends the City Council adopt a Resolution **approving** the Exception for sidewalk installation.

Alternatives

1. Take public testimony and continue the matter, directing any questions to staff for research and response. A staff report would be prepared for consideration at a future meeting.
2. Deny the requested Exception.
3. Take no action.

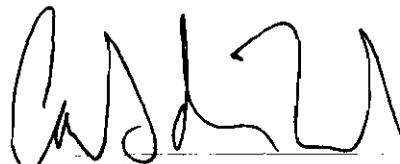
Attachments

- I. Resolution approving the Exception for sidewalk installation.
- II. October 7, 2008 Planning Commission staff report, adopted Resolutions, and attachments (Council only)
- III. Planning Commission Meeting Minutes, dated October 7, 2008
- IV. Project Plans and Materials (Council only)

Respectfully submitted,



Damon DiDonato
Senior Planner



Carlos de Melo
Community Development Director



Jack Crist
City Manager

Staff Contacts:

Damon DiDonato
(650) 637-2908
ddidonato@belmont.gov

Carlos de Melo
(650) 595-7440
cdemelo@belmont.gov

ATTACHMENT I

RESOLUTION APPROVING THE EXCEPTION FOR SIDEWALK INSTALLATION

CITY COUNCIL RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
APPROVING AN EXCEPTION FOR THE INSTALLATION OF A SIDEWALK FOR A
THREE-LOT SUBDIVISION AT 2007 BISHOP ROAD
(APN: 043-010-240) (APPL. NO. 2008-0075)**

WHEREAS, Richard Tapp, applicant, on behalf of Rancho Belmont, LLC, property owners, requests an Exception to the requirements for the installation of a sidewalk for a three-lot subdivision located at 2007 Bishop Road (APN: 043-010-240); and,

WHEREAS, The Department of Public Works has determined that a sidewalk at this location would not likely serve a significant volume of people, and approval of the proposed Exception would reduce project grading by approximately 400 to 545 cubic yards, save several mature trees, and prevent the relocation of an existing fire hydrant and PG&E guy wire; and,

WHEREAS, the City Council has determined that approval of the Exception is consistent with all relevant goals and policies of the General Plan and the San Juan Hills Area Plan, as follows:

General Plan

General Plan Goal 1015.1 (Preserve, and, where needed, enhance the present character of established residential areas), and Goal 1015.3 (Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features, of the natural environment).

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

- *Erosion shall be minimized through such measures as runoff retention and re-vegetation.*
- *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.*
- *Land, water and energy shall be used efficiently.*

San Juan Hills Area Plan

Goal 4 (Preserve Natural Resource)

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habitats in undeveloped areas.

Policy 11 (Grading Design Standards)

Establish design standards for all grading, including grading for geologic mitigation and the development of roads and houses, to ensure that: a. changes from natural grade are minimized, b. stabilization planting for grading areas is provided prior to the normal rainy season, and c. standards to minimize erosion from grading operations are developed, d) site preparation and grading is harmonious with surrounding land.

Policy 13 (Protect Public Views)

a). Site and design new development and landscaping to protect public views, particularly from Ralston Avenue to Laurel Creek Canyon, Sugarloaf and San Francisco Bay; b). Site and design structures to maximize public view preservation.

The Exception for sidewalk installation would preserve significant trees and public views, and substantially reduce the overall grading along the project site's frontage. In addition, approval of an Exception would avoid the construction of a retaining wall, minimizing erosion, preserving features of the natural environment and allowing stabilization of the slope with native, drought-tolerant plant species.

WHEREAS, the Planning Commission of the City of Belmont, reviewed the Exception request and all public testimony, and recommended approval of the Exception for sidewalk installation by a 7-0 vote; and,

WHEREAS, the City Council hereby adopts the staff report dated April 28, 2009 and the facts contained therein as its own findings of facts; and,

WHEREAS, the City Council 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 City Council hereby adopts a Resolution approving an Exception to the requirement to install a sidewalk for a three-lot subdivision located at 2007 Bishop Road.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on April 28, 2009 by the following vote:

AYES, COUNCIL MEMBERS: _____

NOES, COUNCIL MEMBERS: _____

ABSTAIN, COUNCIL MEMBERS: _____

ABSENT, COUNCIL MEMBERS: _____

RECUSED, COUNCIL MEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont

ATTACHMENT II

PLANNING COMMISSION
STAFF REPORT
OCTOBER 7, 2008



MEETING OF October 7, 2008

AGENDA ITEM NO. 5A

Application I.D.: 2008-0075
Application Type: Single Family Design Review
Location: 2007 Bishop Road
Applicant: Richard Tapp
Owners: Rancho Belmont, LLC
APN: 043-010-240
Zoning: HRO-1 Hillside Residential and Open Space - Unsubdivided
General Plan Designation: HROP – Hillside Residential Open Space
Environmental Determination: Categorically Exempt, Section 15303,
Class 3(a)

PROJECT DESCRIPTION

The applicant requests Single Family Design Review (SFD) approval to construct a new 4,490 square-foot single-family residence on a vacant 86,254 sq. ft. lot that is below the maximum permitted 4,500 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 resolution¹.

ZONING/GENERAL PLAN DESIGNATION

The proposed single-family residence is a permitted use in the HRO-1 (Hillside Residential and Open Space) zoning district, and is conforming to the General Plan Designation HROP - Residential and Open Space.

PRIOR ACTIONS

The project site was previously developed with a 2,853 square residence and a 2,003 square foot church, and several accessory buildings, which were constructed in the late 1960's. The church, the residence, and the other structures were demolished in 2006.

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.

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The subject property (Lot 3) was created by a three-lot subdivision, which was approved by the Planning Commission in October of 2005 (see sheet A-1 for the approved subdivision plan). An environmental review, Mitigated Negative Declaration, (MND) conducted for the subdivision of the property identified portions of the site that may contain sensitive plant and animal species. The MND included mitigation measures that required additional surveys for nesting birds, prior to development of the site. In addition, a maximum developable area was established for the site consisting of the previously disturbed/landscaped areas. The maximum developable area for Lot 3 is identified on the project's site plan (Sheet A-2) as a setback line between the previously disturbed area and the undisturbed coastal scrub habitat.

The current application was submitted in December of 2007, and was found by the Department of Public Works to be non-compliant with the City's sidewalk improvement standards (i.e., the scope of the project triggered installation of a full sidewalk, curb and gutter and none were proposed). The applicant worked for several months with Public Works, and surveyed the cross slope of the street to determine if the project could be exempted from the sidewalk installation requirement; when a roadway has more than a 20% cross slope, a full sidewalk, curb and gutter can be eliminated on one side. However, Public Works determined that the roadway, at the time of its construction, had less than a 20% cross slope, so the exemption would not apply.

The applicant has requested that the City Council decide if a sidewalk would be appropriate at this location, both for the subject project site and the other two lots created as part of the subdivision. Staff will prepare a report to the Council subsequent to the Planning Commission's review of this project. Staff believes that the project plans are sufficiently detailed to review the project and make a determination on the SFDR findings as proposed, without a sidewalk. Should the Council require a sidewalk, a final landscape plan would return to the Commission for review and approval with the sidewalk included. Staff is requesting a recommendation from the Commission with respect to the installation of the sidewalk. A detailed discussion related to the installation of the sidewalk is included on pages 19 through 20 of this report.

SITE CONDITIONS

The subject property has an average slope of 24.4 %, and is located on the northwest portion of Bishop Road, along a loop created north of this roads and its intersection with Marsten and Roberts Avenues. The property was previously developed with a church, a residence, several accessory buildings, and associated landscaping improvements that were constructed on a large, relatively flat, knoll located adjacent to the site's roadway frontage. A rolled curb and gravel driveway served as access to the church and home. A steeply sloping area to the northeast of the site was not developed, and remains in its natural state. The City Arborist has confirmed that there are approximately 22 regulated trees on and adjacent to the project site that may be impacted by the proposed project.

The property is bounded to the north by the vacant lots (zoned HRO-2) that have no road access, to the west by vacant undeveloped property (Lots 1 and 2 of the three-lot subdivision), to the east by a large, vacant lot zoned HRO-1, and single family homes, and to the south by single family homes along Bishop Road. The surrounding single family neighborhood is developed with one and two-story single-family homes with a mixture of stucco and wood exterior finishes.

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PROJECT ANALYSIS

The applicant proposes to construct a Mediterranean-style, 4,490 square foot single-family residence on site. The home would consist of one and two-story building elements with an attached garage, arranged in a semi-circular fashion. The project would consist of the following:

Floor Plans - First Floor

The 3,670 sq. ft. first floor consists of a 3,107 sq. ft. residence, and an attached 563 sq. ft. garage. The first floor of the residence includes a master bedroom, walk-in closet, living room, dining area, kitchen, family room, foyer, laundry, breakfast nook, study (or guest bedroom), and one and one-half bathrooms. An interior staircase would provide access to the upper level. Four balconies would exit to the rear of the home, one patio would exit to the front of the home and one terrace would exit to the side of home. The interior floor to ceiling height of the first floor is proposed at ten feet in living areas, nineteen feet in the foyer, and five feet in the attic above the living room. Crawl space under the house ranges from several inches to approximately five feet in height. A two-car garage with an interior dimension of 21.5' by 23', would be attached to the home via a roofed breezeway. The 20' long by 21.5 wide parking area in front of the garage is adequate to park two additional cars. An unroofed utility pad would be constructed adjacent to the garage in order to screen utility meters, trash and recycling. A five-foot high stucco wall with a built-out base cap would surround the pad.

Floor Plans - Second Floor

The proposed second floor includes two bedrooms, two full bathrooms, two closets, a counter and stairs with the foyer open to below. A one-foot wide decorative "Juliet" balcony is proposed at the rear of the bedroom on the east side of the home. The total proposed floor area for this level is approximately 820 square feet.

Dwelling Floor Area Summary	
Proposed Square Footage	Proposed Modifications/Additions
First Level (Main Floor) - 3,670 Sq. Ft.	<u>Proposed:</u> Fully complying two-car garage, master bedroom, walk-in closet, living room, dining area, kitchen, family room, foyer, laundry, breakfast nook, study (or guest bedroom), and one and one-half bathrooms.
Second Level - 820 Sq. Ft.	<u>Proposed:</u> Two bedrooms, two full bathrooms, two closets, a counter and stairs with the foyer open to below.
Total for dwelling = 4,490 Sq. Ft.	

