

**MEETING OF June 2, 2009  
AGENDA ITEM NO. 6A**



Application I.D.: 2008-0006  
Application Type (s): Conditional Use Permit Amendment  
Location: Vacant Lot on Carlmont Drive  
Applicant: Moshe Dinar  
Owner: Laura Watanuki  
APN: APN: 045-023-100  
Zoning: Multi-Family Residential (R-4)  
General Plan Designation: High Density Residential (Rh)  
Environmental Determination: Mitigated Negative Declaration

**PROJECT DESCRIPTION**

The applicant requests an amendment to their Conditional Use Permit (CUP) to allow the construction of three, two-story town house apartments totaling 6,093 square feet in gross floor area on a vacant 10,421 square foot parcel located on Carlmont Drive. The current CUP identifies the units as townhome condominiums.

**RECOMMENDATION**

Staff recommends that the Planning Commission **approve** the Conditional Use Permit Amendment, subject to the conditions of approval contained in the attached draft resolution<sup>1</sup>.

**ZONING/GENERAL PLAN DESIGNATION**

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

**PRIOR ACTIONS**

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

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

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

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

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

The Planning Commission approved the project on December 16, 2008, and a Building Permit application was submitted on January 27, 2009. Plan check comments identified several outstanding items including that no Parcel Map had been submitted with the Building Permit application.

The Planning Commission approved a final landscape plan for the project on May 5, 2009.

On May 8, 2009, the applicant requested to withdraw their Parcel Map application, and rent the units as apartments. The applicant indicated that they had not prepared a final Parcel Map, did not want to pay in-lieu park fees associated with the ability to sell the units, and wanted to obtain their Building Permit and complete construction in the dry months. They noted that they did not ever intend to sell the units (they have made this statement in writing and during a public hearing), and understood that if they modified their position they would be required to pay all fees and re-start the subdivision process.

On May 12, 2009, the applicant's formerly withdrew their Parcel Map application. Finding no physical change to the project, no significant environmental impact, and nothing that could compel the applicant to file a final Parcel Map, staff accepted their withdrawal. Staff subsequently modified the conditions of project approval to reflect the Parcel Map withdrawal (i.e., landscape maintenance conditions that were required as part of the project CC&Rs were required as a restrictive covenant). The applicant agreed in writing to all of these modifications.

On May 13, 2009, the applicant was issued their Building Permit and began grading and tree removal. Staff subsequently determined that the approved CUP does not allow even minor modifications at staff level, but requires PC review and approval for any amendment or change to operations. The applicant was notified that an Amendment to their Conditional Use Permit was required, and the project was noticed for a Public Hearing accordingly.

## **SITE CONDITIONS**

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

## **PROJECT ANALYSIS**

### Project Overview

As previously discussed, the applicant received Design Review, Conditional Use Permit, Grading Plan, and Parcel Map approvals to construct three, two-story townhome condominiums on the vacant parcel in December 2008 (see attached Planning Commission report). Each unit was approved with two garage parking spaces and one uncovered parking space within the driveway in front of the garage. The removal of six trees, and approximately 500 cubic yards of grading for the construction of the buildings was also approved. A final landscape plan was approved in May of 2009.

The proposed Amendment to the Conditional Use Permit would allow the applicant to rent the units as apartments, but not sell them as condominiums. Thus, the only operational change would be that there would be one property owner for the site, and the occupants of the units would pay rent to that owner.

There would be no physical modifications proposed to the previously approved project; the site layout, exterior design, colors and materials, floor plans, parking, circulation, density, intensity of land use, construction methods, energy efficiency standards, tree removal, open space per unit, lot coverage, lot area per unit, hardscape, grading, noise, drainage, floor area ratio, lighting, setbacks, height, and landscaping would be the same.

There would be a very minor increase in trip generation due to the difference between condominiums and apartments. The trip generation rate for apartments is 6.6 trips per unit, and the rate for condominiums is 5.9 trips per unit. Trip generation is expressed as Average Daily Trips, or ADT. The trip generation for the project amendment would be 20 ADT, while the previously approved project would be 18 ADT. However, this modification would be insignificant in terms of vehicle emissions and overall traffic. The difference in vehicle trips represents less than 1/10<sup>th</sup> of 1% the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines significance threshold for vehicle emissions of criteria pollutants. In addition, the Public Works Director (City Traffic Engineer) has previously reviewed the project and determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service, at the maximum potential density (seven units) of condominiums (41 ADT) or apartments (46 ADT).

