

## SECTION 13 - DESIGN REVIEW

- 13.1 PURPOSE - The purpose of this section is to preserve the natural beauty of the City and the natural cover of trees and shrubs, and avoid excessive and unsightly grading of hillsides and ensure that new uses and structures will enhance their sites and be harmonious with improvements in the surrounding area. Plans for all new uses and structures shall be reviewed by the Planning Commission. All single family and duplex residential dwellings shall be subject to Section 13A (Single Family Design Review).<sup>1</sup>
- 13.2 PLANS TO BE APPROVED - No building permit for a new structure, exterior alteration or enlargement, including exterior remodeling or repainting which is different from the design or colors which have been previously approved by the Planning Commission, and no certificate of occupancy for a new use with alterations or enlargement of an existing use, shall be issued unless the site plan, the architectural elevations, color palette, and the landscape plan have been approved by the Commission as provided for herein. Single family and duplex residential dwellings are exempt from this Section, but shall be subject to Section 13A.<sup>2</sup>
- 13.3 PLANS TO BE SUBMITTED - The owner of the site, an authorized agent, or the master developer shall submit the following plans and drawings to the Zoning Administrator prior to application for a building permit, provided however that permits issued to the master developer or lawful possession of the subject property is transferred to the master developer, or is a master developer authorized by the owner to implement the master development plan, and the Redevelopment Agency approves a master development plan.<sup>3</sup>
- (a) An accurate scale drawing of the site showing the contours at intervals of not more than five (5) feet, the locations of existing trees and other natural features and the locations of existing uses, structures and other improvements, including driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences and walls. The drawing also shall show the locations of streets and other rights-of-way adjoining properties within 50 feet of the site.
  - (b) A site plan, drawn to scale, showing the proposed layout of structures and other improvements include driveways, pedestrian walks, off-street parking and off-street loading areas, locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, loading berth, and areas for turning and maneuvering vehicles.
  - (c) Architectural drawings or sketches drawn to scale showing all elevations of the proposed structure as they will appear upon completion.
  - (d) A landscape plan showing the location of existing trees and other natural features proposed to be retained on the site, the location and design of landscaped areas and the varieties of plant materials to be planted therein and all other landscape features.
- 13.3.2 LANDSCAPING REQUIREMENTS IN THE "C" AND "M" DISTRICTS – A minimum of ten (10) percent of the gross site area shall be devoted to landscape design features. Required landscape design features shall consist of the following:<sup>4</sup>

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<sup>1</sup> Amended by Ord. 717, 3/13/84; Ord. 877, 2/22/94; Ord. 940, 2/26/99; Ord. 996, 2/24/04

<sup>2</sup> Amended by Ord. 543, 6/24/74; Ord. 996, 2/24/04

<sup>3</sup> Amended by Ord. 641, 1/22/79; Ord. 717, 3/13/84

<sup>4</sup> Amended by Ord. 641, 1/22/79

Plantings of live plant materials, large-scale sculptures, fountains and similar urban art related to building design, specially designed plazas, courtyards, sitting areas and walkways.

13.3.3 GENERAL REQUIREMENTS FOR LANDSCAPE PLANS - Any landscape plan is to provide the name and size of existing trees, their condition and disposition and shrubbery, and the common and botanical name and features other than live plant materials that are proposed, a complete description of materials, designs and colors shall be provided. Each applicant shall be responsible for the replacement of all diseased or dead plant materials where the installation of such plant material was provided for in the application. All landscape design features both existing to remain and proposed shall be maintained in a viable and operable condition. The intent and purpose of this Section is to ensure that all new plantings of live plant material shall be sufficient and properly irrigated and that trees to be retained are protected from damage and injury during construction periods.

- (1) All landscaped areas including, but not limited to, lawns, shrub areas, ground cover areas, tree wells and raised or on grade planters shall be equipped with a complete underground irrigation system.
  - (a) The system shall be operated by an automatic time clock when the number of sprinkler control valves is five (5) or more.
  - (b) When the landscaped areas are small or of such design as to warrant, in the judgment of the Park Superintendent the irrigation of all or some planting areas may be accomplished by quick coupler valves and/or hose bibs.<sup>5</sup>
- (2) Adequate and appropriate irrigation construction plans, and specifications shall be submitted as part of the application unless the project is found to be small in scope and can be adequately described in written form to the satisfaction of the Park Superintendent.
- (3) Continuing Maintenance:
  - (a) Every landscape plan approved by the Planning Commission includes a condition that the property owners at their expense shall maintain the landscaping, parking areas and fencing and other elements in landscaping areas to the satisfaction of the Planning Commission.
  - (b) The Planning Commission may waive this condition for projects, which in the opinion of the Planning Commission, do not warrant it.
  - (c) Breach by the property owner of the obligation to maintain shall be deemed a public nuisance.
- (4) All Landscape Plans shall be prepared by a Landscape Architect licensed by the State of California except for total landscaped areas of not more than 500 square feet.<sup>6</sup>
- (5) Trees to be retained shall be protected against injury during periods of construction. Tree protection methods as outlined in "Protecting Trees Against Damage from

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<sup>5</sup> Amended by Ord. 717, 3/13/84

<sup>6</sup> Amended by Ord. 717, 3/13/84

Construction Work," shall be followed. City of Belmont standard drawings 147, 148, 148A and 149.<sup>7</sup>

13.3.4 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS – DELETED

13.4 REFERRAL TO COMMISSION - The Zoning Administrator shall refer the plans and drawings to the Planning Commission.<sup>8</sup>

13.4.1 Provided that when any additions and/or changes would affect existing traffic conditions surrounding a proposed site the Zoning Administrator shall, prior to referral of plans to the Planning Commission, submit said plans and drawings to the Chief of Police, the City Engineer and the City Planner of the City of Belmont, for review. Said City staff members shall review said plan (the effect on traffic safety of the proposed site additions/changes) with consideration of the following:<sup>9</sup>

- (a) The effect of the site development plan on traffic conditions of abutting streets.
- (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exit driveways and walkways.
- (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
- (d) The location, arrangement and dimensions of truck loading and unloading facilities.
- (e) The circulation patterns within the boundaries of the development.
- (f) The surfacing and lighting of off-street parking facilities. Where any aforementioned staff member finds the proposed additions/changes will adversely affect traffic safety, a written report shall be submitted setting forth the reasons for such finding to the Planning Commission.

Where any aforementioned staff member finds traffic safety will not be adversely affected, they shall indicate this to the Planning Commission.

13.5 ADMINISTRATIVE APPROVALS:<sup>10</sup>

- (a) The Planning Commission may pre-approve color combinations for use on signs and awnings and repainting of existing buildings.
- (b) The Director of Planning may administratively approve the use of the pre-approved colors provided that the Director of Planning finds that the colors are 1) compatible with buildings on adjacent properties; and 2) consistent with the applicable design guidelines of the City of Belmont. In addition, the Director of Planning may administratively approve replacement, relocation, and/or additional windows, doors, awnings and minor modifications not adding floor area, provided that the application is consistent with Section 13.5.3.

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<sup>7</sup> Amended by Ord. 717, 3/13/84

<sup>8</sup> Amended by Ord. 717, 3/13/84

<sup>9</sup> Amended by Ord. 457, 12/14/70; and by Ord. 717, 3/13/84

<sup>10</sup> Added by Ord. 839, 4/10/92; Amended by Ord. 885, 9/8/94; Ord. 1005, 2/24/05; Ord. 1071, 5/14/13

- (c) Notice of the administrative approval and the opportunity to file a written appeal shall be sent to the City Council, Planning Commission, and the applicant and adjacent property owners via U.S. mail. Notice to the Council and Commission may be provided by e-mail.
- (d) Applications which are not found to meet these criteria and principles shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

13.5.1 DELETED<sup>11</sup>

13.5.2 DUTIES AND RESPONSIBILITIES OF BOARD – DELETED<sup>12</sup>

13.5.3 PRINCIPLES TO BE FOLLOWED:

Areas of aesthetic and site plan consideration shall include, but not necessarily be limited to, the following:

- (a) Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.
- (b) Review of proposed exterior color and material application with relationship to adjacent architectural or natural elements. The intent with respect to review of color is to avoid the use of extreme color.
- (c) Review of proposed location, height and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other surfacing to prevent dust erosion.
- (d) Review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance and harmony with the environment. The intent with respect to review of color is to avoid the use of extreme color.
- (e) Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.
- (f) Review of the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.
- (g) Review of site landscaping including adequacy of irrigation plans, size and location of plant materials, and protection of existing plant materials.

13.6 ACTION OF COMMISSION - The Commission shall approve, conditionally approve or disapprove the site plan, the architectural elevations and the landscape plan or shall request the owner to revise them.

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<sup>11</sup> Deleted by Ord. 717, 4/13/84

<sup>12</sup> Deleted by Ord. 717, 4/13/84

- 13.7 LAPSE OF DESIGN REVIEW APPROVALS AND EXTENSION OF TIME - A design review approval shall lapse and shall become null and void one year following the date on which it became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or a certificate of occupancy is issued by the Building Official for the site which was the subject of the design review approval. Extension of time shall be governed by Section 10.5.<sup>13</sup>
- 13.8 The Zoning Administrator shall be custodian of records of the Planning Commission.

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<sup>13</sup> Amended by Ord. 906, 7/11/96