Exterior Design/Materials/Colors

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The proposed new Mediterranean-style home would have a stucco exterior finish with stucco and stone veneer base, metal clad, wood windows with divided lights, and a clay tile roof. Architectural design details include:

- Decorative glass and wood entrance door with wrought iron
- Arched window openings with stucco sill trim
- Half columns and a covered entrance area with stone column supports
- Stucco crown and band trim
- Metal chimney cap, and copper, half-round gutters
- A stone and tile wall fountain
- Painted wood panel garage doors and a painted wood pergola on the front of the garage
- Decorative wrought iron hardware, wrought iron railings for exterior decks, interlocking driveway pavers, and a driveway fountain.

The proposed exterior materials and color palette would include:

Roof: Clay tile, "Factory" (burnt orange-brown)

Stone Veneer Base: "Natural" (tan)

Stucco Base and trim: "West Warwick" (golden wheat tan)

Exterior Walls: Stucco, "Great Gaucho" (dark mustard)

Wrought Iron Railings and Hardware: Black

Window Frame, Sash, Wood Eave and Trellis: "Mossy Log" (pale green)

Tree Removal

The church, home and accessory structures have been removed from the property. The site contains numerous trees, of which 22 were tagged as regulated trees and assessed by the City Arborist (see Attachment V for arborist report).

The applicant proposes removing five (5) regulated trees, as follows:

- Tree #81: Canary Island Pine, Protected Size.
- Tree #88: Dollar gum, Protected Size.
- Tree #108: Glossy Privet, Non-Protected Size.
- Tree #109: Decodar Cedar, Non-Protected Size.
- Tree #113: Italian Stone Pine, Protected Size.

In addition to these five trees, the City Arborist recommends removal of tree #60 which sustained severe damage during the 1/4/08 storm (no fee required). The City Arborist cautions that Tree #s 115, 92, 93, and 126 may be impacted by the proposed project, and makes recommendations for modifications to the landscape plan and for the retention of these trees (see attached tree disposition chart).

Landscaping

The applicant has provided a landscape plan (Sheet L-1), and an irrigation plan (Sheet L-2). The landscape plan proposes retaining the large California native trees on site, retaining the existing vegetation at the front of the site for screening, and planting a wide variety of trees, shrubs, vines, and groundcover. The plan includes the use of Californian native species (oak trees, redwood trees, California Lilac, Manzanita, coyote bush, California toyon, etc.). The proposed plan includes the following landscape plantings and exterior landscape features for the site:

- Eight varieties of trees, for a total of 57 trees (51 of which are 24" box size or greater)
- Twenty-four varieties of shrubs for a total of 378 shrubs
- Eight varieties of groundcovers
- Thirteen varieties of vines
- A front entrance two-level water fountain
- A pervious cobble paver driveway leading to a motor court turn-around with a fountain at the center
- Pervious patio areas to the rear and sides of the home
- A gravel pathway around the rear and sides of the home that leads to masonry tile benches, a small fountain and a spa (associated garden retaining walls range from 18 inches to 4 feet in height)
- A black ornamental steel gate attached to cast stone entry columns that would connect to a six-foot high wooden fence surrounding the property.

Grading

The site would be re-graded to accommodate the driveway with turn-around area and create a relatively level footprint for the new house. Approximately 845 cubic yards of cut and 845 cubic yards of fill for a total grading of 1,690 cubic yards would be necessary to allow for the proposed construction. Cut and fill would be balanced on site with much of the excavated material being spread out from the top of the knoll to create a more level building pad.

Hardscape

The following table lists hardscape elements on the property:

Feature	Area (sq. ft.)	Area Percentage	Tally of hardscape per feature(s) (%) ¹
Residence/garage	3,670	4.25	4.25
Driveway ²	5,125	5.94	10.19
Porches and Balconies	646	0.75	10.93
Terrace/patio ²	2,870	3.33	14.27
Total	12,311	14.27	14.27

¹ Includes a running tally of all features up to that point in the table. ² The driveway, patio and terrace would be pavers over a pervious substrate which would result in approximately 50% permeability. Revised calculations would result in approximately 8,314 sq ft of hardscape or 9.64 % hardscape coverage.

As indicated in the table above, the proposed project does not substantially add to the hardscape on site as a percentage of lot area, mainly due to the proposed use of pavers over a permeable substrate for construction of the driveway and patios areas. In addition, staff is recommending a condition of project approval, requiring the use of pavers over a permeable substrate for all patio, terrace and driveway areas.

Groundwork and Geotechnical Recommendations

The applicant has submitted a Geotechnical Investigation, prepared by Geoforensics, Inc., dated July 26, 2004. The report was peer-reviewed by the City's Consulting Geologist, Cotton, Shires & Associates, Inc., in a letter dated January 18, 2008. A copy of the report and letter are included as Attachments VI and VII.

There are no known geological hazards in the immediate neighborhood of the subject property; the site is designated as Sbr on the City's Ground Movement Potential and Geologic Hazard Map (development and road expansion permitted). The geotechnical report concluded that the proposed residential development is constrained by existing fill materials 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 that the project geotechnical consultant inspect current site conditions, and update recommended geotechnical design criteria prior to issuance of grading or building permits. Additionally, the consultant shall be required to map the extent of existing fill material, characterize the depth and engineering properties of the fill and recommend appropriate design measures to mitigate any adverse impacts on adjacent properties. 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

Criteria	Proposed	Required/Max. Allowed
Lot Size	86,254 s.f.	85,748
Slope	24.4%	N/A
FAR	0.0521	0.0522 (corresponds to 4,500 s.f. max)
Square Footage¹	4,490 sq. ft.	4,500 sq. ft.
Parking	Two-car garage (20' by 20') Two uncovered	Two-car garage (20' x 20') Two uncovered
Setbacks:²		
Front	69.4 ft.	15 ft.
Side (east)	99.6 ft.	7 ft.
Side (west)	41.5 ft.	7 ft.
Rear	101.7 ft.	15 ft.
Driveway length	20+ ft.	18 ft.
Height	28 ft.	28 ft.

¹ The maximum allowable floor area is 4,500 sq. ft. on parcels 20,000 sq. ft. and larger; ² The setbacks for the HRO-1 District are provided in this table; the applicant's project data summary includes setbacks identified during the subdivision of the property, and the site plan (Sheet A-2) delineates the maximum developable area determined during the environmental review for the subdivision (all setbacks are measured to property lines).

GENERAL PLAN CONFORMANCE

The subject property is located in the HRO-1 (Hillside Residential and Open Space) zoning district. According to Section 4.7 of the City of Belmont Zoning Code, one-family residences are permitted in the HRO-1 District. The Belmont General Plan identifies the land use on the subject property as Hillside Residential and Open Space (HROP). According to the General Plan, low-density residential development in the San Juan Hills area is appropriate only when it has been demonstrated that safe development can take place consistent with the policies of the General Plan and that adequate access, utilities, fire services and other essential services are available. The property is located within the purview of the San Juan Hills Area Plan and is designated as Hillside Residential and Open Space (HROP).

The proposed single-family residence is a permitted use within the Hillside Residential and Open Space General Plan designation. In addition, the project has received geotechnical clearance, and Public Works and Fire Department review, consistent with *Goals 1015.6 (Ensure that residential development occurs in areas of low-risk from geologic and hydrologic hazards, and), and 1015.8 (Protect persons and property from unreasonable exposure to natural hazards, such as floods, fire, unstable ground, erosion, and earthquakes).* The project would also avoid steep slopes and sensitive species on site by adherence to an established buildable area, and would replace the previous institutional use with a residential use, consistent with General Plan Goal 1015.1 (*Preserve, and, where needed, enhance the present character of established residential areas*), and Goal 1015.3 (*Preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features, of the natural environment*).

General Plan Policies

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:

- *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.*

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

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

The project has been designed to meet the above the development standards and the above development standards are also addressed as standard conditions of project approval. All utility services will be provided to the site. The Belmont Police Department and the San Carlos-Belmont Fire Department have reviewed the project and with their identified conditions of approval there are adequate emergency services for the project. The project would balance grading on site and avoid slopes in excess of 30% through the establishment of a maximum building envelope. Impervious surfaces would be 10% 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 measures would be required and incorporated for the project as standard conditions of approval. As proposed and conditioned, safe site access would be provided to the site, and traffic resulting from the new residential dwelling unit would be less than the previous institutional use and consistent with the residential traffic in the surrounding neighborhood.

SAN JUAN HILLS AREA PLAN

The subject property is located within the purview of the San Juan Hills Area Plan. Pertinent goals and policies of the San Juan Hills Plan include the following:

Geologic Hazards

Goal 1 (Geologic stability)

Ensure a high level of geologic stability for building sites, structures and infrastructure

Goal 2 (Information on Geologic Hazards)

Improve the City of Belmont decision making process pertaining to geologic hazards in the San Juan area.

Policy 1 (Adoption of Geologic Maps)

a. Use the Engineering Geologic Map and Ground Movement Potential Map prepared by William Cotton and Associates in April, 1985 as the official geologic maps of the City. These maps will be used for the purpose of determining the relative geologic stability of land when reviewing development applications.

Policy 2 (Required Geotechnical Investigations)

Require the following geotechnical reports to accompany applications for development and assessment districts: a. On slopes steeper than 10%, soil and foundation engineering investigation by a registered civil engineer; b. On lands shown in Figure 4, except those stable areas categorized as Sbr or Sun, engineering geologic investigation by a certified engineering geologist. The investigation shall evaluate the natural slope conditions and provide recommendations for mitigating and/or correcting any unstable conditions that will assure the safety of the proposed development: (1) The city will develop standards for these reports; (2) The results of these investigations will be reviewed and approved by a Geologist hired by the City; (3) The recommendations for mitigation and/or correction will become conditions of approval

The applicant has submitted a Geotechnical Investigation, prepared by Geoforensics, Inc., dated July 26, 2004. The report was peer-reviewed by the City's Consulting Geologist, Cotton, Shires & Associates, Inc. There are no known geological hazards in the immediate neighborhood of the subject property; the site is designated as Sbr on the City's Ground Movement Potential and Geologic Hazard Map (development and road expansion permitted). The City Geologist does not have feasibility objections to the layout of the proposed site improvements, but does require that the project geotechnical consultant inspect current site conditions, and update recommended geotechnical design criteria prior to issuance of grading or building permits. 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.

Natural Resources and Public Views

Goal 4 (Preserve Natural Resource)

Preserve vegetation and other natural resources in the San Juan Hills Area.

Goal 5 (Preserve Public Views)

Preserve public views into, within and from the San Juan area, particularly public views of natural areas.

Policy 8 (Protect Vegetation)

Ensure that development will: a). minimize the removal of vegetation, b). protect and restore vegetation which stabilizes soils and reduces surface water runoff, erosion and sedimentation, c). protect historic and scenic trees, and d). provide revegetation of all significant tree cover, e). promote the use of native trees and plants in new landscaping.