## GENERAL PLAN CONFORMANCE

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

### Goals

*1015.1. Assure that Belmont will be a balanced community with residences, schools, businesses, industry and space and facilities for social, recreational and cultural activities in keeping with the present character of the City.*

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

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

*1015.4. Maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.*

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

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

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

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

**Analysis:** The Flood Insurance Rate Map (FIRM Panel Number 0650160005B) for the City of Belmont shows the Project Site within an area designated as Flood Hazard Zone C by the Federal Emergency Management Agency, which is not within a 100 year flood zone. The project would be

required to conform to the latest Uniform Building Code construction requirements. The project would also comply with the latest geotechnical construction standards as required by the Uniform Building Code and the geotechnical studies prepared for the project and peer reviewed by the City geologist for the project.

### Policies

*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.*

### **Analysis:**

#### *Intensity of Land Use*

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

#### *Traffic*

The three dwelling units associated with the project would not increase traffic significantly (20 Average Daily Trips), and would reduce the traffic anticipated for the site under full build-out in the City of Belmont General Plan, which anticipated seven dwelling units. The Director of Public Works (City Traffic Engineer) has also determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service.

#### *Parking/Circulation*

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

### *Water Conservation/Quality*

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

### *Air Quality/Safety/Utilities*

The project would be required to meet regional water and air quality requirements. In addition, staff has included conditions of project approval that would require expanded dust control measures, and the suspension of grading and the operation of equipment on "Spare the Air" days. The project would also be required to meet current Uniform Building Code and Fire codes which regulate new construction to address protection from natural hazards. All utility providers have been contacted and will provide service to the new residential units.

### *Noise Impacts*

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

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

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

**Analysis:** The project has been designed to meet the above the development standards; such standards are also addressed as conditions of project approval. All utility services will be provided to the site. The Belmont Police Department and the Belmont-San Carlos Fire Department have reviewed the project and with their identified conditions of approval there are adequate emergency services for the project. The project does not entail significant grading and is proposed on slopes of less than 30 percent. Impervious surfaces would be 46 percent of the site area. A geotechnical report is proposed as part of the project. The City's geotechnical consultant has peer reviewed the report and found that it adequately addresses the conditions on the site. Adherence to erosion control and air quality measures would be required and incorporated for the project as standard conditions of

approval and as noted in this document. As proposed and conditioned, safe site access would be provided to the site, and traffic resulting from three additional dwelling units would not significantly impact traffic in the surrounding neighborhood.

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

**Analysis:** The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide housing at a medium range density in relative proximity to urban amenities.

*2007.5 In high density residential areas the dominant dwelling unit types should be detached or commonwall. All dwelling units shall have usable private outdoor space. For commonwall developments, common areas for parking and active recreation should be provided.*

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

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

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

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

project are standard project conditions of approval.

### **ZONING CONFORMANCE**

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

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

Based upon the findings of an Initial Study (IS), the Planning Commission adopted a Mitigated Negative Declaration (MND) for the previously approved project (townhouse condominiums) in December of 2008. As previously discussed, the revised project (apartment units) would have no physical effect on the project site, and no significant environmental impact in terms of vehicle emissions and overall traffic. As such, the Amendment to a Conditional Use Permit to allow the construction of apartment units where condominium units were approved would be exempt from CEQA, pursuant to Section 15061 (b)(3), which exempts activity covered by the General Rule: CEQA only applies to projects which have the potential for causing a significant effect on the environment.

## CONDITIONAL USE PERMIT

New multi-family development is a conditionally permitted use within the subject project site's R-4 (Multi-family Residential) zone. The applicant requests an amendment to their Conditional Use Permit (CUP) to allow the construction of three, two-story town house apartments. The current CUP identifies the units as townhome condominiums. The Commission may grant the amendment to the previously approved Conditional Use Permit subject to the following findings:

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

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

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

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

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

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

There would be no physical modifications proposed to the previously approved project. As discussed earlier, the site layout, exterior design, colors and materials, floor plans, parking, circulation, density, intensity of land use, construction methods, energy efficiency standards, tree removal, open space per unit, lot coverage, lot area per unit, hardscape, grading, noise, drainage, floor area ratio, lighting, setbacks, height, and landscaping development standards would be unchanged.

