

**CITY OF BELMONT
MEMORANDUM**



TO: Planning Commission

FROM: Damon DiDonato, Senior Planner

VIA: Carlos de Melo, Community Development Director

SUBJECT: October 18, 2011 Planning Commission Meeting – Agenda Item 6A
Study Session - Residential Design Guidelines

Summary

On March 15, 2011, the Planning Commission reviewed Zone Text Amendments to the Belmont Zoning Ordinance (BZO) to require Single Family Residential Design Review applications be substantially compliant with established Residential Design Guidelines (RDG).

The Commission voted to recommend that the City Council adopt the Zoning Text Amendments conditioned upon final Commission review of the text of the RDG. The Commission also provided direction to staff for modifications to the RDG.

The Commission's relevant comments and direction were provided at subsequent meetings under Reports, Studies and Updates. At the June 21, 2011 meeting, the Commission directed staff to prepare a "beta" version of the Design Guidelines, incorporating all comments to date. The Commission further directed that sample graphics be provided to allow for alternatives to the graphics within the document. Lastly, the Commission directed staff to solicit input on the RDG from the Permit Efficiency Task Force (PETF).

On July 7, 2011, the Planning Commission reviewed the "beta" version of the Design Guidelines and updated the text. The Commission also provided additional direction for modifications to the graphics and inclusion of a table of contents and glossary of terms used within the document.

Planning Commission Comments/Direction

Staff has prepared the latest version of the RDG for the Planning Commission Study Session. Staff has modified the text in accordance with the Commission's direction. As time has allowed, staff has also amended most of the graphics. Staff anticipates further amendments and fine tuning of this document, and legal review of the associated Zone Text Amendment by the City Attorney, prior to City Council review.

Public Outreach

No other public contact beyond posting of the agenda was initiated for this item.

Recommendation

Review the attached version of the Design Guidelines and provide final comments and direction, prior to legal review of the associated Zone Text Amendment (ZTA) by the City Attorney, and subsequent City Council review of the ZTA and Residential Design Guidelines.

Attachments

- I. Residential Design Guidelines
- II. Design Guidelines Checklist
- III. Meeting Minutes, July 7, 2011
- IV. Appendixes

Attachment I

Residential Design Guidelines



RESIDENTIAL DESIGN GUIDELINES

October 2011

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INTRODUCTION

When a new home is built or an existing home is expanded by more than 399 square feet in the City of Belmont, the building project must be reviewed and approved by the City's Planning Commission. This process is called Design Review.

The Planning Commission relies on the Belmont Zoning Ordinance (BZO) when considering a Design Review application. Certain legal findings must be made by the Planning Commission before a building project can be approved. The sections of the Belmont Zoning Ordinance that the Planning Commission must follow can be found on pages three and four of this document.

APPLICABILITY

The Design Review Process is intended to preserve the natural beauty of Belmont and ensure that structures enhance their sites and are harmonious with their surrounding areas. To that end, the City of Belmont has prepared Residential Design Guidelines (RDG), which include basic design concepts and elements of good design required for all new residential structures, and additions of 400 sq. ft. or more.

These guidelines are not intended to constitute *additions* to the existing provisions of the Belmont Zoning Ordinance, but only to be *illustrative* of them. When illustrations of specific homes are provided, they are to be construed as expressing generic architectural concepts rather than specific architectural styles. There are no recommended architectural styles in the Belmont Zoning Ordinance. Creative and original design concepts are welcome within the general framework of the Ordinance.

The purpose of these Design Guidelines is to help applicants prepare project plans by: 1) providing an overview of the Single Family Design Review Findings that the Planning Commission must make in order to approve a project; and 2) providing relevant examples of designs that are in general agreement with the Single Family Design Review Findings. The more technical, non-design issues such as geo-technical review, construction management, etc., are not covered in these Design Review Guidelines.

These guidelines are not intended to replace the services of a design professional. The City strongly encourages applicants to obtain the services of a design professional for all new or extensively renovated projects. Licensed architects are required for new projects on slopes in excess of 18%.

REVIEW OF BZO SECTION 13A.1 – SINGLE FAMILY DESIGN REVIEW - PURPOSE

The Single Family and Duplex Residential Design Review process is established to preserve the wooded, low density character of the City's single family and duplex residential neighborhoods, and assure that new single-family and duplex residential development achieves an appropriate balance amount of the following: a) Consistency with existing site conditions; b) Minimal disruption of site and surrounding topography; c) Minimal visual building bulk and an attractive exterior building design; (d) Protection against erosion, ground movement, flooding and other hazards; e) Preservation of existing trees and vegetation, use of native plants, and an enhancement of the overall landscaping in residential neighborhoods; (f) Safe on-site vehicular access ways to all covered parking; (g) Retaining walls that follow topographic conditions and enhance the appearance of surrounding slopes; and h) Right-of-way encroachments that are the minimum necessary to support private access and development and that enhance the overall appearance of the site

REVIEW OF BZO SECTION 13A.5 - SINGLE FAMILY DESIGN REVIEW – FINDINGS

The Commission may grant approval of Single Family and Duplex Residential Design Review to the proposed development, if the following findings are made:

- (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.*
- (b) *The overall site and building plans achieve an acceptable balance amount the following factors:*
 - (1) *building bulk,*
 - (2) *grading, including*
 - (a) *disturbed surface area and*
 - (b) *total cubic yards, cut and fill*
 - (3) *hardscape, and*
 - (4) *tree removal*
- (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.*

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

Design Guidelines Index

The Design Guidelines are categorized into sections, which correspond to the findings section of the Belmont Zoning Code that the Planning Commission relies on when considering a Design Review application. The reference table below highlights where Design Guidelines can be found in this document. This Table also highlights the various sections of the Single Family Design Review Findings (Section 13A.5) to which the Design Guidelines pertain.

Table 1 – Design Guidelines Index

RDG Section Design Guideline (page)	Applicable Planning Commission Finding Belmont Zoning Code 13.A.5
<p>Section A – Neighborhood Compatibility</p> <p>Guideline A-1 (p11) Guideline A-2 (p12) Guideline A-3 (p13) Guideline A-4 (p14) Guideline A-5 (p15) Guideline A-6 (p16) Guideline A-7 (p17)</p>	<p>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.</p>

Table 1 - Design Guidelines Index (continued)

<p>RDG Section Design Guideline (page)</p>	<p>Applicable Planning Commission Finding Belmont Zoning Code 13.A.5</p>
<p>Section B – Site Planning</p> <p>Guideline B-1 (p19) Guideline B-2 (p20) Guideline B-3 (p21) Guideline B-4 (p22) Guideline B-5 (p23) Guideline B-6 (p24)</p>	<p>b) The overall site and building plans achieve an acceptable balance amount the following factors: 1) building bulk; 2) grading, including (a) disturbed surface area, and (b) total cubic yards of cut and fill; 3) hardscape; and, 4) tree removal</p>
<p>Section C - Access</p> <p>Technical review only. No corresponding Design Guidelines. (p25)</p>	<p>c) All access ways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structures.</p>

Table 1 – Design Guidelines Index (continued)

<p>RDG Section Design Guideline (page)</p>	<p>Applicable Planning Commission Finding Belmont Zoning Code 13.A.5</p>
<p>Section D - Grading Technical review only. No corresponding Design Guidelines. (p25)</p>	<p>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.</p>
<p>Section E – Accessory/Support Features Guideline E-1 (p26)</p>	<p>e) All accessory and support features, including driveway and parking surfaces, under-floor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.</p>
<p>Section F – Landscape Plan Guideline F-1 (p27) Guideline F-2 (p28)</p>	<p>f) The landscape plan incorporates: <ol style="list-style-type: none"> 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. </p>

Table 1 – Design Guidelines Index (continued)

<p>RDG Section Design Guideline (page)</p>	<p>Applicable Planning Commission Finding Belmont Zoning Code 13.A.5</p>
<p>Section G – Construction Impacts Technical review - No corresponding Design Guidelines. (p29)</p>	<p>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.</p>
<p>Section H – Encroachments Technical review - No corresponding Design Guidelines. (p29)</p>	<p>h) Structural encroachments into the public right-of-way associated with the project comply with the standards of Section 22, Article 1 (Encroachments) of the Belmont City Code.</p>

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SECTION A - NEIGHBORHOOD COMPATIBILITY

Applicants proposing to build a new home or modify the exterior of an existing home are encouraged to design the project such that its size, shape, materials and relationship to the natural environment blends in with the surrounding neighborhood.

Neighborhood Compatibility

One of the first steps in designing a new home, or an addition to an existing home is to understand the neighborhood in which the home is located. A neighborhood is generally defined the area or region around or near some place or thing, in this case other dwellings and natural landscape. To be compatible with a neighborhood, a house should be of a shape, size, scale, and design such that it exists in harmony with the surrounding houses and the topography, vegetation, scenic vistas and other natural features of the surrounding area.

Neighborhood Character

Neighborhood character is the combination of qualities or features within a neighborhood that distinguishes it from another neighborhood. The exterior elements of a house such as its shape, size and exterior design all contribute to the character of the house, which in turn contributes to the collective character of the neighborhood. Some of the most common elements that contribute to the character of an individual house and the collective character of the neighborhood are as follows:

- How houses are situated on their lots (setbacks)
- How houses blend with surrounding scenic and natural environments
- Scale, or the appearance or proportion of a house relative to others, including the number of stories, and the arrangement/placement/massing of major building forms.
- The size of the house in relation to the size of the lot on which it is located.
- Parking and garage patterns
- Location of entries
- Roof style
- Window type and placement
- Landscaping
- Older buildings or architectural features having historic character

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Guideline A-1 - Design for Compatibility with Neighborhood Character

Review the character of the existing neighborhood and utilize the best features of surrounding properties harmoniously:

- a. Use compatible arrangement/placement/massing of major building forms.
- b. Make new buildings/additions proportionate in scale to adjacent structures.
- c. Use complimentary design features and exterior materials.

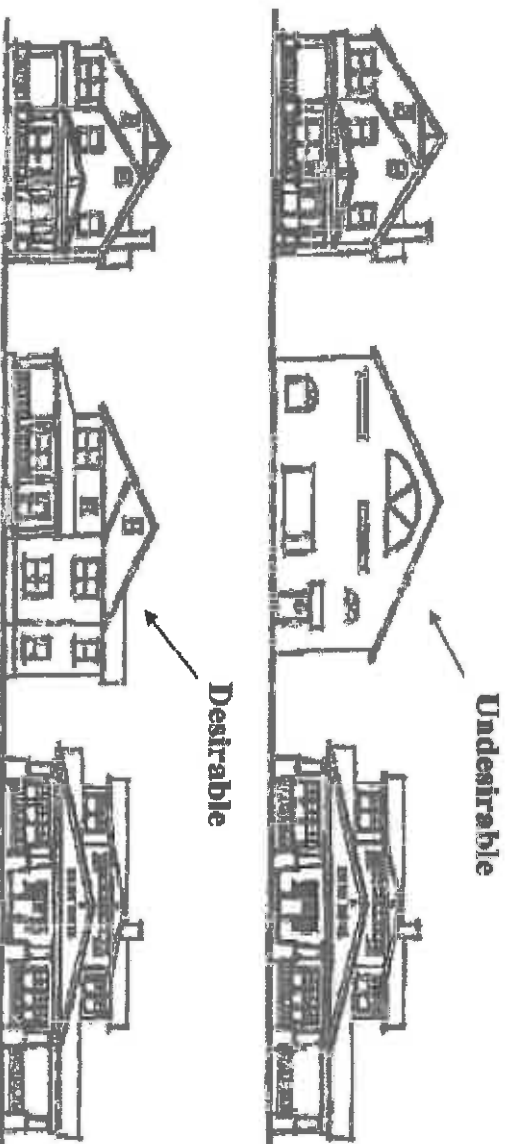


Figure 1: The original design of the home is undesirable because it has a relatively flat façade and very little articulation, making it too bulky and inconsistent with surrounding homes. The desirable design becomes more compatible with its neighbors by incorporating design features from the surrounding homes including upper story setbacks, roof and building forms and window treatments.