Policy 10 (Protect Wildlife Habitat)

Protect wildlife habitat by siting and designing new development to maintain portions of existing habitats in undeveloped areas.

Policy 11 (Grading Design Standards)

Establish design standards for all grading, including grading for geologic mitigation and the development of roads and houses, to ensure that: a. changes from natural grade are minimized, b. stabilization planting for grading areas is provided prior to the normal rainy season, and c. standards to minimize erosion from grading operations are developed, d) site preparation and grading is harmonious with surrounding land.

Policy 13 (Protect Public Views)

a). Site and design new development and landscaping to protect public views, particularly from Ralston Avenue to Laurel Creek Canyon, Sugarloaf and San Francisco Bay; b). Site and design structures to maximize public view preservation.

As discussed, an environmental review, Mitigated Negative Declaration, (MND) conducted for the subdivision of the property identified portions of the site that may contain sensitive plant and animal species. The MND included mitigation measures that required additional surveys for nesting birds, prior to development of the site. In addition, a maximum developable area was established for the site consisting of the previously disturbed/landscaped areas. The maximum developable area for Lot 3 is identified on the project's site plan (Sheet A-2) as a setback line between the previously disturbed area and the undisturbed coastal scrub habitat.

Thus, in order to protect sensitive habitat, the proposed home would be located in the most visible portion of the project site (on top of the knoll). However, retention of the large existing trees on site, inclusion of oak trees at the front and sides of the proposed residence would protect public views as seen from northeast and the southwest. In addition, staff is recommending conditions of project approval requiring that a final landscape plan return to the Planning Commission. The final

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plan would be required to delineate additional oak trees planted in an irregular patterns to the rear of the home, to “fill in the gaps” for the screening vegetation for surrounding public vantage points (i.e., the trails on Sugar Loaf Mountain to the northeast of the site and Skymont Drive to the south west) The plan would also need to address the City Arborist’s recommendations for the retention of existing mature trees.

ZONING CONFORMANCE

The subject property is zoned Hillside Residential and Open Space (HRO-1) District. Section 4.7.1 of the Zoning Ordinance indicates that Hillside areas of the City provide unique terrain features and add substantially to the character of the area, that the location and visibility of development therein will affect the visual quality of the environment, and that hillside development should preserve the natural terrain while providing a density of residential development compatible with the limitations of slope on the development site. It is further noted that there are geologic and soils hazards in the area, steep slopes, and inadequate roadways making it necessary to reduce density in portions of the San Juan Hills Area to protect the public safety and to reduce significant and cumulative traffic impacts to the Ralston Avenue corridor. The objectives of the HRO regulations include encouraging minimal grading and the reduction of citizens' exposure to hazardous slopes.

The proposed single-family residence is in conformance with the permitted uses set out in Section 4.7.2 (a) *Permitted Uses - HRO-1 District*.

The proposed home would meet all required setback, height, FAR, and permitted use regulations of the HRO-1 Zoning District. However, the proposed home would be constructed very close to the height and floor area limits of the HRO-1 District (28 feet, and 4,500 sq. ft., respectively). In order to ensure that the proposed home is fully compliant with the Zoning Ordinance requirements for height and floor area, staff recommends the following conditions of project approval:

- Building plans shall be submitted that reflect that no part of the residence shall exceed the 28-foot height limit as measured from the finished grade to the topmost point of the residence immediately above. A California licensed surveyor or civil engineer shall provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.
- A California licensed architect or civil engineer shall provide wet-stamped floor area calculations for the entire residence with the building permit plans. Said calculations shall include “boxed out” areas of the residence and shall reflect a residence that is not greater than 4,500 of gross square feet. A California licensed architect or civil engineer shall provide “as built” drawings of the home with a calculation of total floor area, prior to final building permit inspection.

NEIGHBORHOOD OUTREACH

The applicant reports performing neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report (see Attachment IV). In August and September 2008 the property owner sent a letters, project elevations, landscape, and grading plans to all residents within 300 feet

of the subject property. The applicant described the project and invited neighbors to comment to the architect, engineer or owner. The applicant reports that one neighbor from 1910 Bishop Road responded, indicating that he likes the design of the home and looks forward to its completion. Subsequently, the applicant report receiving correspondence from downhill neighbors concerned about the potential drainage impacts from development on Lots 1 and 2. The neighbor across the street also expressed concern about the potential for vegetation debris to blow across the street on his property. The applicant has asked his civil engineer to respond to the concerns. A copy of the applicant's response will be provided to the Commission at the meeting. The applicant discussed the debris issue with the adjacent neighbor, assuring him that the landscaping on site would be irrigated and well maintained, which assuaged his concerns. 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 new 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. However, as previously discussed, the approved three-lot subdivision of the site was evaluated as a project pursuant to the California Environmental Quality Act (CEQA). The environmental review for the subdivision indicated that the proposed project could have a significant impact on biological resources (potentially impact sensitive habitats and disturb nesting birds). However, the project was modified to include a maximum developable area in order to avoid sensitive habitats, and bird surveys were required, prior to grading or construction on site. These mitigation measures reduced potential impacts on biological resources to a less-than-significant level. The mitigation measures with respect to Lot 3 of the subdivision (subject property) are as follows:

Mitigation IV.3

There is a high potential for the occurrence of nesting passerines on site, which are regulated by the Migratory Bird Treaty Act and/or the State Fish and Game Code. Construction or disturbances, such as grading, trimming and removal of trees and shrubs shall be limited during the breeding season of February 1 to August 31. Prior to clearing or grading during the nesting season, a survey to determine the presence of active nest sites for raptors and passerines shall be conducted by a qualified biologist. If nesting passerines or raptors are observed, an appropriate buffer zone shall be established around active nests in order to prevent mortality of young through nest abandonment. The geometry of the nesting bird buffer zone shall depend on the lines of site, exposure, and context of the nest location. The determination of the limits of grading or construction near a nest shall be made by a biologist in the field. Removal of trees or shrubs supporting nests of migratory birds may proceed only after a qualified biologist has determined that the nest is no longer occupied.

Mitigation IV.5

While no special status species are believed to occur within the buildable areas of the three lots, if any grading outside of these areas were to occur, it could result in impacts to sensitive species. If grading or clearing are proposed outside of the proposed building envelope and driveway, then sensitive species surveys shall be conducted in accordance with the survey guidelines by California Department of Fish and Game (CDFG), and U.S Fish and Wildlife Service. These protocol surveys for special-status plants must be conducted during the season identified for the site in the biological report. Project impacts shall be evaluated based upon the results of the surveys.

Mitigation IV.6

The special-status species San Francisco dusky-footed woodrat is presumed to occur on the subject property, due to the presence of numerous stick nests. The locations of the stick nest are outside of the proposed grading envelope. Therefore, no impacts to this animal would occur. However, if grading or filling would extend beyond the existing slope break in the north corner of Lot 3, the following measures are warranted:

- *A ground survey shall be performed by a qualified biologist to locate and mark all woodrat stick nest house in the proposed construction area.*
- *All marked woodrat houses shall be avoided during construction activities.*
- *Any woodrat houses that cannot be avoided shall be manually taken apart by a qualified biologist and any woodrats allowed to disperse to adjoining undisturbed habitat.*

Staff is recommending compliance with these mitigations measures through conditions of project approval, which would prohibit grading outside of the established development area, and require bird surveys prior to construction, grading or tree and shrub removal on site.

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 two-story residence is required to be situated on the moderately sloped portion of the lot (the knoll), rather than the steeper, heavily vegetated portion of the lot where sensitive species occur. However, retention of the large existing trees on site, inclusion of oak trees at the front and sides of the proposed residence, and conditions of project approval requiring additional oak trees

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planted in an irregular pattern to the rear of the home, would protect public views as seen from surrounding public vantage points (i.e., trails to Sugar Loaf Mountain to the northeast of the site and Skymont Drive to the south west).

The Mediterranean design of the home includes materials and colors (natural stone veneer, stucco, and wood) that are consistent with the established character (earth tones, wood and smooth stucco) of other homes in the neighborhood (although staff is recommending a change in roof color from the proposed burnt-orange-brown color to brown-tan in order to better relate to the natural colors of the site). The structure has been designed with portions of the second level stepping in from the exterior walls of the lower level, thus reducing any perceivable bulk. This structure would not disrupt public views as assessed from Bishop Road, due to existing and proposed vegetation, and an extensive front yard setback (69 feet).

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*

tree removal

Building bulk

The proposed new Mediterranean-style home would have a stucco exterior finish with stucco and stone veneer base, metal clad, wood windows with divided lights, and a clay tile roof. Architectural design details include: decorative glass and wood entrance door with wrought iron, arched window openings with stucco sill trim, and half columns, a covered entrance area with stone column supports, stucco crown and band trim, metal chimney cap, copper, half-round gutters, a stone and tile wall fountain, painted wood panel garage doors, a painted wood pergola on the front of the garage, decorative wrought iron hardware, wrought iron railings for exterior decks, interlocking driveway pavers, and a driveway fountain.

The residential structure has been designed with varying roof lines and building offsets that assist in breaking the bulk and mass of the one and two-story structure. 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, color and material variation and ornamentation (i.e., decorative columns, stone veneer, divided light windows, stucco crown and band trim, stucco sill trim, etc.) would be consistent with the design of the home, and would also serve to moderate the building bulk.

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Grading/Hardscape

The site would be re-graded to accommodate the driveway with turn-around area and create a relatively level footprint for the new house. Approximately 845 cubic yards of cut and 845 cubic yards of fill for a total grading of 1,690 cubic yards would be necessary to allow for the proposed construction. Cut and fill would be balanced on site with much of the excavated material being spread out from the top of the knoll to create a more level building pad. A preliminary drainage and grading plan has been prepared by the civil engineer. A vegetated drainage swale would remain on the left side of the lot and the substantially landscaped property will ensure that storm water is treated on site.

Property hardscape features include the footprint of the home, driveway, patios, terrace and walkways. A majority of the remaining site would be landscaped with a variety of native or drought resistant shrubs. The proposed project does not substantially add to the hardscape on site as a percentage of lot area (10%), mainly due to the proposed use of pavers over a permeable substrate for construction of the large driveway and patios areas. A condition of project approval requires the use of pavers over a permeable substrate for all patio, terrace and driveway areas. Therefore, as proposed and conditioned, grading and hardscape elements are not excessive for development of a new single family home and are appropriate in the neighborhood context.