There would be a very minor increase in trip generation due to the difference between condominiums and apartments. The trip generation rate for apartments is 6.6 trips per unit, and the rate for condominiums is 5.9 trips per unit. Trip generation is expressed as Average Daily Trips, or ADT. The trip generation for the project amendment would be 20 ADT, while the previously approved project would be 18 ADT. However, this modification would be insignificant in terms of vehicle emissions and overall traffic. The difference in vehicle trips represents less than 1/10<sup>th</sup> of 1% the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines significance threshold for vehicle emissions of criteria pollutants. In addition, the Public Works Director (City Traffic Engineer) has previously reviewed the project and determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service, at the maximum potential density (seven units) of condominiums (41 ADT) or apartments (46 ADT). This finding can be made in the affirmative.

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

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

## **VI. CONCLUSION AND RECOMMENDATION**

Based on the foregoing analysis, staff recommends the Planning Commission **Approve** the Conditional Use Permit Amendment.

## **VII. ACTION ALTERNATIVES**

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

## **VIII. ATTACHMENTS**

- I. 500 foot radius map of project site (incorporated as Page 2 of report)
- II. Resolution Approving the Conditional Use Permit Amendment
- III. Conditions of Approval
- IV. Planning Commission Staff report, dated December 16, 2008 (Commission only)
- V. Planning Commission Meeting Minutes, dated December 16, 2008

Respectfully submitted,

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Damon DiDonato  
Senior Planner

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Carlos de Melo  
Community Development Director

CC: Applicant

RESOLUTION NO. 2009-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE  
CONSTRUCTION OF THREE, TWO-STORY TOWN HOUSE APARTMENTS ON A  
VACANT 10,421 SQUARE FOOT PARCEL (APN: 045-023-100) LOCATED ON  
CARLMONT DRIVE (APPL. NO. 2008-0006)

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

WHEREAS, Laura Watanuki, owner, seeks approval of an Amendment to a Conditional Use Permit to allow the construction of three, two-story town house apartments, where townhome condominiums were previously approved, located on a vacant 10,421 square foot parcel (APN: 045-023-100) located on Carlmont Drive; and

WHEREAS, on June 2, 2009, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on the aforementioned requested entitlements; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated June 2, 2009, and the facts contained therein as its own findings of facts; 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 15061 (b)(3); and,

WHEREAS, the Planning Commission has considered the applicant's request for an Conditional Use Permit Amendment to allow the construction of three, two-story town house apartments, and finds that it meets required findings as set forth in Section 11.5.1 of the Zoning Ordinance as follows:

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

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

- 2) *The site is of sufficient size to accommodate the proposed use together with all yards, open*

*spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.*

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

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

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

There would be no physical modifications proposed to the previously approved project. As discussed earlier, the site layout, exterior design, colors and materials, floor plans, parking, circulation, density, intensity of land use, construction methods, energy efficiency standards, tree removal, open space per unit, lot coverage, lot area per unit, hardscape, grading, noise, drainage, floor area ratio, lighting, setbacks, height, and landscaping development standards would be unchanged.

There would be a very minor increase in trip generation due to the difference between condominiums and apartments. The trip generation rate for apartments is 6.6 trips per unit, and the rate for condominiums is 5.9 trips per unit. Trip generation is expressed as Average Daily Trips, or ADT. The trip generation for the project amendment would be 20 ADT, while the previously approved project would be 18 ADT. However, this modification would be insignificant in terms of vehicle emissions and overall traffic. The difference in vehicle trips represents less than 1/10<sup>th</sup> of 1% the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines significance threshold for vehicle emissions of criteria pollutants. In addition, the Public Works Director (City Traffic Engineer) has previously reviewed the project and determined that the development would not result in significant impacts to surrounding intersections, nor result in a decrease in level-of-service, at the maximum potential density (seven units) of condominiums (41 ADT) or apartments (46 ADT). This finding is affirmed.

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

The surrounding area includes high density residential apartment building to the north, south and west, and a convalescent home to the east. The project would provide apartment housing at a medium range density in relative proximity to urban amenities. In addition, any structure built would be constructed to meet all current and applicable Uniform Building Codes and safety codes which would minimize risk to the maximum extent possible. Lastly,

Resolution: Project No.: 2008-0006  
Conditional Use Permit Amendment  
June 2, 2009

approval of the project would not adversely impact surrounding properties, because the proposed units would be compatible with the other surrounding multi-family uses in the area. This finding is affirmed.

WHEREAS, the Planning Commission conducted a duly noticed public meeting to consider the application for a Conditional Use Permit Amendment on June 2, 2009, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Conditional Use Permit Amendment, subject to the conditions attached as Exhibit "A".