Guideline A-2 - Minimize Impacts to Public Views / Retain Profile of Existing Ridgelines

Design projects such that public views are not disrupted:

- a. Locate the building below or to the side of public views as seen from surrounding public property (streets, sidewalks, etc.).
- b. Increase the front yard setbacks on downward sloping lots.
- c. Increase step backs of upper-story additions & Lower the height of the dwelling

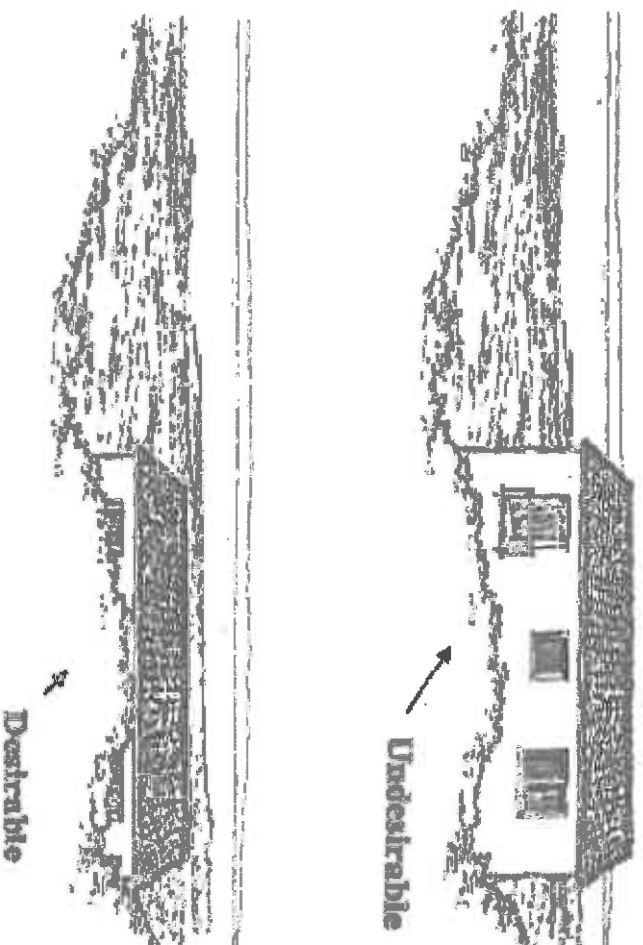


Figure 2: Public views are protected (i.e., views from public streets, parks and open spaces). Buildings should be located and designed to avoid blocking public views of the surrounding hillsides, ridge lines, and/or the Bay. The design should minimize the view impact as seen from the road by reducing the roof plate height and pitch, reducing overall roof height, and stepping back the upper story addition from the front of the home.

Guideline A-3 - Design Building with a Consistent Overall Style

A building's architectural characteristics include its basic style, its form, its placement on the site, and its defining features (i.e., type of roof, exterior materials, windows, porch, etc.). Design projects with a consistent architectural style while also being architecturally appealing.

- a. Include features (window, roofing, windows, details, etc.) consistent with the style of the home
- b. Do not mix architectural forms from one style to another

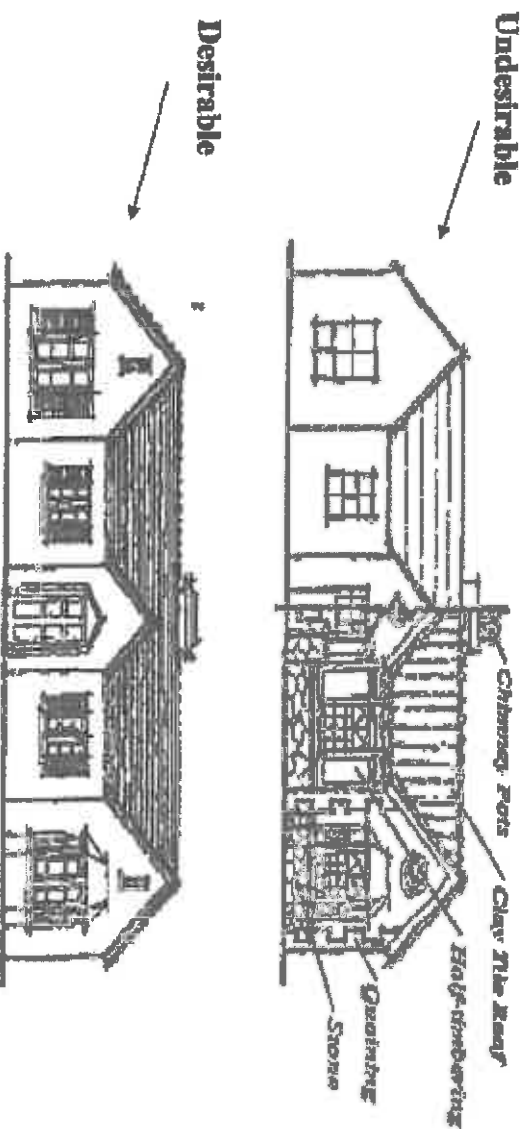
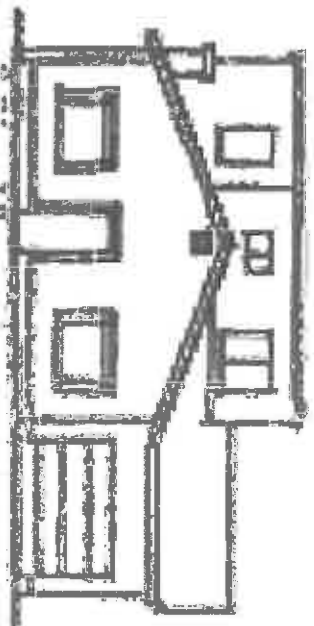


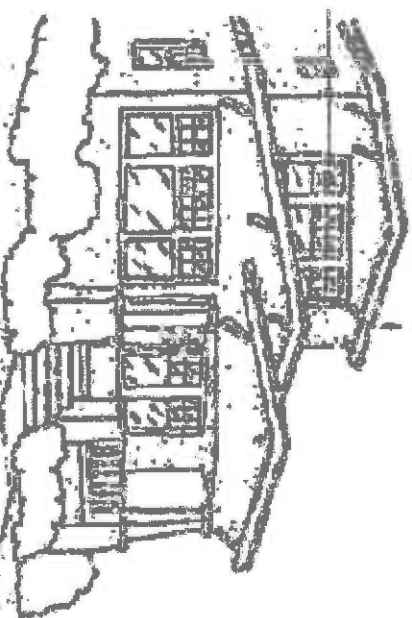
Figure 3: The original redesign includes a confusing mixture of architectural styles and details, creating a chaotic presentation. The revised design unifies the addition by using a consistent style of windows, trim and exterior materials across the entire home.

Guideline A-4 – Ensure Upper Story Additions blend with the Existing Home’s Design.

- a. Incorporate the same building style
- b. Use the same roof pitch
- c. Use identical exterior materials, trim details and window treatments



Undesirable Addition



Desirable Addition

Figure 4: The undesirable second story addition utilizes different window styles and roof forms for the first and second stories of the home. The desirable second story addition becomes compatible with the existing home by incorporating the same building style, roof pitch, exterior materials and window treatments.

Guideline A-5 – Ensure Upper Story Additions have a Balanced Presentation

- a. Locate the mass of the addition over the center of the home if possible
- b. Upper floors should be proportionately smaller and shorter than the ground floor
- c. Avoid cantilevering the addition over the existing foundation of the home

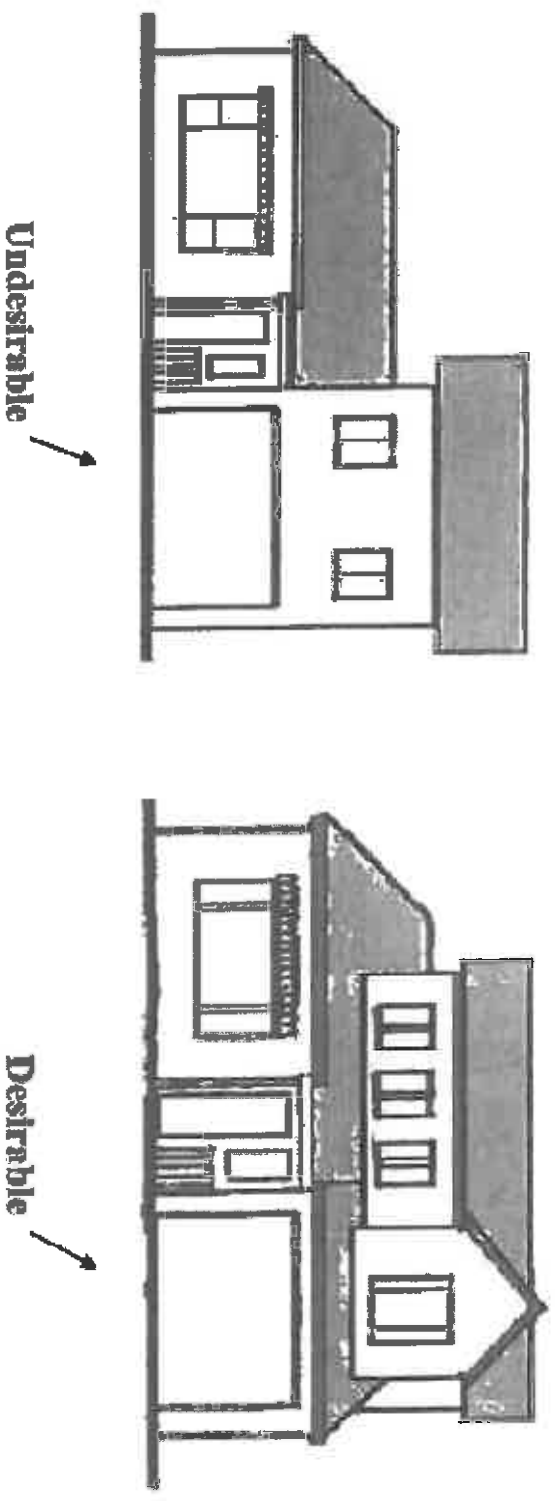


Figure 5: The original design is unbalanced and appears bulky. The revised design appears more balanced and compatible with the existing home.

Guideline A-6 – Design facades to create visual interest

Design projects in a way that is visually appealing:

- a.** Add architectural features to emphasize the front facade (i.e., bay windows, columns, porches, wood doors, substantial window framing and sills, brick or stone veneer, varied roof forms, etc.).
- b.** Ensure entry features are proportionate to the building height, and have a human scale so that they are welcoming, not overpowering.
- c.** Avoid large flat walls by projecting and recessing sections.

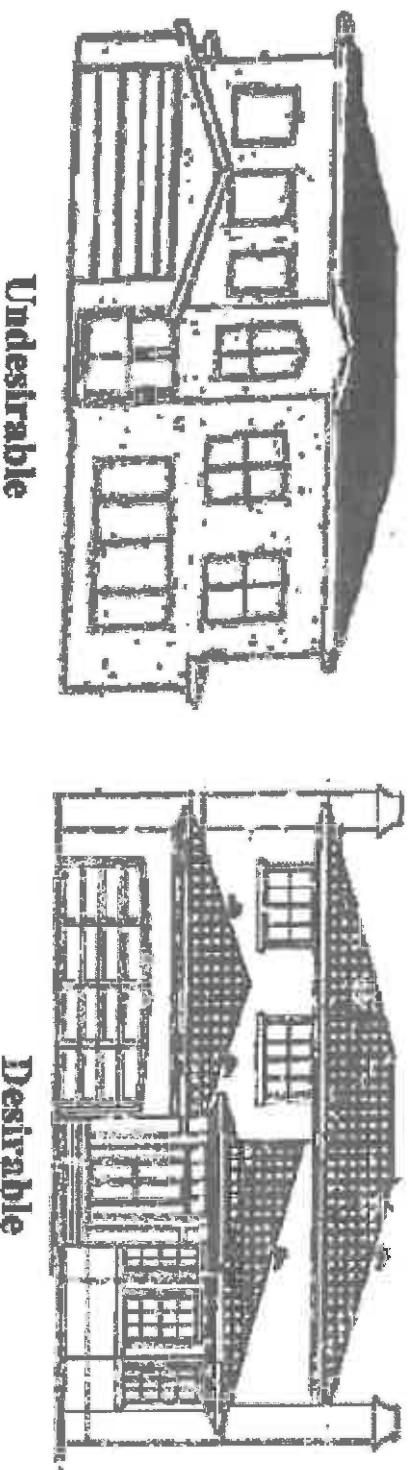
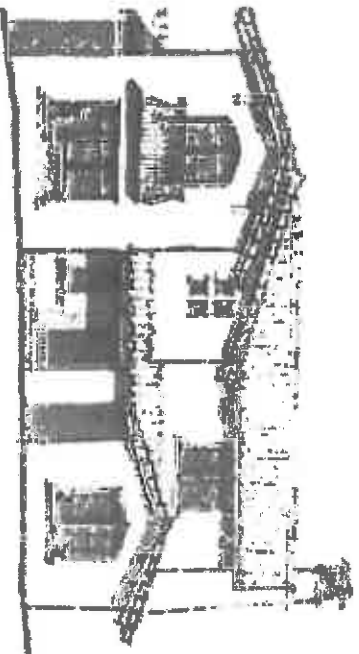


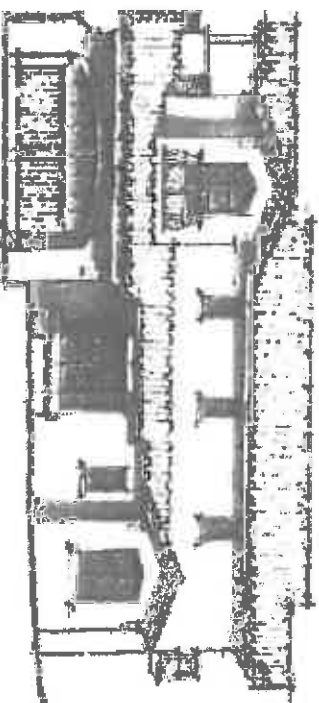
Figure 6: The original design includes large flat wall areas, and a mix of window types. The revised design includes projected and recessed building walls, bay windows, substantial window framing and sills, varied roof forms, a covered porch, sectional wood doors, and consistent use of divided light windows.