Tree Removal

The site contains numerous trees, of which 22 were tagged as regulated trees and assessed by the City Arborist. The applicant proposes removing five (5) regulated trees to allow for the construction of the home and associated improvements. In addition to these five trees, the City Arborist recommends removal of tree #60 which sustained severe damage during the 1/4/08 storm (no fee required). Required mitigation plantings would be 18 trees (24" box), and the applicant would be required to pay tree-removal fees into the City's tree fund. The applicant proposes to replant 51 trees (24" box or greater), on site. The City Arborist cautions that Tree #s 115, 92, 93, and 126 may be impacted by the proposed project, and makes recommendations for modifications to the landscape plan for the retention of these trees. The City Arborist recommendations have been included as conditions of project approval. Therefore, as proposed and conditioned, tree removal and replanting would be consistent with the City's Tree Ordinance.

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 Bishop Road. This driveway has sufficient back-up space (20 feet within the property), and a vehicle turn-around is provided on site. This finding can be made in the affirmative.

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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 new home, the applicant is proposing approximately 845 cubic yards of earthwork cut and 845 cubic yards of fill (balanced cut and fill on site). 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 provided several recommendations that have been included in the Conditions of Approval. There are no known geological hazards in the immediate neighborhood of the subject property; the site is designated as Sbr on the City's Ground Movement Potential and Geologic Hazard Map (development and road expansion permitted).

The Project Site would be graded in compliance with the City's grading ordinance and standard conditions of approval to assure that project construction and operation do not result in off site soil or water erosion. Best Management Practices (BMP's) are a standard condition of approval which requires that soil, gravel and water do not migrate off site and cause erosion. BMP's require the use of soil and water erosion controls. Controls such as waddles and storm water filtration prior to water entering the storm drain system prevents sedimentation of the storm drain system and watercourses. Grading is limited to the drier season (April 15- November 14) which also serves to prevent erosion.

An environmental review, Mitigated Negative Declaration, (MND) conducted for the subdivision of the property identified portions of the site that may contain sensitive plant and animal species. The MND included mitigation measures that required additional surveys for nesting birds, prior to development of the site. In addition, a maximum developable area was established for the site consisting of the previously disturbed/landscaped areas. Conditions of project approval require that development occur in the established development area, and that bird surveys occur prior to construction, grading, and/or tree removal. Thus as proposed and conditioned, 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 Bishop Road. The proposed exterior patio, decks and walkways are not excessive and are appropriately integrated into the overall site design. Small retaining walls and garden walls (ranging from eighteen inches to four feet in height) are proposed along the rear of the home that comply with height restrictions in the Zoning Ordinance. 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*

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

The applicant has provided a landscape plan that proposes retaining the large California native trees on site, retaining the existing vegetation at the front of the site for screening, and planting a wide variety of trees, shrubs, vines, and groundcover. The plan includes the use of numerous Californian native species (oak trees, redwood trees, California Lilac, Manzanita, coyote bush, California toyon, etc.). In addition, conditions of project approval require that a final landscape plan return to the Planning Commission, which delineates additional oak trees planted in an irregular patterns to the rear of the home, to "fill in the gaps" for the screening vegetation for surrounding public vantage points (i.e., the trails on Sugar Loaf Mountain to the northeast of the site and Skymont Drive to the south west). The plan would also need to address the City Arborist's recommendations for the retention of existing mature trees. Staff would note that, as proposed and conditioned, the existing and proposed landscaping would assist in mitigating the bulk of the proposed addition, and screen and soften the home as seen from surrounding public vantage points. 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.

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

The proposal includes no new structural encroachments into the public right-of-way. Staff believes this 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.

SIDEWALK REVIEW

As discussed earlier, the current application was submitted in December of 2007, and was found by the Department of Public Works to be non-compliant with the City's sidewalk improvement standards (i.e., the scope of the project triggered installation of a full sidewalk, curb and gutter and none were proposed). Public Works subsequently determined that the cross slope of the roadway would not support an exemption from the sidewalk standard at a departmental level. Thus, the applicant has requested that the City Council decide if a sidewalk would be appropriate at this location, both for the subject project site and the other two lots created as part of the subdivision. Staff believes that the project plans are sufficiently detailed to review the project as proposed, without a sidewalk. Should the Council require a sidewalk, a final landscape plan would return to the Commission for review and approval with the sidewalk included. Staff is requesting a recommendation from the Commission with respect to the installation of the sidewalk.

Exemption Request

The applicant is requesting an exemption from the requirements to install a sidewalk. The applicant has submitted reasons to justify the exemption, accompanied by a hypothetical grading analysis for the installation of the sidewalk (see Attachment VIII). The Department of Public Works has provided a response to the applicant's reasons, which is included as Attachment IX.

Applicant

In summary, the applicants indicate that this particular neighborhood of the San Juan Hills area is low density and rural in character, and that it already has an existing continuous standard sidewalk on the other side of the street that is sufficient for the use of pedestrians. In addition, the applicant reasons that the installation of the sidewalk would require approximately 545 cubic yards of additional grading, the removal of several mature trees and vegetation that would screen the proposed home, and relocation of an existing fire hydrant and PG&E guy wire.

Public Works

Public Works indicates that the requirement for sidewalk installation is determined by the cross slope of the roadway, and this particular section of roadway does not meet the standard for an exemption (i.e., it has less than 20% cross slope). Public Works acknowledges that a new sidewalk in this location would not likely experience a high volume of pedestrian traffic, but notes that the subject area was substantially built-out in the 1970s with sidewalks fronting the majority of the properties. Public Works disputes the applicant's opinion that approximately 550 cubic yards of additional grading would be required if a sidewalk is installed. Public Works estimates that approximately 400 cubic yards of grading would be required to fix the eroding, overly-steep, slope along the property frontage, even if no sidewalk were installed (the applicant has not included the re-grading plan for the slope, which will be required to mitigate the existing erosion problem). Public Works notes that the necessary grading would impact the existing vegetation, requiring much of it to be removed in any event.

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City Arborist

Staff requested that the City Arborist review the proposed tree impacts of the applicant's theoretical sidewalk installation plan (see Attachment X). The City Arborist concludes that grading would negatively impact existing vegetation along Bishop Road. He notes most of the frontage is covered with non-regulated trees or shrub species, with the exception of a large redwood tree, a river red gum tree, and a silver dollar gum eucalyptus tree. In conclusion, the Arborist recommends removal of most or all of the trees with replacement with new, draught-tolerant landscaping, whether a new sidewalk is installed or not.

Planning Division

Installation of a sidewalk would partially fill in a gap and ultimately provide for more efficient pedestrian movement along Bishop Road. In addition, as noted above, the City Arborist has recommended removal of the vegetation along Bishop Road with replacement by draught-tolerant species, whether a sidewalk is installed or not. However, it should be noted that the new sidewalk is not expected to serve a significant volume of people. In addition, there are General Plan and San Juan Hills Area Plan policies that speak to minimizing grading, reducing tree removal, and protecting public views (see pages 8 through 11 of this report), and installation of a sidewalk would require additional grading and removal of existing, mature, screening vegetation.

Staff requests that the Planning Commission evaluate the benefits and impacts of the installation of a new sidewalk along the subject portion of Bishop Road (Lots 1, 2, and 3) and provide a recommendation to the City Council whether an exception should be granted.

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.

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, dated January 15, 2008
- VI. Geotechnical Investigation, prepared by Geoforensics, Inc., dated July 26, 2004.
- VII. Geotechnical Peer Review, by Cotton Shires & Associates Inc., dated January 18, 2008.
- VIII. Applicant's sidewalk exemption request
- IX. Public Works response to sidewalk exemption request
- X. Arborist Report for sidewalk improvement
- XI. Applicant's plans, materials board, and photos (Commission only)

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Respectfully submitted,

Damon DiDonato
Senior Planner

Carlos de Melo
Community Development Director

CC: Applicant/Owners

RESOLUTION NO. 2008-41

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A SINGLE FAMILY DESIGN REVIEW
FOR PROPOSED 2007 BISHOP ROAD (APPL. NO. 2008-0075)

WHEREAS, Richard Tapp, applicant, on behalf of Rancho Belmont, LLC, property owners, request Single Family Design Review approval to construct a new 4,490 square-foot single family residence that is below the maximum permitted 4,500 square feet for this property (APN: 043-010-240); and,

WHEREAS, a public hearing was duly noticed, held, and closed on October 7, 2008; 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 October 7, 2008 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:

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 two-story residence is required to be situated on the moderately sloped portion of the lot (the knoll), rather than the steeper, heavily vegetated portion of the lot where sensitive species occur. However, retention of the large existing trees on site, inclusion of oak trees at the front and sides of the proposed residence, and conditions of project approval requiring additional oak trees planted in an irregular pattern to the rear of the home, would protect public views as seen from surrounding public vantage points (i.e., trails to Sugar Loaf Mountain to the northeast of the site and Skymont Drive to the south west).

The Mediterranean design of the home includes materials and colors (natural stone veneer, stucco, and wood) that are consistent with the established character (earth tones, wood and smooth stucco) of other homes in the neighborhood (and conditions are included requiring revised roof color from the proposed burnt-orange-brown color to brown-tan in order to better relate to the natural colors of the site). The structure has been designed with portions of the

second level stepping in from the exterior walls of the lower level, thus reducing any perceivable bulk. This structure would not disrupt public views as assessed from Bishop Road, due to existing and proposed vegetation, and an extensive front yard setback (69 feet). 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 tree removal*

Building bulk

The proposed new Mediterranean-style home would have a stucco exterior finish with stucco and stone veneer base, metal clad, wood windows with divided lights, and a clay tile roof. Architectural design details include: decorative glass and wood entrance door with wrought iron, arched window openings with stucco sill trim, and half columns, a covered entrance area with stone column supports, stucco crown and band trim, metal chimney cap, copper, half-round gutters, a stone and tile wall fountain, painted wood panel garage doors, a painted wood pergola on the front of the garage, decorative wrought iron hardware, wrought iron railings for exterior decks, interlocking driveway pavers, and a driveway fountain.

The residential structure has been designed with varying roof lines and building offsets that assist in breaking the bulk and mass of the one and two-story structure. 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, color and material variation and ornamentation (i.e., decorative columns, stone veneer, divided light windows, stucco crown and band trim, stucco sill trim, etc.) would be consistent with the design of the home, and would also serve to moderate the building bulk.

Grading/Hardscape

The site would be re-graded to accommodate the driveway with turn-around area and create a relatively level footprint for the new house. Approximately 845 cubic yards of cut and 845 cubic yards of fill for a total grading of 1,690 cubic yards would be necessary to allow for the proposed construction. Cut and fill would be balanced on site with much of the excavated material being spread out from the top of the knoll to create a more level building pad. A preliminary drainage and grading plan has been prepared by the civil engineer. A vegetated drainage swale would remain on the left side of the lot and the substantially landscaped property will ensure that storm water is treated on site.