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on June 2, 2009 by the following vote:

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

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

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

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

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

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

## EXHIBIT "A"

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

#### I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

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

#### Planning Division

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

Conditions of Approval – PA2008-0006

Vacant Lot on Carlmont Drive

June 2, 2009

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

7. All retaining walls in the front and side yards that are visible from the public right-of-way shall comply with Section 9-47 of the Belmont Municipal Code.
8. The lighting associated with the residential units shall be the minimum required for safety. The use of up-lighting and/or flood lighting is prohibited. All project lighting shall be shielded downward and so as not to produce undue glare off-site.
9. Pursuant to Mitigation Measures III.d.1 to III.d.7, the following dust control measures are required in addition to the standard dust control requirements:
  - a) A dust control coordinator shall be designated for the project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly, and shall have the authority to take corrective action.
  - b) The project sponsor shall be responsible to notify adjacent property owners no less than ten (10) calendar days prior to the start of grading, trenching and or tree removal for the project. The Community Development Department of the City of Belmont, and the project planner shall also be notified.
  - c) All active construction areas shall be watered at least twice daily, and shall be maintained in a moist condition (as moist as possible) while still allowing grading to occur. A water truck or equivalent method shall be in place prior to commencing grading operations, and shall be on site at all times when grading or trenching occurs.
  - d) All equipment shall be shut down (engines turned off) when not in use, or warming up prior to operation.
  - e) Grading and running of gasoline and/or diesel powered equipment shall not occur on designated “spare the air days.”
  - f) Excavation and grading activity shall be suspended when wind gusts exceed 15 miles per hour.
  - g) The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
10. Prior to final Planning Inspection a restrictive covenant shall be submitted for review and approval of the Community Development Director, in consultation with the Director of Public Works, and the City Attorney. Said covenant shall include parking restrictions that preclude vehicles from blocking driveway and turnaround areas for the units (i.e., restricts the parking of extra large vehicles in excess of eighteen feet in length in driveways and parking in designated

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travel ways). Pursuant to the air quality analysis in the adopted Mitigated Negative Declaration, the covenant shall also include a prohibition on gas powered leaf blowers and landscaping equipment. The covenant shall be recorded by the San Mateo County Recorder at the time of recordation of the Final Parcel Map.

11. In order to minimize energy use for the project, the installation of energy star appliances, ventilation fans, water heaters, and furnaces, and insulation of hot water pipes is required.
12. Pursuant to Mitigation Measures IV.a.b.1, construction activities, including but not limited to vegetation and tree removal, grading, trenching and building shall be scheduled to take place outside of the nesting season (February 1 to August 31) to avoid impacts to nesting birds. Every attempt shall be made to protect trees and nests that contain raptor nests.

If tree removal is unavoidable during the nesting season, a qualified biologist shall conduct a survey for nesting raptors and other birds within five days prior to the start of any construction activities (as defined above). Construction activities may take place as scheduled if active nests are not present. Another nest survey shall be conducted if more than five days elapse between the initial nest search and the beginning of construction activities. A Biologist shall determine the appropriate buffer to be established around the nest if any active nests are detected. The consulting biologist shall prepare a report and qualifications for review and approval by the Community Development Director, prior to any planned site disturbances.

13. The applicant shall pay tree removal fees for three protected trees on site in accordance with the City's Master Fee Schedule, in affect at the time of the tree's removal. In addition, a mitigation replacement of a 3:1 ratio using 24-inch box size native Oaks or nine trees shall be planted on site.
14. Pursuant to Mitigation Measures V.b, V.c & V.d.1 to V.b, V.c & V.d.4, the following is required:
  - a. Prior to building permit submittal, a qualified archeologist shall conduct further archival and field study of the site to identify cultural resources. Said study may include, but not be limited to: pedestrian survey, auguring, and monitoring construction activities.
  - b. If archeological or cultural resources are discovered during construction activities, all construction activity shall stop until the resource can be evaluated by a qualified archaeologist and a determination can be made of the resource's significance and need/method for its recovery.
  - c. If human remains are discovered during excavation or site preparation the applicant shall stop work immediately and contact the San Mateo County Coroner. After being notified by the person responsible for the excavation, the Coroner shall examine the remains. If the remains are Native American, the Coroner has 24 hours after the examination to notify the Native American Heritage Commission.
  - d. Prior to issuance of building permits, the applicant shall ensure that construction crews have proper training for the discovery, handling and retention methods for archeological and/or cultural resources found at the project site. Project personnel should not collect cultural

resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.