Guideline A-7 – Provide greater visual emphasis for buildings on corner lots

- a. Design both street facades to be finished (windows, doors, etc.) as “front” facades
- b. Design with more complex building features (i.e., projecting facade elements and special building enhancements such as towers, cupolas, wrap-around bay windows, balconies, or other architectural embellishments).



Desirable – Front



Desirable – Street Side

Figure 7: Both the front and the street-side elevations of this Spanish-style home have been emphasized with upper story setbacks, projecting room elements, balconies, bay windows, and substantial window framing.

SECTION B - SITE PLANNING

Site Planning

Site planning can generally be defined as the art of arranging structures on land and shaping the spaces in between and around structures. The site planning process involves:

1. The identification of a goal or a desired outcome (i.e., a master bedroom addition);
2. The evaluation of site's environmental constraints (i.e., seismic hazards, topography and flooding potential);
3. An analysis of the factors of development, (i.e., building bulk, grading, hardscape, landscaping, and tree removal).

Balancing the Factors of Development

Some degree of site disturbance is expected for any new development. However, this disturbance should be minimized and balanced. Specifically, the factors of development including building bulk, grading, hardscape and tree removal should be balanced such that the net impact of all four factors is as minimal as possible.

Applicants are encouraged to design their project such that it minimizes the perceived size of the dwelling (bulk), the use of impermeable paving materials (hardscape), the disturbance of soil (grading), and the removal or damage of existing trees.

Guideline B-1 - Reduce Bulk

Use design principles that minimizes the perceived size or mass of the dwelling:

- a. Avoid two-story, flat building walls
- b. Lower eave lines and vary height of roof elements
- c. Incorporate portions of upper stories into attic space
- d. Increase step backs of upper-story additions & project/recess building walls

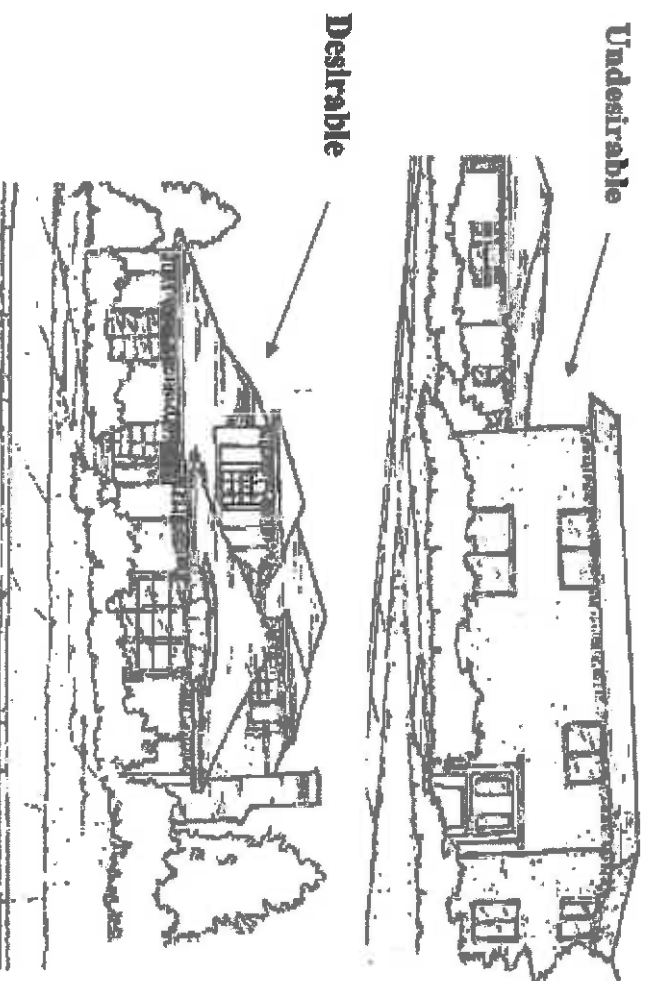
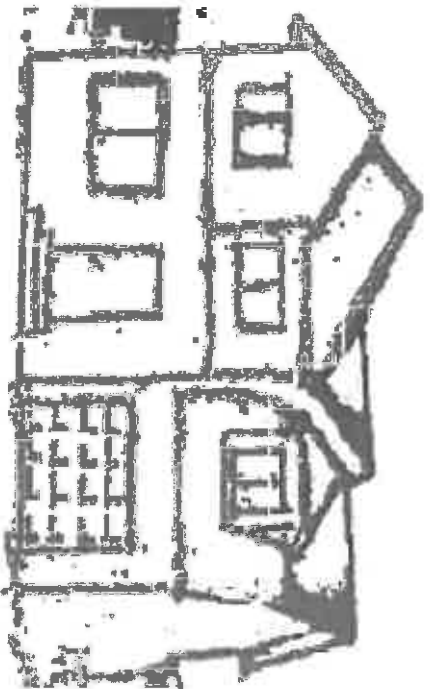


Figure 8: The two-story building walls in the original design appear too massive, and are far too plain and rectangular. The hipped dormers and projecting room elements in the design of the revised home assist in reducing its bulk.

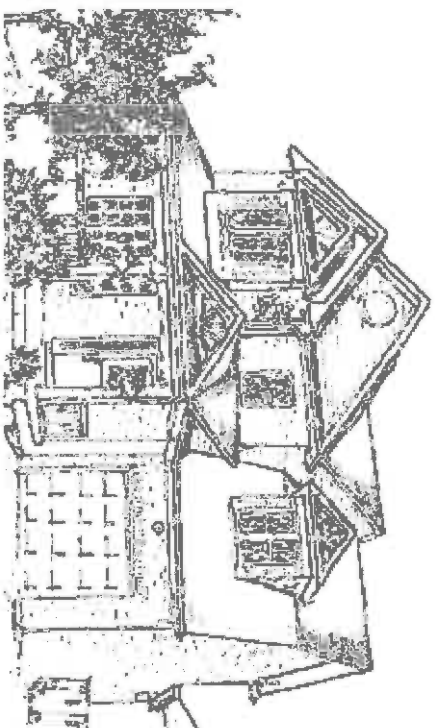
Guideline B-2 - Reduce Perceived Bulk by Using Exterior Finishes and Ornamentation

Utilize exterior design elements that reduce the perceived size or mass of the dwelling:

- a. Incorporate a prominent front porch/entry feature and substantial window framing
- b. Vary materials and colors and landscaping elements that break-up or obscure building planes
- c. Utilize decorative elements such as brackets, belly bands, rafter tails, ironwork, ornamental doors and divided light windows, etc.



Undesirable



Desirable

Figure 9: The original design lacks material variation, architectural detailing and a prominent front porch. The perceived bulk of the revised design is reduced through the incorporation of a prominent entry feature and the use of material variation and decorative features and finishes.

Guideline B-3 - Reduce Bulk by Designing Homes to Conform with the Slope of the Lot

Design and situate dwellings such that there is a reduction in the perceived size or mass of the dwelling:

- a. Step homes up with the slope of the existing terrain
- b. Avoid tall support columns and cantilevers
- c. Follow natural slope with roof slopes and retaining walls
- d. Break large masses into smaller elements on different levels

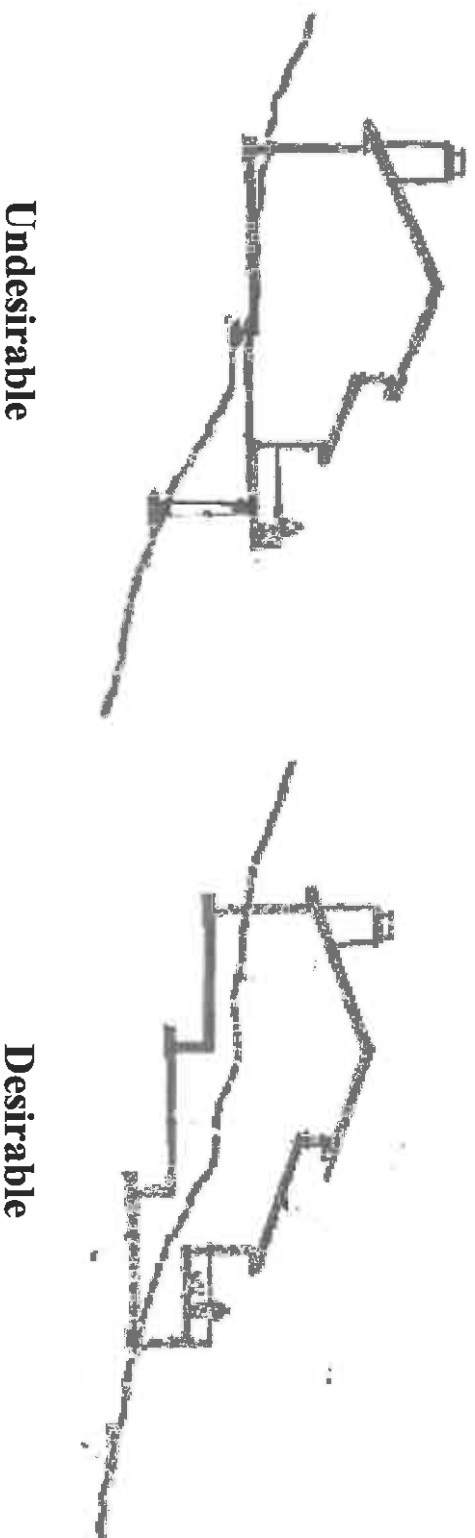


Figure 10: The desirable design mitigates bulk by stepping down with the slope and breaking long continuous roof and building walls into smaller elements.

Guideline B-4 - Reduce Grading by Developing the lot to Conform to the Existing Terrain

Minimize the disruption of soil (grading) on the building site to the greatest extent possible:

- a. Avoid large flat building pads on sloped properties
- b. Step homes with the slope of the existing terrain
- c. Keep yard areas with their existing slope to the maximum extent feasible
- d. Balance grading on site when possible; use necessary cut as fill where needed



Undesirable

Desirable

Figure 11: The undesirable design creates a level building pad and yard area on a sloped lot, which results in excess grading (fill), additional tree removal and a bulkier home. The desirable home steps down with the slope of the lot, which reduces grading, tree removal, and bulk.