Property hardscape features include the footprint of the home, driveway, patios, terrace and walkways. A majority of the remaining site would be landscaped with a variety of native or drought resistant shrubs. The proposed project does not substantially add to the hardscape on site as a percentage of lot area (10%), mainly due to the proposed use of pavers over a permeable substrate for construction of the large driveway and patios areas. A condition of project approval requires the use of pavers over a permeable substrate for all patio, terrace and driveway areas. Therefore, as proposed and conditioned, grading and hardscape elements are not excessive for development of a new single family home and are appropriate in the neighborhood context.

Tree Removal

The site contains numerous trees, of which 22 were tagged as regulated trees and assessed by the City Arborist. The applicant proposes removing five (5) regulated trees to allow for the construction of the home and associated improvements. In addition to these five trees, the City Arborist recommends removal of tree #60 which sustained severe damage during the 1/4/08 storm (no fee required). Required mitigation plantings would be 18 trees (24" box), and the applicant would be required to pay tree-removal fees into the City's tree fund. The applicant proposes to replant 51 trees (24" box or greater), on site. The City Arborist cautions that Tree #'s 115, 92, 93, and 126 may be impacted by the proposed project, and makes recommendations for modifications to the landscape plan for the retention of these trees. The City Arborist recommendations have been included as conditions of project approval. Therefore, as proposed and conditioned, tree removal and replanting would be consistent with the City's Tree Ordinance.

All four factors (building bulk, grading, hardscape, and tree removal) are 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 structures.

The proposed driveway has clear access to/from Bishop Road. This driveway has sufficient back-up space (20 feet within the property), and a vehicle turn-around is provided on site. 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 new home, the applicant is proposing approximately 845 cubic yards of earthwork cut and 845 cubic yards of fill (balanced cut and fill on site). 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 provided several recommendations that have been included in the Conditions of Approval. There are no known geological hazards in the immediate

neighborhood of the subject property; the site is designated as Sbr on the City's Ground Movement Potential and Geologic Hazard Map (development and road expansion permitted).

The Project Site would be graded in compliance with the City's grading ordinance and standard conditions of approval to assure that project construction and operation do not result in off site soil or water erosion. Best Management Practices (BMP's) are a standard condition of approval which requires that soil, gravel and water do not migrate off site and cause erosion. BMP's require the use of soil and water erosion controls. Controls such as waddles and storm water filtration prior to water entering the storm drain system prevents sedimentation of the storm drain system and watercourses. Grading is limited to the drier season (April 15- November 14) which also serves to prevent erosion.

An environmental review, Mitigated Negative Declaration, (MND) conducted for the subdivision of the property identified portions of the site that may contain sensitive plant and animal species. The MND included mitigation measures that required additional surveys for nesting birds, prior to development of the site. In addition, a maximum developable area was established for the site consisting of the previously disturbed/landscaped areas. Conditions of project approval require that development occur in the established development area, and that bird surveys occur prior to construction, grading, and/or tree removal. Thus as proposed and conditioned, 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 Bishop Road. The proposed exterior patio, decks and walkways are not excessive and are appropriately integrated into the overall site design. Small retaining walls and garden walls (ranging from eighteen inches to four feet in height) are proposed along the rear of the home that comply with height restrictions in the Zoning Ordinance. This finding is affirmed.

F. The landscape plan incorporates:

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

The applicant has provided a landscape plan that proposes retaining the large California native trees on site, retaining the existing vegetation at the front of the site for screening, and planting a wide variety of trees, shrubs, vines, and groundcover. The plan includes the use of numerous

Californian native species (oak trees, redwood trees, California Lilac, Manzanita, coyote bush, California toyon, etc.). In addition, conditions of project approval require that a final landscape plan return to the Planning Commission, which delineates additional oak trees planted in an irregular patterns to the rear of the home, to “fill in the gaps” for the screening vegetation for surrounding public vantage points (i.e., the trails on Sugar Loaf Mountain to the northeast of the site and Skymont Drive to the south west) The plan would also need to address the City Arborist’s recommendations for the retention of existing mature trees. Staff would note that, as proposed and conditioned, the existing and proposed landscaping would assist in mitigating the bulk of the proposed addition, and screen and soften the home as seen from surrounding public vantage points. 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. The Planning Commission believes that this finding is affirmed.

II. 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. The Planning Commission believes that 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 4,490 square-foot residence at 2007 Bishop Road, 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 October 7, 2008 by the following vote:

AYES,			
COMMISSIONERS	<u>Parsons, Brautschi, Horton, McKenzie, Mercer, Mayer & Reed</u>		
NOES,			
COMMISSIONERS	<u>None</u>		
ABSENT,			
COMMISSIONERS	<u>None</u>		
ABSTAIN,			
COMMISSIONERS	<u>None</u>		
RECUSED,			
COMMISSIONERS	<u>None</u>		

Carlos de Melo
Planning Commission Secretary

EXHIBIT "A"

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2007 BISHOP ROAD (APPL. NO.2008-0075)

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. 2008-0075, date stamped October 1, 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. The project is subject to Public Works Department and City Geologist review and approval with the following conditions:

(a) Supplemental Geotechnical Investigation – The project geotechnical consultant shall inspect current site conditions, and update recommended geotechnical design criteria for the proposed site improvements, prior to issuance of grading or building permits. Additionally, the consultant shall map the extent of existing fill material, characterize the depth and engineering properties of the fill, and recommend appropriate geotechnical design measures to mitigate any adverse impacts of the existing fill to the proposed site development or adjacent properties.

Appropriate documentation to address the above should be submitted to the City for review by the City Engineer and City Geotechnical Consultant prior to approval of building permits for project construction.

(b) Geotechnical Plan Review – The applicant's 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 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.

(c) 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.

7. 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.

8. Remaining parkland in-lieu fees for the subdivision of the property in the amount of \$42,500.00 shall be paid to the City of Belmont, prior to issuance of grading or building permits for this Single Family Design Review.
9. All on-grade patios, terraces, and driveway surfaces shall be constructed of pavers, cobbles, flagstones, etc. over a pervious substrate for the life of the project.
10. Building plans shall be submitted that reflect that no part of the residence shall exceed the 28-foot height limit as measured from the finished grade to the topmost point of the residence immediately above. A California licensed surveyor or civil engineer shall provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.
11. A California licensed architect or civil engineer shall provide wet-stamped floor area calculations for the entire residence with the building permit plans. Said calculations shall include "boxed out" areas of the residence and shall reflect a residence that is not greater than 4,500 of gross square feet. A California licensed architect or civil engineer shall provide "as built" drawings of the home with a calculation of total floor area, prior to final building permit inspection.
12. The applicant shall be responsible to adhere to the Mitigation Measures identified in the Mitigated Negative Declaration (MND) prepared for the subdivision which created the subject property (Lot 3). A conservation easement or notice of special restriction shall be recorded for the portion of the property outside of the designated developable area, prior to issuance of building or grading permits. Said easement or restriction shall reflect that building and grading shall be prohibited outside the established development area (perimeter animal friendly fencing may be allowed) unless sensitive species surveys are conducted by a qualified biologist that determine that no significant adverse impacts would occur to sensitive species. Bird surveys shall be required prior to construction, grading or tree and shrub removal on site, as described below:

There is a high potential for the occurrence of nesting passerines on site, which are regulated by the Migratory Bird Treaty Act and/or the State Fish and Game Code. Construction or disturbances, such as grading, trimming and removal of trees and shrubs shall be limited during the breeding season of February 1 to August 31. Prior to clearing or grading during the nesting season, a survey to determine the presence of active nest sites for raptors and passerines shall be conducted by a qualified biologist. If nesting passerines or raptors are observed, an appropriate buffer zone shall be established around active nests in order to prevent mortality of young through nest abandonment. The geometry of the nesting bird buffer zone shall depend on the lines of site, exposure, and context of the nest location. The determination of the limits of grading or construction near a nest shall be made by a biologist in the field. Removal of trees or shrubs supporting nests of migratory birds may proceed only after a qualified biologist has determined that the nest is no longer occupied.

13. Prior to issuance of a building permit, the applicant shall submit a landscape plan for review and approval by the Planning Commission. Said plan shall denote additional oak trees arranged in an irregular pattern along the right side and rear of the home to fill in the gaps in screening of the home as seen from surrounding public vantage points (i.e., Bishop Road, Skymont Drive and the trails on Sugarloaf Mountain, etc.). The final plan shall also incorporate animal-friendly fencing and the tree protection modifications recommended by the City Arborist. Should the tree protection measures prove infeasible, the applicant shall include replacement plantings on the plan, per City standards, in locations designed to maximize the screening and softening of the proposed home as seen from surrounding public vantage points. If the City Council decides that sidewalk improvements are appropriate for the project site's Bishop Road frontage, then the final landscape plan shall reflect a sidewalk, curb and gutter at the front of the project site. If the City Council decides that sidewalk improvements are not appropriate for the project site's Bishop Road frontage, then the final landscape plan shall reflect all proposed landscaping along the frontage, as well as methods proposed to stabilize the slope of the frontage, and control erosion.
14. A final color and material board shall be submitted for review and approval by the Planning Commission, prior to issuance of a building permit. Said color board shall reflect a revised color for the proposed roof tiles of brown and/or tan, and revised colors or color tones for building walls.

City Arborist

Tree protection and mitigation per City Arborist Report dated January 15, 2008. **Prior to issuing a permit for grubbing, demolition, tree removal, grading, or construction, the following must occur:**

1. **PRUNING & ROOT CROWN EXCAVATION:** All pruning of and root crown excavation around trees noted in the BMP chart 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 1: Tree, Shrub, and Other Woody Plant Maintenance, Standard Practices, Pruning.

Root crown excavation shall be performed by use of dull, rounded hand tools to slowly remove soil that is covering the normally flaring buttress roots at the base of tree trunks noted in the BMP charts. Total depth of excavation shall be ___ inches (cannot verify at the time of writing). Total width of excavation should be no more than 12 - 24 horizontal inches out from tree trunk edges. Remove all concrete rubble and other items contacting trunks of oak #116. Do not injure trunk or root bark during this process.

The city arborist will request a receipt for this pruning to verify compliance with recommendation #1 during the initial site inspection as applicable.

2. **FERTILIZATION**: Retain a qualified tree care company to apply a slow-release tree fertilizer with a high percentage of water insoluble nitrogen (WIN) via soil injection to the areas under the canopy driplines of trees noted in the BMP chart at standard arboricultural rates per the most recent version of ANSI-A300 fertilization standard and the ISA "Best Management Practices – Tree and Shrub Fertilization" booklet.

The city arborist will request a receipt from the applicant to confirm performance of item #2 during the initial site inspection.