15. The following geotechnical conditions of approval are required:

- a. Geotechnical Plan Review. The Project Geotechnical Consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, retaining walls and driveway) to ensure that their recommendations have been properly incorporated.
- b. The results of the plan reviews shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval by the City Engineer prior to acceptance of documents for building permit plan-check.
- c. Geotechnical Field Inspection. The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspection shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel concrete. The consultant shall verify that fill materials placed on sloping ground are properly keyed and benched into supportive materials, as necessary.
- d. The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval prior to final (granting of occupancy) project approval.

16. The Following best management practices (BMPs) shall be followed for the project:

- a. Parking lot, driveway, walkways, terrace and patio areas shall use permeable pavements. Typical pervious pavements include pervious concrete, porous asphalt, turf block, brick pavers, natural stone pavers, concrete unit pavers, crushed aggregate (gravel), cobbles and wood mulch.
- b. Parking lots shall include concave medians with biofilters (grassy swales), and landscaped infiltration/detention basins as feasible.
- c. Landscape design shall incorporate biofilters, infiltration and retention/detention basins into the site plan as feasible.
- d. Outdoor work areas including garbage, recycling, maintenance, storage, and loading, applicable storm water controls include siting or set back from drainage paths and water ways, provision of roofing and curbs or berms to prevent run on and run off. If the area has the potential to generate contaminated run off, structural treatment controls for contaminant removal (such as debris screens or filters) shall be incorporated into the design.

17. The project shall comply with the City of Belmont Noise Ordinance. In addition, pursuant to Mitigation Measure XI.a.1., the following is required in order to minimize the potential annoyance from construction noise at nearby noise-sensitive receptors:

- a. *Neighbors located adjacent to the project site (i.e., the residential buildings to the north and*

- south) shall be notified in writing of the construction schedule.*
- b. Power construction equipment shall be turned off when not in use.*
- c. All stationary noise-generating construction equipment, such as air compressors, shall be located as far a practical from existing nearby homes and offices.*
- d. A construction disturbance coordinator shall be designated for the site. A coordinator approved by the City shall be hired by the project sponsor and perform on an on-call basis paid for by the project sponsor. The coordinator shall be responsible for receiving and acting on complaints about construction noise when activities are occurring. The coordinator shall determine the cause and implement remedial measures as necessary to alleviate significant noise problems. The telephone number of the coordinator shall be clearly posted on a sign at each construction site entrance.*
- e. Prior to the issuance of a building permit, an acoustical consultant shall provide a recommendation for a noise barrier along the eastern property line, adjacent to the convalescent home. This barrier shall be capable of providing a noticeable 8 to 12 dBA of noise reduction for ground level residences and outdoor use areas when construction activities occur at ground level. Since it would be temporary, plywood or barium loaded vinyl sheeting would be acceptable materials for the surface of the wall. The noise barrier shall be installed and inspected prior to tree removal or grading on the site, and shall remain in place until construction of the buildings is completed.
18. Prior to issuance of building permits, the project plans (civil plan, site plan, landscape plan) shall be revised to reflect Units A moved towards the rear of the site by two feet. Said plans shall be reviewed and approved by the Department of Public Works, and the Community Development Director, prior to issuance of permits.
19. A final landscape plan shall be reviewed and approved by the Planning Commission, prior to issuance of a Building Permit. Said plan shall include trees within the “bulbed out” planting areas adjacent to the driveway entrance and at the left (northwest) corner of the project site. The trees within the bulbed out planters shall be capable of growing tall enough to assist in screening the bulk of the townhomes, while still allowing an adequate view of traffic on Carlmont Drive for vehicles exiting from the site. A widened landscape strip along the property frontage shall also be provided, as feasible.
- 20. Prior to issuance of Building Permit, the applicant shall submit a revised landscape plan for review and approval of the Community Development Director in consultation with the Department of Public Works. Said plan shall reflect direct access to sidewalk areas from the front doors of the condominiums, and an eastern extension of the bulbed-out planting areas to the maximum extent feasible.*
21. Prior to final Planning/Building inspections, a field inspection by the City Traffic Engineer (or city consulting traffic engineer) of the trees within the bulbed-out area shall be completed to ensure that adequate view of traffic on Carlmont Drive for vehicles exiting from the site will be provided.