Guideline B-5 – Reduce Hardscape by Eliminating Unnecessary Impervious Features

Minimize usage of impervious surfaces such as concrete and asphalt:

- a. Minimize driveways and curb-cut widths (within Zoning Code requirements)
- b. Use pervious surfaces (pavers, pervious concrete, etc.) for driveways whenever feasible
- c. Use stepping stones, pavers, or decomposed granite over a pervious base for pathways and patios

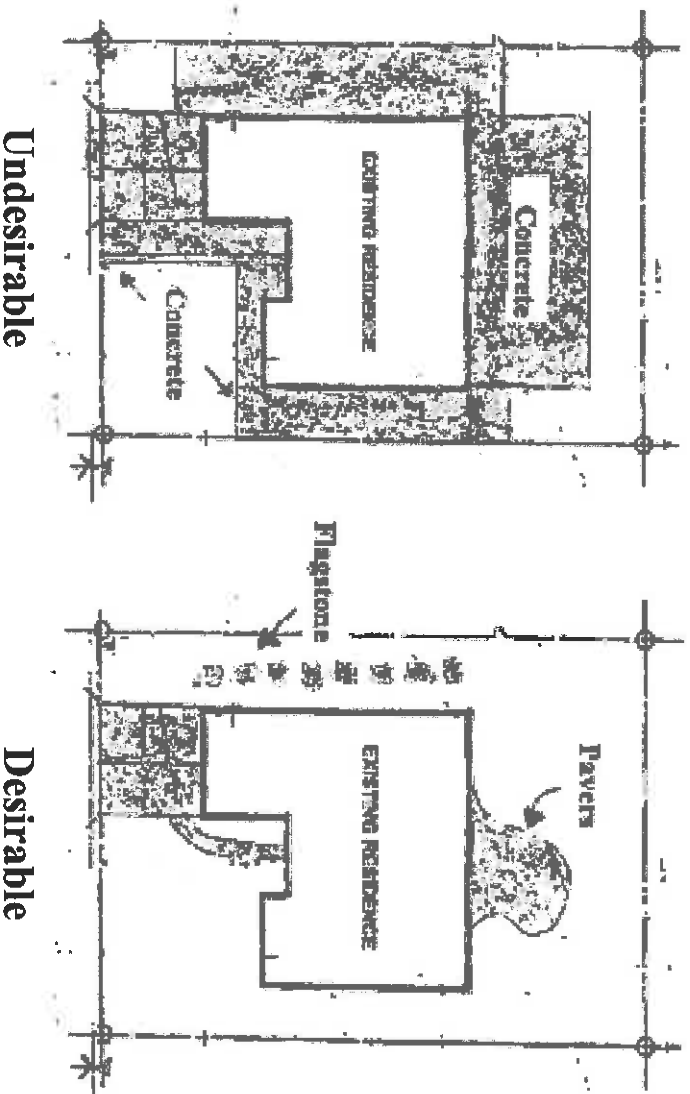


Figure 12: The site on the left includes more hardscape than is necessary leaving less room for landscaping. The site on the right reduces hardscape by including only required parking areas, and using stepping stones, over a pervious base for pathways.

Guideline B-6 – Reduce Tree Removal/Tree Damage Impacts by Site Planning

Design projects such that the number of trees removed and/or damaged is minimized and the number of new trees added to the site is maximized to the greatest extent possible:

- a. Locate homes on site to avoid removing trees.
- b. Consider tree root locations when designing building foundations, retaining walls and other soil disturbing features such as trenches for utilities and drainage.
- c. Avoid disturbing the natural grade within the drip line of mature trees.
- d. Plant new trees to replace tree removals & landscape with California native, and/or locally acclimated, drought-tolerant species (see Appendix A for additional resource materials).

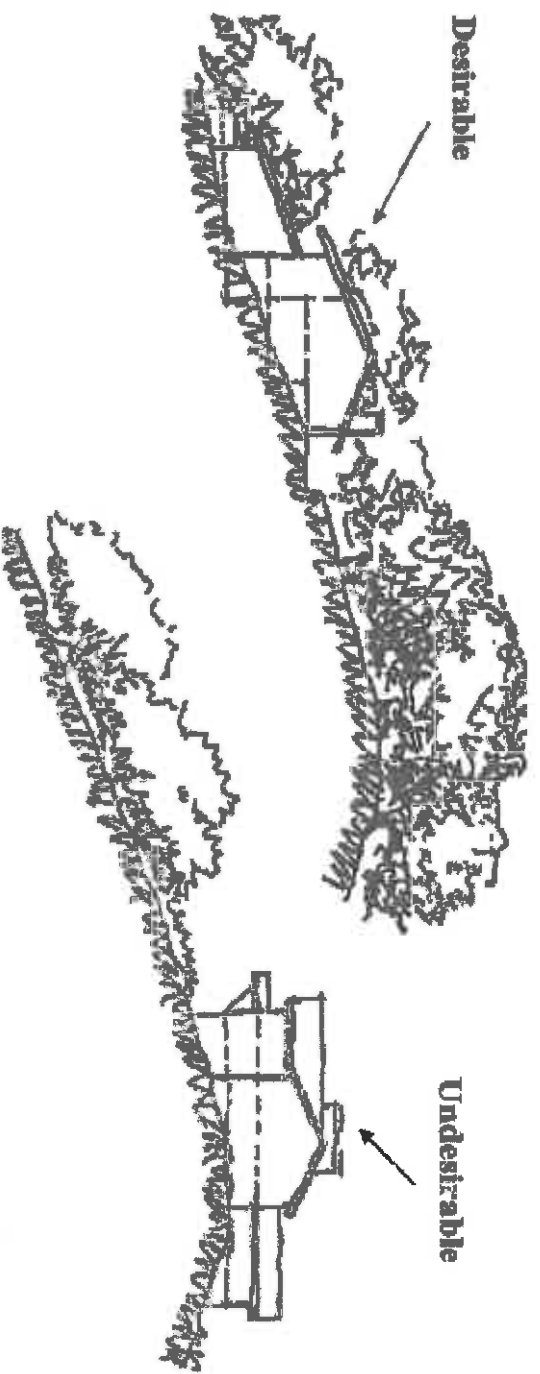


Figure 13: The home on the left is located to minimize the removal of mature trees; its location also reduces bulk (steps into the hill), and to preserves the view of the ridge.

SECTION C – ACCESS

The City of Belmont requires that safe vehicular and pedestrian access be provided to all buildings and structures. The City's Planning Division and Public Works Department review proposed driveways to ensure that there is sufficient back-up space and adequate sight distance for vehicles entering/exiting the property. Pedestrian access is also reviewed to ensure that there are clear unobstructed walkways from the driveway or sidewalk/public right-of-way to the living areas of the home. These technical reviews have no corresponding Design Guidelines. See Appendix B for access standards, and driveway plan and profile submittal requirements.

SECTION D – GRADING

The City of Belmont requires preliminary grading and drainage plans, and geotechnical reports for all new homes and substantial additions. The City's Building Division and Public Works Department review and condition project grading plans to address site stability, ground movement hazards, erosion, flooding potential, and habitat and stream degradation. As appropriate, the City requires the submittal of a site specific geotechnical analysis, independent peer review of the investigation, and incorporation of the findings of the independent peer review into project design. These technical reviews have no corresponding Design Guidelines. See Appendixes C, D, and E for grading plan, drainage plan, and geotechnical report submittal requirements.

SECTION E - ACCESSORY/ SUPPORT FEATURES

Guideline E-1 – Integrate accessory and support features into project design and landscaping

- a. Incorporate the same colors/materials for walls/fences that were used for the home.
- b. Break retaining walls into several smaller segments, and provide plantings between the segments
- c. Vary retaining walls heights/setbacks - add plants in front of the wall or in planters
- d. Use earth tone colors and natural materials with a rough texture for retaining walls (i.e., natural stone, brick veneer, wood, etc.)
- e. Match the colors and design elements of sheds and other non-habitable structures to the home whenever possible.



Figure 14: Breaking retaining walls up into low segments brings them into human scale, and provides an opportunity to add plantings. Undulating retaining walls provides an opportunity to add plantings, both in front of the wall and within planters.

SECTION F - LANDSCAPING

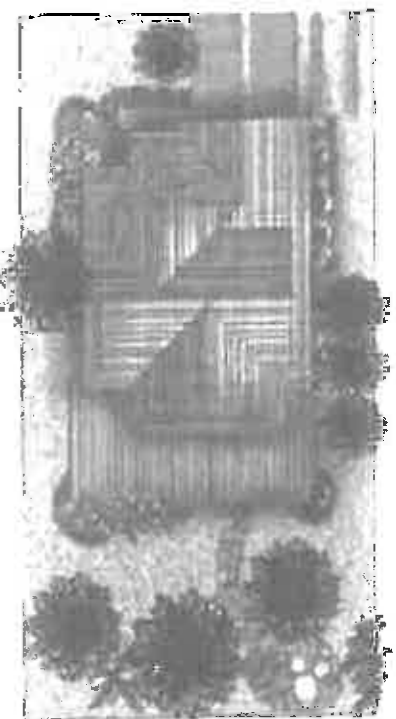
Guideline F-1 – Use landscaping to blend the building with the natural environment.

Develop a landscape plan that maximizes the natural beauty of the site.

- a. Use native and/or locally acclimated plants that will succeed in the site's microclimate (i.e., deer-resistant, plants which are suitable to the site's soil type, moisture, and wind and sun exposure).
- b. Arrange plants to have a natural appearance and a clear relationship to the buildings on site.
- c. Provide a watering system for all landscaping (an irrigation plan).



Undesirable



Desirable

Figure 15: The perimeter landscaping on the left appears uniform and unnatural. The landscaping on the right has a diverse natural appearance, and includes foundation shrubs as well as native trees.

Guideline F-2 – Use landscaping to compliment building architecture and mitigate for bulk.

Use landscaping and trees to minimize the perceived size or mass of their project.

- a. Use ground cover and small shrubs along walkways, borders and property frontages
- b. Use larger shrubs, vines and trellis features along building foundations
- c. Plant trees to screen the home and to break up the appearance of large/tall walls

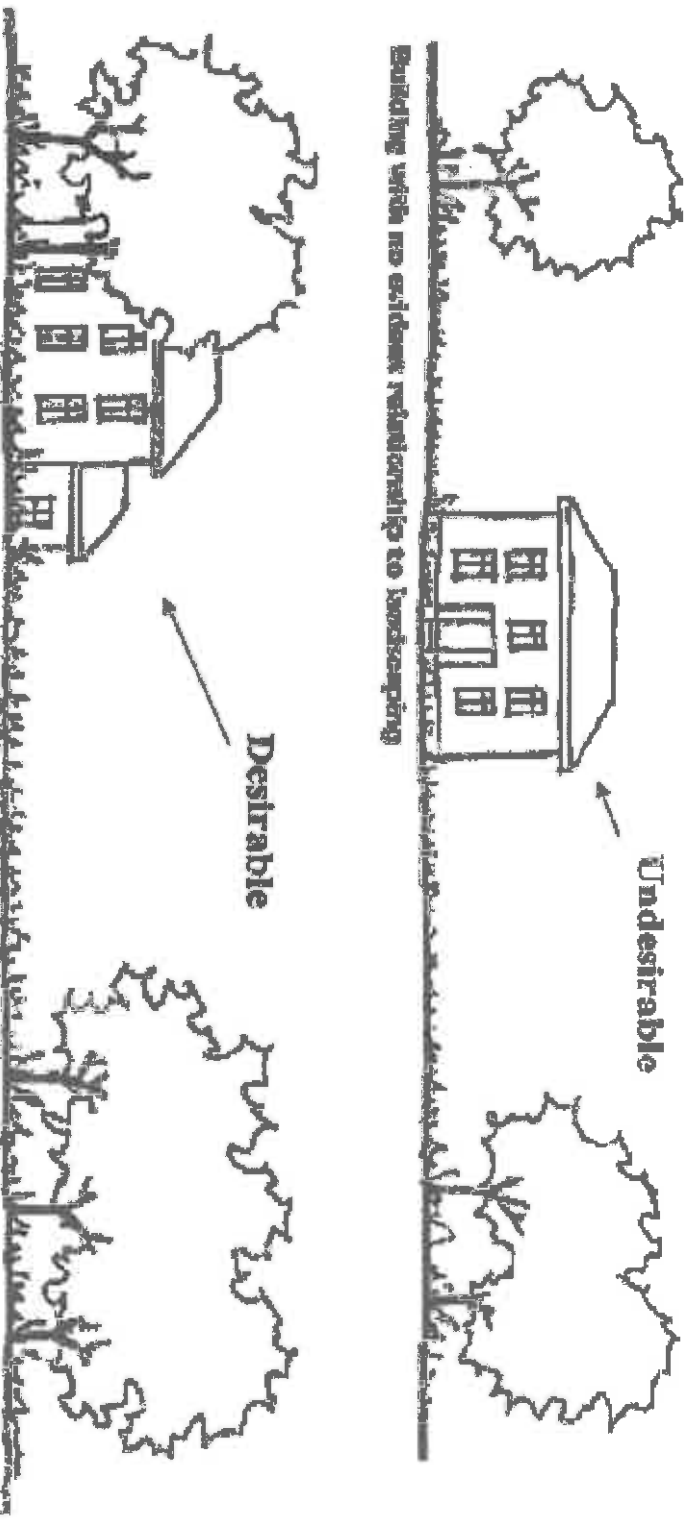


Figure 16: The landscaping at the top does little to mitigate for the bulk of the home. The landscaping at the bottom is sited in conjunction with the building, which gives a more natural appearance, mitigates for second story bulk, and provides shade for the home.