Example fertilizer materials: Doggett injectafeced slow release tree fertilizer 32-7-7, and Greenbelt 22-14-14, both offered by local tree care companies as part of their soil injection fertilization programs.

Fertilizer shall be applied between trunks and all TPZ fences.

3. **WOOD CHIPS**: Acquire a load of coarse wood chips (not bark chips or leaf chips) from a local landscape materials supplier such as Lyngso or PBS in Redwood City and lay a 4-5 inch thick layer over the area from the trunks of trees noted in the BMP chart out to the chain link tree protection zone (TPZ) fence lines. Pull chips out approximately 12 -24 horizontal inches away from the tree trunks so that moisture will not build up on the bark.
4. **IRRIGATION**: Apply supplemental irrigation water at a volume and frequency to be determined by the city arborist, over the entire area inside the TPZ fence lines of trees noted in the BMP chart. This irrigation shall be monitored by the contract city arborist and the schedule adjusted according to soil moisture readings obtained by using a Lincoln Soil Moisture Probe during regular monthly construction monitoring days. Location of soaker hoses or other irrigation supply lines shall be determined by the City Arborist.

Water application is usually best achieved by use of a black rubber soaker hose or a Netafim laser emitter line, affixed to a garden hose attached to an active hose bib at standard household water supply pressure. Other methods of achieving correct volume of supplemental irrigation are water tank truck and tow-behind water tank with spray apparatus. In some cases, site irrigation is achieved by hooking up a garden hose/soaker hose system to a neighbor's active water bib with water meter.

Typical rate of application around a single coast live oak will range from about +/- 10 - 15 hours of soaker hose or emitter line irrigation in a single day, 1x to 2x per month, during late spring, summer, and fall until the first significant rains of winter. The goal is to bring soil moisture up to 90-100% in the uppermost 24 inches of the soil profile by applying about 10 gallons of water per inch of trunk diameter per month inside the TPZ fence line. This equates to about 100-300 gallons per tree per month. Note that each method of irrigation application provides a completely different volume of water per minute.

Contractor shall verify use of irrigation water by documenting in a written journal the time and date of each irrigation event, and the approximate volume of water applied. This journal shall be available for viewing by the City Arborist in the site construction trailer.

5. **TRUNK BUFFER:** For added protection, trees noted in the BMP chart shall be supplied with a trunk buffer covering the exposed lower trunks between grade elevation and approximately 6-8 feet above grade. The buffer shall consist of 10 wraps of orange plastic snow fencing around the main trunk to the lowest lateral branches 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 with duct tape or rope (see last photo in report for example of Trunk Buffer).

IMPORTANT: Existing demolition period trunk buffers at the 2007 Bishop Road site must be removed by cutting the wires originally used to affix them to the trunks of the trees, as these wires are currently starting to girdle the trunk bark tissue on those trees. The buffers shall then be reaffixed to those trees noted in the above BMP chart using only duct tape or rope to secure the OUTSIDE ONLY to avoid future girdling of the trunks.

6. **TREE PROTECTION FENCING:**

Chain link fencing must be erected at various distances out from trunk edges of trees as noted in the BMP chart and on the oversized tree protection sheet markup. The areas between the tree trunk edge and this fence perimeter shall be known as the critical root zones or tree protection zones ("CRZ" or "TPZ").

Contractor representative shall meet with City Arborist on site to determine exact fencing locations prior to project commencement. Fencing material used for all protective fences as per above must be steel chain-link, at least six-feet in height, mounted on two-inch diameter galvanized iron posts 8-feet in length, driven a minimum of 24-inches into the ground. Posts must be mounted six-feet apart. *This fence must be erected prior to any heavy machinery traffic or construction material arrival on site.*

Compliance inspections will occur (1) at the time of fence erection (2) approximately once monthly during 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.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the TPZ/CRZ.

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

NOTES ON FENCING LOCATIONS:

- Existing chain link TPZ around trees #79, 90, and 91 should be expanded to encompass the entire canopy driplines of the trees immediately after the existing asphalt driveway is demolished. However, tree #90 is the only regulated tree in this grouping which will require fencing expansion per code.
 - Fencing around oak #115 is to be determined.
 - Fencing around trees #92 and #93 is to be determined.
7. **SILT FENCING WITH WOOD STAKES:** Install silt fencing with built-in wooden stakes (ex. Tenax, available at home improvement stores) to the outsides of all TPZ fence perimeters when noted in the BMP charts so that the silt fence is facing the construction sides of the chain link TPZ. Pound wooden stakes into the ground per package directions. Affix the upper edges of the silt fencing to the chain link TPZ using UV resistant zip ties or metal wires (see photo, end of report).
8. **COIR ROLL WITH WOOD STAKES:** Secure coir rolls to the silt fencing noted above using wooden stakes such that the base of all TPZ areas are buttressed (see photo, end of report).
9. **DESIGN ISSUES:**
- a. Trenching:
 - i. Utilities other than what will be located in the "JT" (joint trench) are not shown on the submitted plans. Applicant shall show all trenching from proposed irrigation lines, downspout drain lines, electrical conduit in the landscape, low voltage electrical routing in the landscape, area drains, utilities, French drain lines, etc. on the plans. Applicant shall route all trenched items to at least 20 horizontal feet from the trunk of any existing tree to be retained if possible.
 - ii. Joint trench shall be relocated to at least 20 linear feet out from redwood #126 trunk edge to allow for TPZ fencing erection at 16 feet out from trunk edge.

b. Grading Daylights:

- i. Applicant shall verify that no grading will encroach within 12-15 feet of the trunk edges of trees #92 and #93. Otherwise, these trees may need to be removed, and removal fees will apply per the tree disposition charts.
- ii. Grading daylight shall be moved to at least 20 horizontal feet from the trunk edge of redwood #126 to allow for TPZ fencing erection at 16 feet from trunk edge.

c. Irrigation:

- i. Trenchless: All irrigation proposed for within 20 feet of existing trees being retained shall be over grade "trenchless" type (ex. poly tubing with bubblers).
- ii. Sprinklers/Spray: All spray from overhead irrigation must be kept away from existing trees such that 15-20 feet of separation is maintained between water and oak tree trunks.

d. Planter Walls:

- i. The proposed wall around oak #115 shall be built using a floating grade beam set on piers spaced as far apart as possible to avoid undue damage to the remaining tree root system. The beam will need to be elevated over existing grade elevation with zero cut to the open soil root zone. Applicant shall verify design prior to project commencement.

e. Landscape Soil:

- i. Maximum cut/fill for landscape soil incorporations shall be 4 inches elevation change for open soil root zone areas within 15 or 20 feet of a tree to be retained.

f. Rose Garden:

- i. If possible, push the location of the proposed rose garden south to achieve greater separation between the oak #116 root system and the heavily irrigated rose area.

g. Planting Plan: It is suggested that the proposed installation of fourteen (14) 48" fruitless olive trees (ex. *Olea* 'Swan Hill') be altered such that at least five (5) of the total fourteen trees are long-lived native or western-adapted oak species such as:

- i. blue oak (*Quercus douglasii*)
- ii. valley oak (*Q. lobata*)
- iii. island live oak (*Q. tomentella*) evergreen
- iv. coast live oak (*Q. agrifolia*) evergreen (note sudden oak death susceptible)
- v. chestnut leafed oak (*Q. castaneifolia*)
- vi. water oak (*Q. nigra*) semi evergreen
- vii. California black oak (*Q. kelloggii*) (note sudden oak death susceptible)
- viii. netleaf oak (*Q. rugosa*) evergreen
- ix. *Quercus calliprinos* – smaller evergreen oak mentioned in the bible
- x. sandpaper oak (*Q. pungens*) evergreen
- xi. scrub oak (*Q. dumosa*) evergreen shrub

10. **ARBORIST INSPECTION FEE:** The applicant shall pay a tree inspection fee of **\$2,600** at the Permit Center, payable to the City of Belmont prior to permit issuance and prior to the initial tree protection inspection meeting on site to cover inspections and signoff letters by the city arborist throughout the life of the project (\$2,000 arborist fee plus 30% administration fee).

Call the contract city arborist at (650) 697-0990 to schedule the initial tree protection confirmation 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.

11. **TREE REMOVAL FEES:** Applicant shall pay fees to the Permit Center for tree removals per the Lot 3 site plan as noted in the tree disposition charts. These fees shall be routed to the Parks Department's Tree Planting and Establishment Fund.

Fee for removal of storm damaged tree #60 shall not be assessed.

Fees for trees #92 and #93 may need to be assessed if these trees will be impacted by proposed grading or other site plan elements (verify with applicant).

The fee for initial planned removal of regulated trees #81, 88, 108, 109, and 113 is **\$4,500**.

Staff may or may not also want to include an outright **\$2,000** removal fee for oak #115 to account for any future decline or death of the tree due to construction-related impacts.

As noted in my report, the applicant's planting plan far exceeds the value of trees required to be installed as mitigation for the loss of protected trees being removed. Therefore, no further plantings will be required. The author does suggest that the

proposed fruitless olive plantings be augmented with some oak plantings as noted above in 'planting plan'.

No fees are required for removal of non-regulated trees such as acacias and Monterey pines.

The author will be monitoring construction at the site, and will determine at the end of the site plan project whether further tree removal fees are required to be paid by the applicant to mitigate significant damages to the above and/or below ground portions of regulated trees. These fees would then need to be paid prior to the city arborist's final project signoff (occupancy).

12. **EMERGENCY TREE ISSUES:** Call the contract city arborist if there is a question concerning trees or tree protection at this site. (650) 697-0990.
13. **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

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

COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

- B. 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. Unless an exemption is provided by the City Council, an unused driveway shall be removed and new sidewalk, curb and gutter shall be installed along the frontage of the site, in accordance with Department of Public Works standards.

3. A residential driveway approach shall be installed in accordance with Department of Public Works approval standards.
 4. 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.
 5. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
 6. 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.
 7. Spa and fountains may be allowed to discharge to the storm drains if the applicant can demonstrate that the water has been de-chlorinated, the water is within ambient temperature, and no copper-based algae control has been added to the water.
- C. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.**
1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
 2. The property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
 4. The owner shall perform a video inspection of the sewer lateral from the house to the sewer main, submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
 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.
 - (c) 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 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.
 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 to 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 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. The owner 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 area.

15. 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.
 16. The property owner shall install, operate, and maintain in perpetuity 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.
 17. Construction activity resulting in a land disturbance of one acre or more, or less than one acre 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.screb.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.
 18. The applicant or property owner shall ensure that receptacles for recycling are provided for the property by the waste collection service provider. 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.
 19. 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.
- D. 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. The property owner shall apply for and obtain an administrative encroachment permit from the Department of Public Works (pavers in the public right-of-way).
4. 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.
5. 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.
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:
 7. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 8. 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.
 9. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
 10. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
 11. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
 12. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.

13. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
14. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
15. Limit construction access routes and stabilize designated access points.
16. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
17. 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.

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' clearance away from all structures, and a minimum clearance of ten feet from sides of access roads in hill terrain may be required with irrigation resistant construction.

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:

Damon DiDonato
Senior Planner

Date

Request for Exemption from Sidewalk Installation

I am asking one last time for the Public Works Department to consider the special circumstances related to this property and request an exception for the new sidewalk. Many Bay Area & neighboring Cities have exceptions for sidewalks, when a large upslope retaining wall is required. These exceptions allow the existing streetscape to be maintained and not to degrade it's appearance.

The following are my reasons why the City should consider a "sidewalk exception" for this project:

- 1) The property is located in the San Juan Hills, which has a "hillside" & more "rural" character.
- 2) Bishop Rd has an existing continuous sidewalk on the east side opposite the site.
- 3) Sidewalk demand from the public is substantially reduced in these low density, hillside residential neighborhoods.
- 4) The property frontage has a steep upslope averaging 6ft-10ft from the street level except for the two driveway entries.
- 5) The property frontage has well established vegetation including trees, shrubs, & plants. This existing vegetation provides excellent screening from & to the neighboring homes. In fact, if this vegetation is maintained, the three new houses will be almost invisible from the street except for the openings at the driveways.
- 6) A new sidewalk will require a 3ft-5ft retaining wall running the entire length of the property. The existing grade above this new wall will have to be cut back at a 2:1 slope to maintain stability.
- 7) A new retaining wall higher than 30" will require a guardrail to prevent children etc from falling down.
- 8) The property frontage will have a new fence for security, privacy & deer. This fence can be incorporated into to guardrail or it can be setback...which ever design it will unfortunately form an imposing barrier.
- 9) The existing natural vegetation will be devastated by the excavation & grading required for a new retaining wall. It will denude the slope, remove several large trees, damage roots of other trees etc. In fact, a redwood protected by the City Arborist will be jeopardized.
- 10) I am sure the neighbors will not appreciate their "hillside" street being converted into a more harsh "urban" environment with a 300 ft long & 3ft-5ft high retaining wall and removal of the natural vegetation.

I am very concerned that the neighbors will strongly object to this new sidewalk & retaining wall in the City's design review hearing, resulting in a delay in approval of the houses.

Response from Public Works - 2007 Bishop Road Sidewalk Exemption

Per City Ordinance Section 7-13, sidewalk is required on both sides of a roadway in the San Juan Hill Area. When the cross slope of the roadway is more than 20%, sidewalk can be eliminated on one side. The applicant has submitted a cross slope analysis based on the topography of the existing street. The result shows that the average cross slope is 20.2% (Attachment 1). However, per the City ordinance, the cross slope shall be calculated from a topographic map required for a grading plan at the time when the roadway was first constructed. Staff has reviewed the original subdivision grading plan and determined that the cross slope is gentler than 20%. Thus, sidewalk shall be required on both sides of the street.

The applicant has provided the following reasons to justify a variance for not installing sidewalk fronting their property:

Applicant *The property is located in the San Juan Hills, which has a 'hillside' and more 'rural' character.*

Staff The Belmont Country Club Properties Subdivision was built in the 70s with sidewalks fronting the majority of the properties. The area is actually well developed with single family buildings throughout.

Applicant *Bishop Road has an existing continuous sidewalk on the east side opposite the site which can provide for pedestrians access.*

Staff The requirement for sidewalk shall be based on the slope analysis as specified in City Ordinance Section 7-13. The adjacent properties easterly of the subdivision also has continuous sidewalk. The installation of sidewalks along the proposed development will close a gap for pedestrian access.

Applicant *Sidewalk demand from the public is substantially reduced in this low density hillside residential neighborhood.*

Staff The subdivision is at the westerly end of the Belmont Country Club Properties Subdivision. Staff believes that only residents in this area or people traveling to the Sugar Loaf open space will utilize this new sidewalk. The volume for pedestrian traffic is not substantial.

Applicant *The property frontage has a steep slope averaging 6' - 10' from the street level except for the two driveway entries. The property frontage has well established vegetation including trees, shrubs and plants. This existing vegetation provides excellent screening from and to the neighboring homes. In fact, if this vegetation is maintained, the three houses will be almost invisible from the street except for the openings at the driveways.*

Staff The existing vegetation will provide certain screening to the neighboring homes. However, the vegetation along the easterly half of the subdivision cannot be remained even without installing sidewalk. The over-steepened slope is at 1 ½ : 1 grade which is creating an erosion problem. Staff observed that dirt had been eroded onto the roadway and the existing slope shall be regraded to mitigate this problem. As a result, vegetation along the easterly half of the frontage will have to be removed even sidewalk is not going to be installed. Thus, the advantage to have vegetation screening the property will be substantially reduced.

Applicant A new sidewalk will require a 3' to 5' retaining wall running the entire length of the property. The existing grade above this new wall will have to cut back at a 2:1 slope to maintain stability. The existing natural vegetation will be devastated by the excavation and grading required for the new retaining wall. It will denude the slope, remove several large trees, damage roots of other trees etc. In fact, a redwood protected by the City Arborist will be jeopardized.

Staff The applicant has submitted grading plans for the two scenarios with and without the sidewalk. The difference in grading quantity is 550CY. However, as shown above, the easterly half of the property has to be regraded because of the erosion problem. Staff estimated the difference for grading required with the two scenarios shall be about 400CY. The grading plan also shows that seven trees on the westerly half of the property will be impacted if sidewalks are to be installed.

Applicant A new retaining wall higher than 30" will require a guardrail to prevent children etc. from falling down. Instead, a new fence can be installed for security, privacy and deer. This fence can be incorporated into the guardrail or it can be setback. However, this will form an imposing barrier.

Staff The applicant has the option to install a fence in place of the guardrail on the top of the retaining wall. The City Ordinance does not require a permit for installing fences 6' tall within private property. There are already existing fences installed along the south side of Bishop Road. The new fence proposed shall conform to the environmental setting in this area.

Staff is requesting the Planning Commission to evaluate the impacts for installing sidewalk and provide recommendations to the City Council whether an exception shall be granted.

ATTACHMENT III

PLANNING COMMISSION
MEETING MINUTES
OCTOBER 7, 2008

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

TUESDAY, OCTOBER 7, 2008, 7:00 PM

DRAFT

Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Mercer, Mayer, McKenzie, Reed, Frautschi

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), City Attorney Zafferano (CA), Recording Secretary Flores (RS), Senior Civil Engineer Yau (SCE)

2. AGENDA AMENDMENTS – None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of September 2, 2008

MOTION: By Commissioner Mercer, seconded by Commissioner Frautschi, to accept the Minutes of September 2, 2008, as presented.

Ayes: Mercer, Frautschi, Mayer, McKenzie, Reed, Parsons

Noes: None

Abstain: Horton

Motion passed 6/0/1

5. PUBLIC HEARINGS

5A. PUBLIC HEARING – 2007 Bishop Road

To consider a Single Family Design Review to construct a new 4,490 square-foot single-family residence on a vacant 86,254 sq. ft. lot that is below the maximum permitted 4,500 square feet for the site.

(APPL. NO. PA 2008-0075)

APN: 043-010-240; Zoned HRO-1
CEQA Status: Categorical Exemption per Section 15303, Class 3
APPLICANT: Richard Tapp
OWNER: Rancho Belmont, LLC
PROJECT PLANNER: Damon DiDonato, (650) 637-2908

SP DiDonato noted that there are two items to be reviewed: One is the single-family design review as noted in the agenda and the other is a more informal sidewalk review requesting that the Commission recommend to City Council whether an exemption should be permitted that there be no sidewalk installed along three lots of the subdivision on Bishop Road. He summarized the Staff Report and also referred to comments from Commissioner Mercer received that day indicating that she did not think that the color chosen for the walls of the structure would blend into the hillside and that the entire structure is not screened by trees from all vantage points. Pictures provided and narrated by Commissioner Mercer were reviewed. Staff recommended that revised color and landscape plans be returned to the Planning Commission for review at a later date.

Comments received from neighbors on Skymont Drive regarding drainage issues were provided. SP DiDonato added that staff had explained to the neighbors that concentrated drainage is controlled from one property to another and the applicant's civil engineer addressed the questions and the Public Works Department was satisfied with the answers. The applicant's drainage plan will be reviewed by Public Works when it is submitted and also by the City's and applicant's geotechnical engineers to insure that there will not be drainage impacts on the adjacent properties.

Another neighbor's letter concerning debris from the landscape areas had been placed on the dais. The applicant has addressed that issue and talked to that neighbor and it seems that he is satisfied with the response. Landscaping will be irrigated and will be maintained.

Staff recommended approval of the project with the recommendation that the final Landscape Plan return with lines of sight of various public vantage points.

Regarding the sidewalk issue, SP DiDonato showed photos of Bishop Road, noting that the applicant had requested that they be exempted from the sidewalk requirements, indicating that they have a cross slope on their section of the road which is greater than 20%. Public Works differed with that conclusion so the applicant requested that City Council be asked review that question after receiving a recommendation from the Commission.

Commissioner Mayer asked if a possible alternative could be to require the owner to repair and bring up to grade the sidewalk on the other side of the street instead of building a new sidewalk. CA Zafferano responded that the finding the Commission would have to make is that there is a nexus between the sidewalk that is not adjacent to the property and the proposed development.

As an aside, Commissioner Mayer commented that, prior to review of projects at future Commission meetings, Commissioners could have access to large vacant lots that are gated and chained off.

Commissioner Mercer asked for clarification of the mitigation requirements for nesting birds as referred to on page 13 in the Environmental clearance. SP DiDonato responded that it would be up to the Biologist to recommend what construction activity would be appropriate to keep nesting birds, if any, in the nest.

SCE Yau of the Public Works Department, stated the City Ordinance requires a sidewalk on both sides of the street in the San Juan area if the cross slope of the street is less than 20%, and that after looking at the subdivision maps of the original development it was determined that it was originally less than 20%. Staff also noted that 90% of the properties in the surrounding area in the subdivision already have sidewalks. In addition, the San Juan Area Plan requires the sidewalks, which is why staff has made the determination that sidewalks should be installed in this area. He added, however, that the applicant pointed out that without the sidewalk there will be less grading and loss of landscaping that provides screening of existing properties. The City Ordinance does not allow staff to make any variance or exemption based on those benefits; it has to come from the Council, which is why staff is requesting a recommendation from the Planning Commission. Responding to Commissioner Mercer's questions, SCE Yau indicated that, including a possible erosion problem, 400 cubic yards of additional grading and a 3- to 4-foot retaining wall would be required if the sidewalk were to be installed.