22. Prior to final building permit inspection a restrictive covenant shall be submitted for review and approval of the Community Development Director, in consultation with the Director of Public Works, and the City Attorney. Said covenant shall include requirements that: a) all vegetation along the front of the project site and within the bulbed-out areas shall be maintained to allow for adequate sight distance for vehicles exiting from the property; and b) all landscaping shall be well maintained in good health and clear of debris for the life of the project, with replacement of dead or dying plants with similar species and size of plantings as deemed necessary by the Community Development Director for the City of Belmont.

Building Division

- A. *The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.*
1. Plans shall conform to approved project plans, and all of the requirements of the California Building Code with respect to construction of the subject occupancy classification.
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
1. Obtain all required permits.
  2. The construction activities shall comply with the City Noise Ordinance, and the applicant shall post hours of operation and phone numbers for noise complaints, on site, in a location that is visible from Carlmont Drive.
  3. Provide a list of construction and demolition recycling service providers.
  4. Require contractors and subcontractors to make good faith effort to contact construction and demolition recycling providers.
  5. Notify all contractors and subcontractors of Belmont expectations of maximizing diversion of solid waste.
  6. Investigate opportunities for salvaging material for reuse.
  7. The building permit plans shall show all transformers, fire standpipes and backflow preventers.

8. Pursuant to the *California Building Code, section 704.3 Buildings on the same lot*, “For the purposes of determining the required wall and opening protection and roof covering requirements, buildings on the same lot shall be assumed to have any imaginary line between them. The consequence of this applicable code section is where the buildings are within 5 feet of the imaginary line, one-hour fire resistant construction is required for the exterior walls and roof, and all openings will be protected.

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

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

1. The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system.
2. The owner/applicant shall pay planned drainage fees in accordance with City ordinances.
3. Roof leaders and site drainage shall be directed to the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
4. New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
5. *A residential driveway approach shall be installed in accordance with Department of Public Works approved standards, and the driveway bulb-out layout that was reviewed and approved by the Director of Public Works.*
6. *The applicant shall submit a statement from soils engineer and civil engineer that the dissipaters designed are sufficient to handle the water without discharging to the neighboring properties based on the soil conditions. Submit analysis, if required.*
7. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
8. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).

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

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1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
2. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
3. Construction activity resulting in a land disturbance of 10,000 SF or more, or less than 10,000 SF but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.
4. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
5. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.
  - a. The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
  - b. All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
  - c. During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
  - d. Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
  - e. Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
6. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The

application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.

7. The proposed development may add or replace the impervious surface area of the property. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.
8. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
9. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
10. Sanitary sewer shall include a back flow prevention device.
11. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.
12. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
  - a. A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
  - b. Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
  - c. Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
  - d. Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
  - e. Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
  - f. Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
  - g. Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and

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disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.

13. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (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.
14. The property owner shall install, operate, and maintain all permanent stormwater quality protection measures included in the approved project plan using qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Records must be provided to the Department of Public Works, on an annual basis, on or before June 30 of each year.
15. The developer shall provide to the first residents/occupants/tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices.
16. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
17. The phrase “No Dumping-Drains to Bay” or equal phrase shall be labeled on new storm drain inlets by stenciling, branding, plaque or casting.
18. All on-site drain facilities must be inspected twice a year and cleaned immediately prior to the rainy season (prior to October 15) and once again during the rainy season. Results of inspection and cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
19. Payment shall be made for all City inspection and plan check charges associated with the installation of public and private improvements including, but not limited to, streets, sanitary sewers, storm drains and street lights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess its costs. A refund or additional charge will be made at the conclusion of construction.
20. All utilities including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
21. Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.
22. The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the units.
23. The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.
24. The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.

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25. The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site and off-site drainage facilities such as catch basins and storm drain pipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
  26. The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased sewer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
  27. The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
  28. Applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, such as by adding them to the regular recycle stream for on-site pick up by BFI or by returning them for redemption.
  29. 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.
  30. Location of monument signs must be determined by a licensed engineer who will certify that line of sight will not be blocked and there is sufficient sight distance at the intersection. Engineer shall provide analysis to the City for review.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
  2. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
  3. All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year’s Day, President’s Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
  4. "As-built" drawings for any public improvement including streets, sewers, etc. shall be submitted to the City in AutoCAD on CD ROM.

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5. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.
6. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:
  - a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
  - c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
  - d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
  - e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
  - f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
  - g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
  - h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
  - i. Limit construction access routes and stabilize designated access points.
  - j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
7. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

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

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

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

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT

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

Certification of Approved Final Conditions:

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

\_\_\_\_\_  
Date