SECTION G – CONSTRUCTION IMPACTS

The City of Belmont routinely requires the submittal of construction management plans for new homes and substantial remodels, in order to minimize potential noise, dust, and construction traffic impacts on surrounding property owners. The plans are typically reviewed and approved by the Community Development Department in consultation with the Department of Public Works and the Police Department, prior to issuance of grading/building permits.

The plans usually include notice to surrounding property owners/properties along the haul route prior to grading, and identification of a staging areas and haul routes for the project. Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures are also be reviewed by the Building Division as part of the structural plan check. In addition, the City Arborist reviews construction impacts to protected trees and recommends specific tree protection measures as conditions of project approval. These technical reviews have no corresponding Design Guidelines.

SECTION H – ENCROACHMENTS

The Belmont Municipal Code requires encroachment permits for nearly all right-of-way improvements. Permanent encroachments associated with a Design Review application (i.e., driveway bridge, retaining walls, fences, etc.) require recommendations by the Director of Public Works and the Planning Commission, prior to consideration by the City Council. A key provision within the Municipal Code requires that there is some public benefit to the encroachment. These technical reviews have no corresponding Design Guidelines. See Appendix F for Section 22, Article 1 (Encroachments) of the Belmont Municipal Code.

Attachment II

Design Guidelines Review Table



REVIEW TABLE

RESIDENTIAL DESIGN GUIDELINES

The following review table summarizes development guidelines from the Residential Design Guidelines (RDG). The Design Guidelines are intended to assist applicants in preparing plans for Design Review submittal. The sections of the guidelines correspond the key issues (findings) that the Planning Commission considers when reviewing a Design Review application. See the appropriate section of the RDG for a complete explanation of the item.

The Design Guidelines are not intended to constitute *additions* to the existing provisions of the Belmont Zoning Ordinance, but only to be *illustrative* of them. The review table is intended as a tool to assist applicants in preparing a Design Review application, but not as a compliance checklist. Full compliance with each of these guidelines is not required for Single Family Design Review approval. Conversely, full compliance with each of these guidelines does not guarantee approval of a Design Review application; Planning Commission affirmation of each of the Single Family Design Review findings is necessary for a Design Review approval.

BZO Section 13.A.5 (a) - Neighborhood Compatibility

Section A - Neighborhood Compatibility

Guideline A-1 - Design for Compatibility with Neighborhood Character
a. Use compatible arrangement/placement/massing of major building forms.
b. Make new buildings/additions proportionate in scale to adjacent structures.
c. Use compatible design features and exterior materials.
Guideline A-2 - Minimize Disruptions to Public Views & Retain Profile of Existing Ridgelines
a. Locate the building below or to the side of public views as seen from surrounding public property (streets, sidewalks, etc.).
b. Increase the front yard setbacks on downward sloping lots.
c. Increase step backs of upper-story additions and lower the height of the dwelling.
Guideline A-3 - Design Building with a Consistent Overall Style
a. Include features (window, roofing, windows, details, etc.) consistent with the style of the home.
b. Do not mix architectural forms from one style to another.

Section A - Neighborhood Compatibility

Guideline A-4 – Ensure Upper Story Additions Blend with the Existing Home’s Design.

- a. Incorporate the same building style.
- b. Use the same roof pitch.
- c. Use identical exterior materials, trim details and window treatments.

Guideline A-5 – Ensure Upper Story Additions have a Balanced Presentation

- a. Locate the mass of the addition over the center of the home if possible.
- b. Upper floors should be proportionately smaller and shorter than the ground floor.
- c. Avoid cantilevering the addition over the existing foundation of the home.

Guideline A-6 – Design façades to create visual interest

- a. Add architectural features to emphasize the front facade (i.e., bay windows, columns, porches, wood doors, substantial window framing and sills, brick or stone veneer, varied roof forms, etc.).
- b. Ensure entry features are proportionate to the building height, and have a human scale so that they are welcoming, not overpowering.
- c. Avoid large flat walls by projecting and recessing sections.

Guideline A-7 – Provide greater visual emphasis for buildings on corner lots

- a. Design both street facades to be finished (windows, doors, etc.) as “front” facades.
- b. Design with more complex building features (i.e., projecting façade elements and special building enhancements such as towers, cupolas, wrap-around bay windows, balconies, or other architectural embellishments).

BZO Section 13.A.5 (b) - Site Planning

Section B - Site Planning

Guideline B-1 - Reduce Bulk

- a. Avoid two-story, un-articulated building walls.
- b. Lower eave lines and vary height of roof elements.
- c. Incorporate portions of upper stories into attic space.
- d. Increase step backs of upper-story additions & project/recess building walls.

Section B - Site Planning

Guideline B-2 - Reduce Perceived Bulk by Using Exterior Finishes and Ornamentation

- a. Incorporate a prominent front porch/entry feature and substantial window framing.
- b. Vary materials and colors and landscaping elements that break-up or obscure building planes.
- c. Include decorative elements such as brackets, belly bands, rafter tails, ironwork, ornamental doors and divided light windows, etc.

Guideline B-3 - Reduce Bulk by Designing Homes to Conform with the Slope of the Lot

- a. Step homes up with the slope of the existing terrain.
- b. Avoid tall support columns and cantilevers.
- c. Follow natural slope with roof slopes and retaining walls.
- d. Break large masses into smaller elements on different levels.

Guideline B-4 - Reduce Grading by Developing the Project Site to Conform to the Existing Terrain

- a. Avoid large flat building pads on sloped properties
- b. Step homes with the slope of the existing terrain
- c. Keep yard areas with their existing slope to the maximum extent feasible
- d. Balance grading on site when possible; use necessary cut as fill where needed

Guideline B-5 – Reduce Hardscape by Eliminating Unnecessary Impervious Features

- a. Minimize driveways and curb-cut widths (within Zoning Code requirements)
- b. Use pervious surfaces (pavers, pervious concrete, etc.) for driveways whenever feasible
- c. Use stepping stones, pavers, or decomposed granite over a pervious base for pathways and patios

Guideline B-6 – Reduce Tree Removal/Tree Damage Impacts by Site Planning

- a. Locate homes on site to avoid removing trees.
- b. Consider tree root locations when designing building foundations, retaining walls and other soil disturbing features such as trenches for utilities and drainage.
- c. Avoid disturbing the natural grade within the drip line of mature trees.
- d. Plant new trees to replace tree removals & landscape with California native, and/or locally acclimated drought-tolerant species.
- e. Locate homes on site to avoid removing trees.

BZO Section 13.A.5 (c) – Access

Access requires technical review for which there are no corresponding Design Guidelines. The City of Belmont requires that safe vehicular and pedestrian access be provided to all buildings and structures. The City's Planning Division and Public Works Department review proposed driveways to ensure that there is sufficient back-up space and adequate sight distance for vehicles entering/exiting the property. Pedestrian access is also reviewed to ensure that there are clear unobstructed walkways from the driveway or sidewalk/public right-of-way to the living areas of the home. These technical reviews have no corresponding Design Guidelines. See attached access standards, and driveway plan and profile submittal requirements.

BZO Section 13.A.5 (d) – Grading

Grading requires technical review for which there are no corresponding Design Guidelines. The City of Belmont requires preliminary grading and drainage plans, and geotechnical reports for all new homes and substantial additions. The City's Building Division and Public Works Department review and condition project grading plans to address site stability, ground movement hazards, erosion, flooding potential, and habitat and stream degradation. As appropriate, the City requires the submittal of a site specific geotechnical analysis, independent peer review of the investigation, and incorporation of the findings of the independent peer review into project design. These technical reviews have no corresponding Design Guidelines. See attached grading plan, drainage plan, and geotechnical report submittal requirements.

BZO Section 13.A.5 (e) - Accessory and Support Structures

Section E – Accessory and Support Structures

Guideline E-1 – Integrate accessory and support features into project design and landscaping
a. Incorporate the same colors/materials for walls/fences that were used for the home.
b. Break retaining walls into several smaller segments, and provide plantings between the segments
c. Vary retaining walls heights/setbacks - add plants in front of the wall or in planters
d. Use earth tone colors and natural materials with a rough texture for retaining walls (i.e., natural stone, brick veneer, wood, etc.)
e. Match the colors and design elements of sheds and other non-habitable structures to the home whenever possible.

BZO Section 13.A.5 (f) – Landscape Plan

Section F – Landscape Plan

Guideline F-1 – Use Landscaping to Blend the Built and Natural Environments
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- | |
|--|
| a. Use native and/or locally acclimated plants that will succeed in the site’s microclimate (i.e., deer-resistant, plants which are suitable to the site’s soil type, moisture, and wind and sun exposure). |
| b. Arrange plants to have a natural appearance and a clear relationship to the buildings on site. |
| c. Provide a watering system for all landscaping (an irrigation plan). |

Guideline F-2 – Use Landscaping to Compliment Building Architecture and to Mitigate for Bulk

- | |
|---|
| a. Use ground cover and small shrubs along walkways, borders and property frontages |
| b. Use larger shrubs, vines and trellis features along building foundations |
| c. Plant trees to screen the home and to break up the appearance of large/tall walls |

BZO Section 13.A.5 (g) – Construction Impacts

Construction impacts require technical review for which there are no corresponding Design Guidelines. The City of Belmont routinely requires the submittal of construction management plans for new homes and substantial remodels, in order to minimize potential noise, dust, and construction traffic impacts on surrounding property owners. The plans are typically reviewed and approved by the Community Development Department in consultation with the Department of Public Works and the Police Department, prior to issuance of grading/building permits.

The plans usually include notice to surrounding property owners/properties along the haul route prior to grading, and identification of a staging areas and haul routes for the project. Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures are also be reviewed by the Building Division as part of the structural plan check. In addition, the City Arborist reviews construction impacts to protected trees and recommends specific tree protection measures as conditions of project approval. These technical reviews have no corresponding Design Guidelines.

BZO Section 13.A.5 (h) – Encroachments

Encroachments require technical review for which there are no corresponding Design Guidelines. The Belmont Municipal Code requires encroachment permits for nearly all right-of-way improvements. Permanent encroachments associated with a Design Review application (i.e., driveway bridge, retaining walls, fences, etc.) require recommendations by the Director of Public Works and the Planning Commission, prior to consideration by the City Council. A key provision within the Municipal Code requires that there is some public benefit to the encroachment. These technical reviews have no corresponding Design Guidelines. See attached Section 22, Article 1 (Encroachments) of the Belmont Municipal Code.

Attachment III

Planning Commission Meeting Minutes

July 7, 2011

planted to screen the lower yard from the down-slope neighbor. He did not intend to add this as a condition, and could make the findings.

Commissioner Parsons liked the idea of having private space in front of property, but cautioned about the necessity for keeping the pool gated and locked at all times. He also liked the drainage in front, the fact that they are using solar, and the colors. He would have preferred to see a more vertical window in the front and a couple larger trees in front to frame the property from the driveway side. He felt that the cut and fill being used to build up the front porch and put around the pool is good and not excessive. He could find for the project.

Commissioner Horton stated that she believed it is a wonderful, well-designed project. The mass in the back is broken up by all kinds of things; she especially liked the stone in the foundation, and believed the house is complimentary to the house to the right. She assumed that the neighbors are delighted.

Vice Chair Mercer stated that, since the applicants are working with an existing foundation, they have done a really good job of making the most of what they have. The design detail is outstanding and will blend nicely with the neighborhood. With the addition of the items that were noted as missing from the conditions, she could make all of the findings. She concurred with Commissioner Mayer that, since the back yard is not going to be a heavily used space, some heavy 8-10' full shrubs that would not block the view but would conceal the bottom story would be a good addition to the landscaping. She did not require that this be added as a condition of approval.

Chair Reed could make all the findings and had nothing to add. Great project.

MOTION: By Commissioner Wheeler, seconded by Commissioner Mayer, to adopt the Resolution approving a Single-Family Design Review at 1822 Bayview Avenue (Appl. No. 2011-0007), with the addition of the conditions regarding the 28' height check, the 3500 sq.ft. check, inclusion of 6' wall structure in the plans, and the clarification of the fence and wall heights.