Commissioner Reed asked if the foot traffic warrants a sidewalk on both sides of the street. SCE Yau responded that is not a busy pedestrian area; it is at the end of the subdivision and only residents of that area and people going to the Sugar Loaf area would be using the sidewalk.

Richard Tapp, applicant and architect, addressed the Commission, making the following key points:

- The property owner regretted that she could not be at the meeting but had authorized him to speak on her behalf.
- Nesting raptors are the only birds at issue, and they mate and nest in early spring and should not be a problem during summer and fall.
- The owner will be living in the house under discussion on Lot #3 and hoped that her brother and possibly a niece would eventually build on the other two lots.
- He believed that if they do not have to denude the front slope to build a sidewalk, the neighbors on Bishop Road will not even see the house, and that the additional trees proposed in the Landscape Plan will mitigate the views from Sugar Loaf.
- No Variances are requested for location, setback, size or height.
- He passed around a photograph of a Mediterranean-style house that the owner would like to replicate and mentioned that changing the roof tile color would not be a problem.
- He described his efforts at neighborhood outreach.

Virgil Galura, with MacCloud and Associates, discussed the grading plan, noting that there will be 845 cu.ft. of cut which will all be distributed on the site. Discussion ensued regarding its placement; from 6" to 1' will be outside of the gravel path at a location specified on the drawings.

Bruce McDonald, landscape architect, stated that he will be returning with a revised Landscape Plan as stipulated in the Conditions of Approval, primarily addressing preservation of existing trees and adding additional screening in the northwest slope utilizing primarily native vegetation and Coast Live Oak.

Discussion ensued regarding the need for a second sidewalk.

Chair Parsons asked Mr. McDonald how he would deal with the sluffage that currently appears on the road. Mr. McDonald responded that he would apply an erosion control net and then interplant with native species and ground cover to provide 100% coverage in that area. He said that there is no landslide or slippage; it's just surface material. If they have to change it they will try to minimize the slope and apply native vegetation.

Responding to questions from Commissioners Frautschi and McKenzie, Mr. Tapp explained how they would treat the area if Council requires the sidewalk, and Mr. Galura stated that an additional 550 cubic yards of grading would be required which would have to be hauled away. It would affect a lot of trees, a hydrant would have to be relocated and a retaining wall would have to be pushed back. If the sidewalk is not required they do not envision any new retaining walls.

Chair Parsons opened the Public Hearing.

Resident Andrew Williams stated that he saw the proposed project as a "blessing" and an improvement for the neighborhood and the City. He noted that Marsten is only 18' wide and putting 25' back to build a wall for the last house did not make sense. He believed that the hill is fairly stable and a buffer, and trees is all the neighbors ask for; he suggested that if they leave the walls alone everybody would be satisfied.

MOTION: By Commissioner Frautschi, seconded by Commission McKenzie, to close the Public Hearing. Motion passed 7/0 by a show of hands.

Commissioners commented as follows:

Commissioner Reed:

- Concern is for the view of the knoll from all around.
- Beautiful house but would shy way from the mustard color.
- People who hike up Sugar Loaf are surrounded on all sides by homes; it is not a pristine wilderness environment, but a small hill in a suburban area.

Commissioner McKenzie:

- Concurred with Mr. Williams' comments that the project would be an asset to the neighborhood and the City of Belmont.
- Very tastefully done and well chosen for the hillside
- Not feasible to make the house invisible on the knoll and that should not be expected to happen. A home belongs there and it will benefit everyone.

Vice Chair Horton:

- Agreed that it is a very well designed home and Landscape Plan.
- By putting the house on top of the hill they don't have to cut and fill and it is a stable location.
- The house is very well sited on a large lot and an improvement of an institutional use.
- Color will look lighter on the house and is the right color for a Mediterranean house.
- The back side of the house as viewed from DeAnza in San Mateo will be attractive.

- Believed that a few more trees wouldn't hurt but she did not think the Commission should be requiring people to lose their view or to completely cloak their houses.

Commissioner Mayer:

- Did not disagree with any previous comments.
- Compared to what was there before this is a huge plus and benefit to Belmont.
- Thanked the owner for taking it seriously and exercising a great deal of care and attention to detail in making this a really outstanding development.
- Struck by the fact that the previous building was substantially the same bulk as what's going to be put there and it was not terribly visible from other areas. Does not see a visual impact, but if there is, this is a well-designed house on all sides and he saw no reason to change or modify the project.

Commissioner Frautschi:

- Asked that page 9 of the staff report be corrected to show "Belmont-San Carlos Fire Department," page 10 under the San Juan Hills Plan Area Policy 1 be changed from "Map" to "Map" and that the spelling of Bishop Road in the Resolution title be corrected.
- A well thought-out design and a Landscape Plan that enhances the design and the setting. Liked the semicircular approach of the footprint and the fact that only 820 square feet are on the second story. That and the landscape will minimize the view from the knoll.
- Liked the stone/stucco base combination, especially since it is a fire prone area, the details, the use of native plants and 57 trees, the balanced cut and fill so that there is no haul away and the 9.64 hardscape ratio.
- Concurred with the additional geological recommendations in the report and as conformance with the General Plan.
- It will be an added benefit to the neighborhood.

Commissioner Mercer:

- Agreed that if the proposed home is beautiful, a tremendous improvement to the neighborhood, that the footprint is charming and liked that they kept the grading to a minimum and will keep the fill on site.
- Regarding Finding A, she had difficulty claiming that the house is appropriate for the location. She believed that the site is not the Riviera but California Oak woodland and that surrounding properties are much more of a California ranch or craftsman style. She thought it could be made to fit if the colors were very, very toned down, suggesting wheat and brown as opposed to mustard and terracotta.
- Was pleased that they propose to replace the 20 trees that have to be removed with about 60 trees, but believed that the proposed Palm trees are more consistent with the Riviera and are off base in the California Oak woodlands. She stated that she would not want to sit on an adjacent hill and look at a grove of Palm trees on that knoll.
- Appreciated that the majority of the property is going to be left as open space, but asked that the Landscape Plan consider using an animal friendly fence that can be traversed by the animals rather than the proposed 6' fence.

Chair Parsons:

- Liked the Palm trees and suggesting that they do grow native in the area.

- Thanked the architect for a beautiful design and a great piece of architecture that will fit into the hillside.
- Concerned about landscaping and colors; the colors from the provided photograph are better than the mustard color on the drawings.
- Appreciated that they are attempting to replace the trees.
- The issue of the deer needs to be addressed in the Landscape Plan.
- Could make all the findings but asked that the Landscape Plan come back with modifications especially addressing any sluffage on the front that will affect the neighborhood and the drainage.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mayer, to adopt the Resolution approving a Single-Family Design Review for 2007 Bishop Road (Appl. No. 2008-0075), and conditions attached that call for a Landscape Plan to come back for final review, including a revised color scheme and consideration of the animal friendly fencing.

Ayes: McKenzie, Mayer, Mercer, Frautschi, Reed, Horton, Parsons

Noes: None

Motion passed 7/0

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

Discussion ensued regarding the issue of the sidewalk.

Chair Parsons referred to a similar project on San Juan Boulevard that had caused a stir several years earlier because the Commission proposed that a sidewalk be put on the opposite side of the street from the project since there was no sidewalk on the street. They thought Public Works' policy required a sidewalk but there is now no sidewalk on either side of the street in that location. He thought it would be a travesty to try to put a sidewalk on that side of the hill at the end of the street. He does not believe there is a safety issue at this site and no need for a sidewalk on both sides of the street. In his opinion, to have to do more grading does not make any sense, especially since it would require taking out some Redwoods that do not appear to be distressed, other than from the lack of rain. His recommendation to Council would be that there be no sidewalk on the side of the road in question.

Vice Chair Horton and Commissioner McKenzie agreed with Chair Parsons' comments.

SP DiDonato clarified for the Commission that the sidewalk discussion applies to all three lots.

Commissioner Reed did not believe the foot traffic warrants a sidewalk.

Commissioner Mayer also agreed but was concerned about the bad condition of the sidewalk on the other side of the street and wondered if there was some way they could tie repair of that sidewalk into this project. Chair Parsons suggested that perhaps the nexus could be that the Commission believes that there should be some sidewalk in the neighborhood on one side and perhaps the applicant could contribute to

repairing the existing sidewalk. CA Zafferano said that he and staff could look at that before this item goes to Council.

Commissioner Frautschi stated that the reasons the Commission would not want to put a sidewalk on the side of the street under discussion are follows:

- The sidewalk on the other side of the street is sufficient, though it is in bad repair.
- It would be hard for him to justify additional cut of 400 to 540 sq.ft. If they could not put the dirt on site, they would be looking at 50 truck loads going out of that neighborhood.
- The cost to the applicant just for tree removal would be \$9,500 additional.
- Could not support the possibility that the City would end up losing the wonderful stand of Redwood trees.

His recommendation was that, though the San Juan Plan is well intended, it has to be looked at logically and using common sense, and he believed it would be common sense not to put in the sidewalk. However, he would support an in-lieu fee of some kind and suggested that a permanent schedule to be set up so that applicants could pay into a fund and Public Works could use the money on sidewalk repairs.

He would like to know the final decision and how the applicant is going to treat the area before the Landscape Plan comes back to the Commission for approval, i.e., if it is not going to be a sidewalk how they plan to stabilize, what is the planned material and additional trees, etc.

Commissioner Mercer concurred and thought they would be better off without the sidewalk if the applicant stabilizes the hillside with landscaping. She raised a safety concern because pedestrians are out of sight of oncoming westbound cars because it is on a ridge. She suggested the possibility of a "sidewalk ends here – please cross" sign and perhaps the addition of a crosswalk to encourage people to cross over to the other side of the street, or possibly "no parking" on that side of the street. Because it is a blind curve she was concerned about people walking on the street. She did not want to see a sidewalk there; it would just create more problems with drainage and slippage.

Vice Chair Horton cited that other reasons for not putting in a sidewalk would be that the hydrant, light pole and other utility boxes would have to be moved.

Resident Jim Rosen addressed the Commission, stating that the sidewalk on the other side of the street is at his property but that he did not know who should repair it. He said that he had planted trees from the Sierra there that raised the sidewalk and he would appreciate someone coming out and telling him what he needs to do. Chair Parsons responded that it is his understanding that the repairs would be Mr. Rosen's responsibility. Mr. Rosen added that if a sidewalk is added people will park on it, as they do on other sidewalks in the neighborhood.

Resident Kristen Swanson-Turkey addressed the Commission just to thank them for being so efficient and thorough, and especially Commissioner Mercer for her concern about the environment.

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows: