

Property Owners' Guide: Frequently Asked Questions (FAQs)

Prior to performing construction work on your property frontage, driveway, or sidewalk, it is important to know what permits are required. Performing work in compliance with the City of Belmont Municipal Code in addition to City policy ensures that improvements meet City standards for long-term maintenance, are up to code, and safe for the community.

1. *What is my responsibility as a property owner?*

Per [Belmont Municipal Code, Chapter 22, Article VI, Section 22-81](#), the owner of a lot fronting on or adjacent to a public street must maintain any sidewalk in good repair and condition. The Belmont Municipal Code defines sidewalk as “area that includes the sidewalk, any park or parking strip maintained in the area between the property line and the street line, and the curbing, gutter, driveway, bulkheads, retaining walls or other works for the protection of any sidewalk or of any park or parking strip.”

In addition, property owners are responsible for the installation and maintenance of sidewalks in accordance with the [City of Belmont Sidewalk Policy](#).

2. *I want to replace my driveway. Do I need a permit?*

Although the City of Belmont does not require a permit for flatwork, specifically driveways on private property per the California Residential Building Code (CRC, R105.2, #5), all construction performed in the public right-of-way does require a [Temporary Encroachment Permit](#) from the Public Works Department which includes sidewalks, driveway approaches, curb and gutter, retaining walls, fences, and parking pads. In Belmont, most driveway approaches and sidewalks are not on private property, but rather are within the City Right-of-Way.

In addition, a [Permanent Encroachment Permit](#) is required for construction of a retaining wall, stairway, fence or any similar structure within the public right-of-way, which, if over 4 feet, would require a building permit. City Council approval is also required.

Construction work being performed to property frontage, specifically repairs to **existing** frontage with City approved material is permissible. However, a [Temporary Encroachment Permit](#) and/or [Permanent Encroachment Permit](#) is required for **improvements** to property frontage, including new additions, landscaping, new driveways, or any other requirements that trigger an upgrade to the frontage.

The required [Temporary Encroachment Permit](#) and/or [Permanent Encroachment Permit](#) must be processed and approved prior to construction work being performed on the public right-of-way.

In addition, a [City of Belmont Business License](#) is required for contractors performing work within the City.

3. *Can I use pavers or other similar materials for driveway construction?*

Per the [City's Standard Details](#) and [Belmont Municipal Code, Chapter 7, Article III, Section 7-16](#), driveways or vehicle ramps on private property shall conform to the following:

- (1) The first five feet of right-of-way measured from the back of curb towards the property line including the driveway approach shall be concrete cement. The remainder of the driveway surface may be concrete cement, asphaltic concrete, or other city approved material.
- (2) Shall have a grade up or down not exceeding 18%, except that the building official may authorize a 20% grade where, in the discretion of the building official, topography makes 18% impracticable.
- (3) A plan and profile of the driveway shall be submitted to the building department for approval, and inspection is required before paving.

4. *My neighbor has pavers or other construction material in the public right-of-way which, can I do the same?*

No. As of July 1, 2017, the [City of Belmont Sidewalk Policy](#) was adopted by the City Council, the first five feet of right-of-way measured from the back of curb towards the property line including the driveway approach shall be concrete cement ([Belmont Municipal Code, Chapter 7, Article III, Section 7-16](#)).

If you have further questions regarding construction work being performed in the public right-of-way, please contact the City of Belmont Public Works Department at pworks@belmont.gov or (650) 595-7425.

Permitted Driveway Approach or “Apron”



Unpermitted Driveway Approach - Pavers Encroaching on Public Right-of-Way