Ayes: Wheeler, Mayer, d'Souza, Horton, Parsons, Mercer, Reed

Noes: None

Motion passed 7/0

Chair Reed noted that this can be appealed to the City Council within 10 calendar days.

Mrs. Mansour asked where she should go to seek help from the City of Belmont for street improvements and the addition of a sidewalk. CDD de Melo agreed to forward her concerns to the City Engineers and will discuss it further with her.

At 7:30 p.m. Chair Reed called for a 2-minute break.

6. STUDY SESSION

6A. Residential Design Guidelines

Chair Reed thanked SP DiDonato for putting together the great draft Residential Design Guidelines and turned the discussion over to him.

SP DiDonato recommended staff begin with the general layout of the document, moving to text changes and edits, ending with the review and or replacement of graphics. The Commission agreed with the structure, discussion ensued.

Chair Reed summarized their discussion noting that the Commission as a body has updated the text and made recommendations for the graphics. Commissioner Mayer had concerns about the process in which changes to the document would be made in the future.

Chair Reed confirmed with staff that this is a living document and changes can be made with a Resolution from the City Council.

SP DiDonato and ICA Kane will review the language, terms and definitions. The Design Guidelines will return to the Commission for a final review.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. North Road Right-of-Way

Thanked Building Official Nolfi and Associate Planner Walker for their participation in putting the staff memorandum together, as well as letters that have been sent to the parties involved demanding that the listed issues be addressed. The Parks and Recreation Department had agreed to remove the weeds and clean up the area along the unpaved portion of the right-of-way. At Chair Reed's suggestion, CDD de Melo agreed to ask the Parks & Recreation Department to plant trees or more permanent landscaping in that area. Chair Reed agreed that he could ask the local 4-H to do some tree plantings. CDD de Melo will bring the Commission up to date on the results of the demand letters at their next meeting.

7B. Ralston/US-101 Landscape Project

CDD de Melo has discussed this project with the City Manager and Mayor, and is proposing that Belmont take over management of the project since it is not high on Redwood City's priority list. Staffing and budget commitments would be needed from the Public Works and Community Development Departments to augment the funds that Redwood City would need to contribute. He has requested a line-by-line budget from Redwood City to determine exactly how the budgeted \$800,000 was earmarked. He explained that when the US 101/Ralston Avenue/Marine World Parkway interchange was set up years ago, the project was placed under Redwood City's management and members of the Commission believed that they received funds that were designated by Caltrans to manage this project. CDD de Melo intends to propose that Belmont work with Redwood City to craft an agreement for Belmont to manage the project, utilizing the designated funds and making up the differences if necessary. Vice Chair Mercer suggested that a 5-year plan for progressive landscaping might be appropriate.

7C. Sixth & O'Neill – Street Reconstruction Project

Work is progressing on the streets and will continue at least through August; hoping for a fall completion date.

7D. US-101 Pedestrian/Bike Bridge Project

Attachment IV
Draft Appendixes
(Sample Unformatted)



Selected Sunset Zone 17 Tree Species with "High" Salinity Tolerance
as per Abiotic Disorders of Landscape Plants
University of California, ANR publications (2003)

6/3/04

1. <i>Arbutus unedo</i>	strawberry tree
2. <i>Callestemon sp.</i>	bottlebrush
3. <i>Casuarina sp.</i>	beefwood, etc.
4. <i>Cedrus deodara</i>	deodar cedar (one study found low salt tolerance)
5. <i>Cercis occidentalis</i>	California redbud (native Northern CA)
6. <i>Chamaerops humilis</i>	European fan palm
7. <i>Cinnamomum camphora</i>	camphor tree
8. <i>Cupressus sempervirens</i>	Italian cypress
9. <i>Eucalyptus ficifolia</i>	red flowering gum
10. <i>E. cladocalyx</i>	sugar gum
11. <i>E. gunii</i>	cider gum
12. <i>E. lehmannii</i>	Lehmann's mallee
13. <i>E. microtheca</i>	coolibah tree
14. <i>E. polyanthemos</i>	silver dollar gum
15. <i>E. sargentii</i>	
16. <i>Gloditsia triacanthos inermis</i> (cultivars)	thornless honey locust
17. <i>Metrosideros excelsus</i>	New Zealand Christmas tree
18. <i>Laurus nobilis</i>	Grecian laurel
19. <i>Lagunaria pattersonii</i>	cow itch tree
20. <i>Olea europaea</i>	European olive
21. <i>Picea pungens</i>	blue spruce
22. <i>Pinus nigra</i>	Austrian black pine
23. <i>Pinus pinea</i>	Italian stone pine
24. <i>Pyrus calleryana</i> (cultivars)	callery pear
25. <i>Prunus ilicifolia</i>	holly leaf cherry
26. <i>Prunus lyonii</i>	Catalina cherry
27. <i>Populus alba</i>	white poplar
28. <i>Salix babylonica</i>	weeping willow
29. <i>Schinus terebinthefolius</i>	Brasilian pepper tree
30. <i>Washingtonia filifera</i>	California fan palm (native So. CA tree)



Belmont Permit Center TECHNICAL REQUIREMENTS



DRIVEWAY PLAN AND PROFILE SUBMITTAL REQUIREMENTS

Submittal shall include:

1. Plan
 - a. Drawn to scale no smaller than one (1) inch equals twenty (20) feet.
 - b. Show alignment (stationing, curve data, etc.) with dimensions and grade and directions of cross slopes.
2. Profile
 - a. Drawn to scale no smaller than one (1) inch equals four (4) feet.
 - b. Provide right edge profile and left edge profile if proposed cross slopes vary.
 - c. Show existing grade and proposed finished grade on each profile
 - d. Indicate proposed elevations, gradients and vertical curve data.
3. Typical sections of proposed driveway drawn to scale or no scale.
4. Data to support structural sections shown.

Belmont Permit Center TECHNICAL REQUIREMENTS



GRADING PLAN SUBMITTAL REQUIREMENTS

A grading plan, prepared and signed by a California registered civil engineer, shall be submitted showing:

1. North arrow, equivalent horizontal and vertical scales (no smaller than one (1) inch equals twenty (20) feet), elevations referenced to an established point, date and name of preparer.
2. Location of existing and proposed buildings on site and within 100 feet of site boundaries and location of existing and proposed streets, driveways and easements on site.
3. Boundaries of the site to be graded.
4. Limits of the area(s) to be graded and the locations, dimensions, and slopes of cuts and fills.
5. Present (existing grade) and proposed (finished grade) contours at one-foot intervals where slopes under 5%, two-foot intervals where the slopes are over 5% but under 25%, and 5 foot intervals where slopes are 25% or more with an accuracy of at least 90% within 2 feet.
6. Calculations of cubic yards of excavations and fills.
7. Profiles and cross-sections sufficient to show the relationship of existing and proposed structures to existing and proposed contours.
8. Locations, size and varieties of all trees onsite indicating those to be removed and any tree on adjacent property within 25 feet of any grading operations.
9. Existing and proposed drainage and detailed plans for any proposed drainage structures.
10. Plans for erosion control during and after grading including planting, cribbing, terraces, sediment retention structures, and other such means of control.

All of the foregoing information must be submitted unless the Director of Public Works finds any item or items necessary or may be submitted at the time of the building permit application.

Belmont Permit Center TECHNICAL REQUIREMENTS



STANDARDS FOR GEOTECHNICAL AND ENGINEERING GEOLOGY REPORTS

When required, as indicated in Chapters 7 and 9 of Municipal City Code, a geotechnical engineering report shall be prepared by a professional engineering firm under the direction of a geotechnical engineer. Likewise, an engineering geology report, prepared under the direction of an engineering geologist, may be required. Both requirements may be met by a single report.

A. Engineering geology reports shall include the following:

1. Maps depicting regional geologic setting and site-specific geologic formations and structure.
2. Review of generally accepted previously published geologic reports pertaining to the area.
3. An adequate description of the geology of the site, including description of bedrock lithology, structure, and physical characteristics (strength, jointing, weathering, hardness, special physical or chemical features), and discussion of how the geologic structure affects the site.
4. Identification of active and dormant landslides based on both site analysis and published geologic maps. Geologic cross-sections where appropriate to convey information on geologic relationships.
5. Discussion of geomorphology and relevant hillslope and stream processes. Identification and evaluation of any faults on or adjacent to the site, including their degree of activity and their possible engineering significance.
6. Description and evaluation of offsite geologic hazards that may affect the graded site.
7. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
8. These studies shall be performed for the entire parcel, and shall not be limited only to those portions to be graded.
9. Reports shall contain a statement that “proposed project as designed will be reasonably safe from geologic hazards” and “proposed project will not significantly endanger the stability of the site or any other property”.

B. Geotechnical reports shall include the following:

1. Subsurface exploration and testing sufficient to represent conditions of the entire parcel. At a minimum all reports should address the following:
 - a. Description of the soil or bedrock encountered.
 - b. The in situ dry density and moisture content of each soil or bedrock unit.
 - c. Presence and depth of groundwater encountered.
 - d. Analysis and recommendations appropriate to the project, consistent with these guidelines.
2. Laboratory tests, which should include the following, as appropriate:
 - a. *Classification tests*, using the Unified Soil Classification System. These consist of sieve analysis and plasticity testing.

- b. *Strength tests*. Either triaxial or direct shear tests may be used. Saturated, drained tests should be used for evaluating long-term problems, such as slope stability.
 - c. *Consolidation tests*, if loads are to be placed upon clay soils.
 - d. Expansion tests, such as UBC Standard 29-2, when clays are expected to be within 5 feet of finished grade.
 - e. *Compaction tests*, performed in accordance with ASTM D1557, for soils to be used in engineered fills or backfills of retaining walls.
 - f. Permeability testing, when criteria to prevent piping into subsurface drains are required.
 - g. *Stabilometer tests* (R-value), performed in accordance with California Test Method 301, for areas to be paved.
 - h. *Resistivity and pH testing* for buried metal pipes or piles.
3. Analysis of areas to be graded.
 - a. Field and laboratory tests of the land to be covered with fill, to determine bearing value of the land and consolidation potential.
 - b. Field and laboratory soil analysis of the material proposed for the fill, including its source and expansive quality and statement as to its suitability. The analysis shall also specify the maximum density and optimum moisture content in accordance with ASTM D-1557 or an approved equal test.
 - c. Field and laboratory soil analysis of existing soil conditions in proposed cut locations, including saturated strength, expansive qualities and bearing values. Sampling and testing shall be sufficient to evaluate the stability of cut slopes, and should include strength testing of saturated soil materials and evaluation of bedrock jointing and weathering processes. Quantitative stability analyses generally should be performed for any proposed slopes steeper than 3:1.
 - d. Field and laboratory analysis of all identified active and dormant landslides as well as significant bodies of colluvium on and immediately adjacent to the parcel. Sampling and testing shall be sufficient to evaluate saturated strength of materials, depth to slide surface, potential for future movement, and risks to proposed structures or roadways. The evaluation should include a numerical slope stability analysis.
 4. Groundwater levels and evaluation of any potential ground water condition that may affect soil strength, consolidation, or slope stability.
 5. Appropriate laboratory analyses and associated data to support any proposals to replace, rework, or blend or to stabilize or modify with additives either the natural site soils or the proposed fill materials.
 6. The location of and effects of active faults which may affect the proposed development. This analysis would normally include a tabulation of active faults, their distance from the site, their expected seismicity (magnitude and recurrence interval), and expected level of groundshaking (peak accelerations) at the site. Hazards of groundshaking, surface fault rupture, liquefaction, and seismically induced landsliding shall be considered and addressed as applicable. Reports for public occupancy buildings should analyze site period and ground response and should provide design parameters. Critical facilities may require a dynamic site response analysis. Recommendations shall be made regarding building setback distances from nearby active faults and foundation and grading design required due to expected seismic activity.
 7. Professional conclusions and recommendations for grading and foundations as appropriate to the site, including:
 - a. Foundation type and capacity.
 - b. Short and long-term settlement potential, including expected magnitude of settlement and time variation.

- c. Mitigation measures for expansive soils.
 - d. Lateral loads (passive, active, at rest) for current and proposed site conditions.
 - e. Slope stability. This should include site-specific specifications for any proposed repairs.
 - f. Shrinkage or settlement of engineered fills.
 - g. The maximum acceptable stable slope inclinations for proposed cut and fill slopes, assuming adequate terracing, drainage, and erosion control planting.
 - h. Surface and subsurface drainage necessary to ensure long-term stability of cut slopes and bodies of fill.
8. A complete and detailed specification for clearing, grubbing, and all aspects of grading, including utility trench backfill and retaining wall backfill, with special emphasis on the depth of fill layers, benching into native materials, preparation of areas to receive fill, compaction methods, moisture content, frequency of field density tests, and minimum density to be obtained in the field as related to laboratory tests.

Belmont Permit Center TECHNICAL REQUIREMENTS



DRAINAGE PLAN SUBMITTAL REQUIREMENTS

A drainage plan, prepared and signed by a California registered civil engineer, shall be submitted showing:

1. North arrow, equivalent horizontal and vertical scales (no smaller than one (1) inch equals twenty (20) feet), elevations referenced to an established point, date and name of preparer.
2. Location of existing and proposed buildings on site and within 100 feet of site boundaries and location of existing and proposed streets, driveways and easements on site.
3. Present (existing grade) and proposed (finished grade) contours at one-foot intervals where slopes under 5%, two-foot intervals where the slopes are over 5% but under 25%, and 5 foot intervals where slopes are 25% or more with an accuracy of at least 90% within 2 feet.
4. Profiles and cross-sections sufficient to show the relationship of existing and proposed drainage improvements to existing and proposed contours.
5. Locations, size and varieties of all trees and their drip lines where drainage improvements are proposed.
6. Existing and proposed drainage and detailed plans for any proposed drainage structures.

All of the foregoing information must be submitted unless the Director of Public Works finds any item or items unnecessary or may be submitted subsequently at the time of the building permit application.

The drainage plan must be submitted as part of the grading plan unless submittal of a grading plan is not required.

Belmont, California, Code of Ordinances >> - CITY CODE >> Chapter 22 - STREETS AND SIDEWALKS >> ARTICLE I. - ENCROACHMENTS >>

[54]

ARTICLE I. - ENCROACHMENTS

Sec. 22-1. - Definitions.

Sec. 22-2. - Encroachments—Prohibited.

Sec. 22-3. - No permit required.

Sec. 22-4. - Authority to issue permits for minor and routine encroachments; public works director.

Sec. 22-5. - Reserved.

Sec. 22-6. - Authority to issue permits for major and unusual encroachments; city council.

Sec. 22-7. - Application for permit.

Sec. 22-8. - Continual maintenance.

Sec. 22-9. - Removal for public improvements.

Sec. 22-10. - Removal for disuse.

Sec. 22-11. - Recording of encroachment agreement.

Sec. 22-12. - Permit fees, bonds and insurance.

Sec. 22-13. - Existing encroachments.

Secs. 22-14—22-21. - Reserved.

Sec. 22-22. - Permit issuance.

Sec. 22-23. - Conformance to city standards and state laws.

Sec. 22-24. - Inspection, certificate of approval.

Sec. 22-25. - Disapproval; correction by permittee; correction by city.

Sec. 22-26. - Forfeiture of cash deposit or surety bond; suit for costs incurred by city.

Sec. 22-27. - Refund of deposit.

Sec. 22-28. - Exemptions.

Sec. 22-29. - Map showing utility fixtures required.

Sec. 22-30. - Nuisance declared.

Sec. 22-31. - Reserved.

Sec. 22-32. - Penalty.

Secs. 22-33—22-40. - Reserved.

Sec. 22-1.- Definitions.

The following definitions shall apply to this article:

Encroachment includes going over, upon, under or using any public right-of-way or public watercourse in such a manner as to prevent, obstruct or interfere with its normal use, including the performance thereon of any of the following acts:

- (1) Depositing or leaving any rubbish, brush, earth, building material or other material of any nature whatsoever upon a public right-of-way or public watercourse so as to cause such public right-of-way or public watercourse to be littered, unsightly or obstructed.
- (2) Excavating, filling or disturbing the public right-of-way or public watercourse.
- (3) Displaying or storing merchandise or other property upon a public right-of-way or public watercourse.
- (4) Blocking the traveled way or impeding traffic.
- (5) Blocking or covering traffic-control devices duly installed by the city.
- (6) Erecting or maintaining any structure, including but not limited to, a flag, banner, decoration, post, sign, pole, fence, guardrail, wall, loading platform, mailbox, pipe, conduit, wire, vault or other structure on, over or under a public right-of-way or public watercourse.
- (7) Reserved.
- (8) Planting or allowing to extend, any tree, shrub, grass or other growing thing within a public right-of-way or public watercourse.
- (9) Constructing, placing or maintaining on, over, under or within the public right-of-way or public watercourse any pathway, sidewalk, driveway, curb, gutter, paving, or other surface or subsurface drainage structure or facility.

- (10) Constructing, placing, planting or maintaining any structure, embankment, excavation, tree, or other object adjacent to a public right-of-way or public watercourse which causes or will cause an encroachment.

Engineer shall mean the public works director or his designated representative.

Permittee is any person or entity, defined to include but not be limited to trust, partnership, sole proprietorship or corporation that proposes to do work or encroach upon a public right-of-way or public watercourse as herein defined and has been issued a permit for such encroachment in accordance with this article. "Permittee" is also the heirs and assigns and successors in interest of a permittee per section 22-11. For existing encroachments, as defined in section 22-13, or for encroachments not requiring a permit per section 22-3, "permittee" shall mean the current property owner adjacent to the encroachment.

Public right-of-way includes land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for and dedicated to the general public for street, highway, alley, public utility or pedestrian walkway purposes.

Public utility shall mean any person or entity holding a franchise from the city or under the jurisdiction of the public utilities commission or special districts functioning to provide public utility services.

Public watercourse is a channel for the carrying of stormwater, including both natural and artificial public watercourses.

Standard street improvements shall mean improvements to the public right-of-way or public watercourse in accordance with the Belmont Standard Specifications and intended for acceptance by the city for maintenance. Typical standard street improvements include sidewalk, curb, gutter, paving, street lighting, medians, sanitary sewers and storm drainage facilities.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-2.- Encroachments—Prohibited.

- (a) It shall be unlawful and no permits shall be issued for any person or entity to:
- (1) Deposit or leave any rubbish, brush, earth, building material or other material of any nature whatsoever upon a public right-of-way or public watercourse so as to cause such public right-of-way or public watercourse to become littered, unsightly or obstructed. See section 22-4(a)(8) for temporary storage of construction material in a public right-of-way.
 - (2) Display or store any merchandise or other property on a public right-of-way or public watercourse at any time. This section does not apply to items noted in section 22-3 as exempt from a permit or in section 22-5 for which a permit has been issued.
 - (3) Construct, place or maintain posts, poles, columns or structures for the support of advertising signs or for the support of lights intended primarily for lighting abutting property, excepting political signs installed in accordance with applicable provisions of the Municipal Code.
 - (4) Block the traveled way or impede traffic.
 - (5) Block or cover traffic-control devices duly installed by the city and/or other public utility devices.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-3.- No permit required.

- (a) No permit shall be required to:
- (1) Install and maintain a lawn, hedge, shrubs or other landscaping within a public right-of-way, so long as it is maintained out of the vehicle and pedestrian travel way, does not block existing off-street parking spaces, and does not create sight distance or safety problems.
 - (2) Install and maintain a mailbox for a single-family home.
 - (3) Install or maintain city improvements whether the work is accomplished by city employees or by a contractor working under contract for the city.
 - (4) Maintain or repair any pipe or conduit lawfully on, under or above any public right-of-way including excavation, as may be necessary for the preservation of life or property when an urgent necessity therefor arises, except that the person making an emergency use or encroachment shall apply for a permit the next business day.
 - (5) Install and maintain walkway lights intended for lighting encroached areas and abutting property.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-4.- Authority to issue permits for minor and routine encroachments; public works director.

The public works director may issue written permits, in accordance with this article, authorizing the permittee to do any of the following acts:

- (1) Excavate, fill or disturb, per chapter 9 of the Code, grading, any public right-of-way or public watercourse.
 - (2) Construct, place or maintain any structure within any public right-of-way or public watercourse below ground, such as any pipe, conduit, wire, utility vault or similar structure.
 - (3) Construct, place or maintain any structure within any public right-of-way or public watercourse roughly flush with the ground such as any pathway, sidewalk, driveway, parking pad or other standard street improvement.
 - (4) Construct, place or maintain within any public right-of-way street trees in a location, type and manner approved by the director of parks and recreation.
 - (5) Temporarily store within any public right-of-way construction material or temporarily install a bin for the collection of construction debris.
- (b) The public works director shall have the sole authority to issue written permits for encroachments covered by section 22-4 if:
- (1) The application meets the requirements of this article, including the city standards as noted in section 22-23
 - (2) There is some public benefit to the encroachment.
 - (3) The encroachment will not unduly restrict the public right-of-way or public watercourse for other typical uses.
 - (4) The city will be duly protected from liability for injury to persons and property.
 - (5) Faithful performance of all conditions and requirements specified in the permit will be guaranteed by bonds.
- (c) In issuing the permit, the public works director shall delineate:
- (1) The time and dates during which the encroachment may be constructed and maintained.
 - (2) Supervision and safety precautions to be employed, including the erection of barricades, warning lights, signals and signs, and/or the employment of personnel to direct traffic.
- (d) If the public works director determines that the findings enumerated in this section 22-4(b)(1)–(5) cannot be made, the permit shall be denied. Permit denial shall be in writing and may be appealed to the city council.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-5.- Reserved.

Sec. 22-6.- Authority to issue permits for major and unusual encroachments; city council.

- (a) The city council shall have the sole authority (except as approved in section 22-13(e)) to issue written permits in accordance with this article authorizing the permittee to do any of the following acts:
- (1) Construct, place or maintain all improvements in the public right-of-way or public watercourse which are not enumerated in section 22-4, including but not limited to, fences, decorative walls, retaining walls and awnings.
 - (2) Construct, place or maintain any improvement listed in section 22-4, a permit for which was denied by the public works director and appealed to the city council.
 - (3) Construct, place or maintain any structure above ground within any public right-of-way or public watercourse if installed by a public utility, including but not limited to poles, wires, guy anchors, hydrants, aboveground cabinets for housing splices, transformers or switches.
 - (4) Construct, place or maintain within any public right-of-way a bus bench or shelter of a design acceptable to the city council.
 - (5) Install, place or maintain within any public right-of-way mail collection boxes owned and maintained by the United States Postal Service.
- (b) All applications for major and unusual encroachments shall be submitted to the public works director who shall review the application and determine whether the application is in accordance with the requirements of this article. If the application meets the requirements of this article including city standards as noted in section 22-23, the public works director shall recommend approval, attaching such conditions as the director may deem necessary for the health, safety and welfare of the public and for the protection of the city.
- (c) When an application is proposed in conjunction with the development of adjacent private property, the public works director's recommendation shall be reviewed by the planning commission simultaneously with any required zoning entitlements. The planning commission's recommendation shall be forwarded to the city council for final review and action. All other applications for major and/or unusual encroachments shall be forwarded directly to the city council for review based on the public works director's recommendation.
- (d) The owners of properties within three hundred (300) feet of the applicant's property on which the encroachment is proposed, shall be notified of the proposed encroachment, of the scheduled time and place when the item will be heard by the planning commission and/or city council, and of their right to express any

concerns at the scheduled meeting prior to planning commission and/or city council taking action on the encroachment.

- (e) The city council may approve the application with conditions deemed necessary for health, safety and welfare of the public and protection of the city if it finds:
- (1) Some public benefit to the encroachment. Examples of public benefit include but are not limited to a retaining wall that allows an added off-street parking space, sidewalk or safer sight distance. Other examples include retaining walls that reduce grading onsite (without themselves becoming unsightly), or new retaining walls to replace existing deteriorating retaining walls, or fences that provide a safety handrail for pedestrians, or encroachments that replace or improve an existing undesirable physical condition or provide other neighborhood betterment.
 - (2) That the encroachment will not unduly restrict the public right-of-way or public watercourse for other typical uses.
 - (3) That the city will be duly protected from liability for injury to persons and property.
 - (4) That faithful performance of all conditions and requirements specified in the permit will be guaranteed by the required bonds.
 - (5) That the encroachment is not solely for increasing the usable area of a private residence or business without a public benefit.
- (f) In issuing the permit, the city council shall delineate:
- (1) The time and dates during which the encroachment may be constructed and maintained.
 - (2) Supervision and safety precautions to be employed, including the erection of barricades, warning lights, signals and signs, and/or the employment of personnel to direct traffic.
- (g) If the city council determines that the findings enumerated in this section 22-6(e)(1)–(5) cannot be made, the permit shall be denied.

(Ord. No. 994, § 1, 12-9-03; Ord. No. 1036, § 1, 5-27-08)

Sec. 22-7.- Application for permit.

- (a) *Application form and content.* All applications for encroachment permits shall be submitted on a form provided by the public works director. At a minimum, the applicant shall provide the following information:
- (1) Full name, residence or business address of the applicant.
 - (2) Notarized signature in a form acceptable for recording with the San Mateo County Recorder's Office.
 - (3) A scaled plot plan showing the location, dimensions and details of the proposed encroachment.
 - (4) An accurate and complete description of the encroachment and an explanation of the need for the encroachment.
 - (5) An agreement duly executed by the applicant indemnifying the city against liability resulting from the encroachment and establishing responsibilities of the applicant.
 - (6) An application fee as established in the most current master fee schedule, bonds and liability insurance naming the city as an additional insured in a form acceptable to the finance director per section 22-12
 - (7) In addition to the information listed above, the public works director may require additional information, including a survey, photographs, sketches, diagrams or similar exhibits necessary to illustrate location, dimension and purpose of the proposed encroachment and its relation to existing and proposed facilities in the public right-of-way or public watercourse.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-8.- Continual maintenance.

The permittee shall maintain, repair, service and clean the encroachment at the sole expense of the permittee. Standard street improvements accepted for maintenance by the city, excepting sidewalks, shall be exempted from this section. In accordance with applicable sections of the California Streets and Highways Code, the adjacent property owner is responsible for maintaining sidewalk, curb and gutter adjacent to his property in such condition that it will not endanger persons or property.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-9.- Removal for public improvements.

The permittee shall remove or relocate encroachment that would interfere in any way with the construction, maintenance or repairs of any public utility, public works or public improvement of any descriptions if so required by the public works director in writing. Ten (10) days notice shall be all that is required. The cost and expense of such removal or relocation shall be borne by the permittee. Standard street improvements accepted for maintenance by the city and sidewalks shall be exempt from this section.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-10.- Removal for disuse.

The permittee shall, upon written request of the public works director, remove the encroachment and restore the area if the encroachment falls into disuse for a period of six (6) months. Standard street improvements accepted for maintenance by the city and sidewalks shall be exempt from this section.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-11.- Recording of encroachment agreement.

All encroachment permits shall be recorded with the county recorder. Said recording shall constitute notice to all heirs, assigns and successors in interest of the permittee of their responsibility with respect to maintenance, liability and potential relocation of the encroachment.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-12.- Permit fees, bonds and insurance.

- (a) The fees to accompany the permit application shall be established by resolution by the council in the city's current master fee schedule. No permit application will be accepted without the required fee.
- (b) After city approval of the encroachment and prior to receiving the permit, the applicant shall deposit with the public works director cash, a letter of credit or a surety bond in an amount equal to one hundred (100) percent of the cost of constructing the encroachment (the "bonds"). The bonds are intended to guarantee that all conditions and requirements of the encroachment permit will be faithfully performed and completed within the time period specified in the permit. The bonds also will be used by the city, if necessary, to repair to the satisfaction of the public works director any damage caused to the city streets or property by the permittee in the course of the work. The bonds shall be executed by sureties approved by the finance director and shall be in such form as approved by the city attorney. The form of the bonds shall be such that the city may proceed against the permittee and his sureties on the bonds immediately upon any default, without waiting for the completion of work done. The bonds shall guarantee the work and shall remain in effect for a period of six (6) months following completion of said work.
- (c) After city approval of the encroachment and prior to receiving the permit, the applicant shall deposit:
 - (1) A certificate of liability insurance in an amount and form acceptable to the finance director naming the city as an additional insured.
 - (2) A certificate of property damage insurance in an amount and form acceptable to the finance director naming the city as an additional insured.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-13.- Existing encroachments.

- (a) Any existing encroachment in the public right-of-way or public watercourse which, in the opinion of the public works director, interferes with the safe sight distance of drivers or pedestrians, or blocks the free passage of pedestrians or vehicles, or constitutes a threat to health and safety shall be removed forthwith by the permittee or adjacent property owner upon written notification from the public works director. If the encroachment is not removed, then city forces may remove the encroachment, at the direction of the public works director; and the permittee or adjacent property owner shall be responsible to reimburse the city for the cost of this work.
- (b) No existing encroachments shall be exempt from section 22-8, "continual maintenance," [section] 22-9, "removal for public improvements," or [section] 22-10, "removal for disuse." When no permit has been issued, the responsibilities of the permittee listed in these three (3) sections shall be the responsibilities of the current adjacent property owner.
- (c) This section shall not be construed to prohibit the city from requiring upgrading or removal of existing encroachments as a condition of development on the adjacent property.
- (d) Any existing major encroachment in the public right-of-way or public watercourse which was constructed prior to the adoption of Ordinance No. 994 and, in the opinion of the public works director, does not interfere with the safe sight distance of drivers or pedestrians, does not block the free passage of pedestrians or vehicles, does not constitute a threat to health and safety, and does not interfere with the construction or maintenance of public improvements as noted in section 22-9, is required to have a permit agreement only at the time when the encroachment is replaced. The applicant or adjacent property owner shall submit an application to the public works director, prior to the replacement of the existing encroachment, which is subject to the approval process as noted in section[s] 22-6 or 22-13(e), whichever is applicable. The encroachment shall be removed by the applicant within thirty (30) days after notification from the public works director in the event the permit application is denied.
- (e) If the applicant is requesting only to replace an existing encroaching retaining wall that was constructed

before the adoption of Ordinance No. 994, the public works director may issue a written permit, in accordance with this article.

- (1) All applications for replacing an existing encroaching retaining wall that was constructed prior to the adoption of Ordinance No. 994, shall be submitted to the public works director who shall review the application and determine whether the application is in accordance with the requirements of this article. If the application meets the requirements of this article including city standards as noted in section 22-23, the public works director shall approve, attaching such conditions as the director may deem necessary for the health, safety and welfare of the public and for the protection of the city.
 - (2) When an application is proposed in conjunction with the development of adjacent private property, the public works director's recommendation shall be reviewed by the planning commission simultaneously with any required zoning entitlements.
 - (3) The public works director may approve the application with conditions deemed necessary for health, safety and welfare of the public and protection of the city if it finds:
 - a. That the encroachment will not unduly restrict the public right-of-way or public watercourse for other typical uses.
 - b. That the city will be duly protected from liability for injury to persons and property.
 - c. That faithful performance of all conditions and requirements specified in the permit will be guaranteed by the required bonds.
 - d. That the encroachment will not create a hazardous condition for the public.
 - e. That the new retaining wall will occupy the same location and of the same height as the existing retaining wall.
 - (4) All retaining walls shall be of such a design as to conform to the natural setting and surroundings by meeting the following standards:
 - a. Retaining walls shall be of a medium to dark earthtone color.
 - b. Retaining walls shall be articulated in either a vertical or horizontal plane, e.g. advancing and receding vertical faces of walls or articulated top of wall.
 - c. The materials of the walls shall not be wire cut concrete block or similar materials.
 - d. Materials to be used shall provide a rough texture such as natural stone, brick veneer, fluted or split face stone, crib block, wood, or similar materials.
 - (5) In issuing the permit, the public works director shall delineate:
 - a. The time and dates during which the encroachment may be constructed and maintained.
 - b. Supervision and safety precautions to be employed, including the erection of barricades, warning lights, signals and signs, and/or the employment of personnel to direct traffic.
 - (6) When the public works director takes action on the permit, a notice of the intent to approve the permit and stating the opportunity to file a written appeal shall be sent to the city council, the applicant and adjacent property owners via U.S. mail at least ten (10) days prior to such action. Notice to the council may be provided by e-mail.
 - (7) If the public works director determines that the findings enumerated in this section 22-13(e)(3) cannot be made, the permit shall be denied. Permit denial shall be in writing and may be appealed to the city council.
 - (8) Encroachment permits for retaining wall encroachment shall be recorded with the county recorder. Said recording shall constitute notice to all heirs, assigns and successors in interest of the permittee of their responsibility with respect to maintenance, liability and potential relocation of the encroachment.
- (f) All major encroachments on public right-of-way and public watercourse that are constructed without a permit after the adoption of Ordinance No. 994 are required to have a current valid permit from the city, and the applicant shall submit an application to the public works director and shall follow the approval process as outlined in section 22-6. The encroachment shall be removed by the applicant within thirty (30) days after notification from the public works director in the event the permit application is denied.

(Ord. No. 994, § 1, 12-9-03; Ord. No. 1036, § 2, 5-27-08)

Secs. 22-14—22-21.- Reserved.

Sec. 22-22.- Permit issuance.

No permit shall be issued under this article until the permittee has deposited the required fee, bonds and insurance.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-23.- Conformance to city standards and state laws.

All work done under the provisions of this article shall conform to city standards and state laws and be subject to inspection by the city. Should any dispute arise regarding conformance to specifications, such dispute shall be decided by the public works director; and the decision of the latter shall be final and conclusive.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-24.- Inspection, certificate of approval.

At the completion of the work described in the permit required by this article, the city shall inspect the work. If the work has been satisfactorily completed and all rubbish and debris have been removed, the inspector shall issue a certificate of completion. When standard street improvements are installed and completed in accordance with applicable specifications and conditions, the certificate of completion shall be signed by the public works director and shall indicate if the improvement has been accepted by the city for maintenance. Sidewalks shall not be accepted by the city for maintenance.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-25.- Disapproval; correction by permittee; correction by city.

In the event that the work referred to in this article is not satisfactorily completed, the city shall give a ten (10) days' written correction notice to the permittee. The ten (10) days shall be computed excluding Saturdays, Sundays and holidays. If deficiencies are not corrected within the ten (10) days, then the city shall correct the deficiencies and deduct the cost from the bonds or restore the site to its original condition. If the disapproval is based solely on the need for clean-up of the work area or the street, only twenty-four (24) hours' written notice is required before the city may take action and deduct the cost of cleanup from the bonds. The public works director shall report such action in writing to the city council and the city attorney.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-26.- Forfeiture of cash deposit or surety bond; suit for costs incurred by city.

If the work performed by any person under this article is not completed to the satisfaction and approval of the public works director, the bonds shall be for the use of the city and as part payment for the damage thereby sustained by the city. The city attorney shall, upon direction of the city council, commence suit in the name of the city against the permittee if the proceeds from the bonds are insufficient to compensate the city for damages sustained, including cost of engineering properly attributable to the project, attorney's fees and court costs.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-27.- Refund of deposit.

A permittee may withdraw the bonds on deposit with the city at the completion of the six (6) month warranty period.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-28.- Exemptions.

Any excavation of a public area by or on behalf of the city shall be exempt from the provisions of this article. No fee or bonds shall be required of the Midpeninsula Water District. A minimum of one (1) working day's notice to the city shall be required, except in emergencies excavations. Conformance to all other provisions of this article and all other pertinent city requirements is mandatory.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-29.- Map showing utility fixtures required.

Every public utility maintaining pipes, conduits, cables or other equipment in the streets of the city shall file with the public works director during the month of January of each year a map indicating the size and location of each pipe, conduit, cable or other equipment owned or maintained by such public utility in the streets of the city; provided, however, that after the public utility has in the first instance filed such map, it may thereafter in January of each subsequent year, revise the map on file so as to show changes or extensions.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-30.- Nuisance declared.

Any encroachment of a public right-of-way or public watercourse contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance.

(Ord. No. 994, § 1, 12-9-03)

Sec. 22-31.- Reserved.**Sec. 22-32.- Penalty.**

Any person, permittee or entity violating the provisions of this article shall be subject to the general penalty provisions of the Municipal Code Section 1-8.

(Ord. No. 994, § 1, 12-9-03)

Secs. 22-33—22-40.- Reserved.**FOOTNOTE(S):**

⁽⁵⁴⁾ **Editor's note**— Ord. No. 994, § 1, adopted Dec. 9, 2003, amended art. I in its entirety to read as herein set out. Formerly, said article pertained to similar subject matter as enacted by Ord. No. 811, § 1, adopted May 9, 1989; as amended. See the Code Comparative Table for a detailed analysis of inclusion. ([Back](#))