

**CITY OF BELMONT  
MEMORANDUM**



**TO:** Planning Commission

**FROM:** Rob D. Gill, Assistant Planner

**VIA:** Carlos de Melo, Community Development Director

**SUBJECT:** December 6, 2011 Planning Commission Meeting - Agenda Item 5A  
Variance & Single Family Design Review – Request for Extension of Approval  
Address: 2708 Monte Cresta Drive; APN: 043-311-850; Appl. No. 2011-0054

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**SUMMARY**

The property owner, Gurpreet Sachdeva, requests a second/final extension of the Planning Commission approval of a Single Family Design Review (SFDR) to construct a new 2,080 square foot single-family residence for the site (2,082 sq. ft. maximum building size permitted). The project would also include a Variance to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback.

**BACKGROUND**

- On January 19, 2010, the Planning Commission approved the subject Variance (by a vote of 4-2) and Single Family Design Review (by a vote of 6-0) requests. Building plans for a permit has not yet been submitted to the Building Division for review and approval.
- On February 1, 2011, the Planning Commission approved an extension of the entitlement.

**SITE CONDITIONS**

The site is located in a residential neighborhood of single-family homes on a section of Monte Cresta Drive that rises steeply up from the northeast side of the road and drops off on the southwest side of the road. The houses in the immediate area are situated on hillsides mostly in a multi-level contemporary architectural style, with wood and stucco finishes. Houses situated on the upslope typically have significant graded driveways with retaining walls, and houses on the downslope typically have driveway bridges. The subject site is situated on the steep upslope side that rises at an inclination of 1:1 (horizontal to vertical). The upper portion of the lot is flatter and is inclined at an approximate 3:1 ratio. The average slope for the overall site is 52%. The site is undeveloped and covered in native grasses and vegetation with eight protected/regulated trees on site.

The City’s Ground Movement Potential and Geologic Hazard Policy Map of the San Juan Hills Study Area indicates that the site is primarily designated as being in a Ps (potential shallow landslide failure) zone which allows development and roadway expansion on a conditionally permitted basis. The southwest corner of the site is designated as being in a Pd (Potential Deep Landslide) zone, which permits development and road expansion when hazards are mitigated.

**PROJECT ANALYSIS**

Floor Layout / Parking

The applicant proposes to construct a new multi-level 2,080 square foot single-family residence that consists of the following:

- A two-car garage (20’ x 20’ interior dimensions).
- An interior entry/stairwell that would provide access from the lower level to the main (upper) living area.
- A main floor that includes a kitchen, dining and living rooms, two bedrooms, office, two and a half bathrooms and laundry room.

<b>Dwelling Floor Area Summary</b>	
<b>Proposed Floors</b>	<b>Type of rooms</b>
Garage & Entry Level – 531 Sq. Ft.	Two-car garage and interior entry/stairwell
Main Level – 1,549 Sq. Ft.	Kitchen, dining and living rooms, two bedrooms, office, two and a half bathrooms and laundry room.
Total = 2,080 Sq. Ft.	

See Attachment IV – January 19, 2010 Planning Commission staff report for additional background information for the project.

On October 16, 2011, the property owner/applicant submitted a letter to Planning staff requesting a second and final extension of the Planning Commission approval of a Variance and Single Family Design Review. The property owner/applicant has indicated that they have not been able to secure financing to build the home due to the current economy; the property owner/applicant continues to pursue construction financing for the project.

The applicable Zoning Ordinance statutes for extension approvals are as follows:

*Section 10.5 APPLICATIONS - EXTENSION OF TIME*

*10.5.1 EXTENSION OF TIME - The Planning Commission may grant up to two 1-year extensions of the expiration dates for variance, conditional use, design review, and exception permits it originally granted upon making the following findings:*

- (a) The governing regulations under which the permit was originally approved have not changed in a way that have established different findings, development standards, or evaluation criteria.*
- (b) The applicants have presented a reasonable explanation of the delay in completing the project and have demonstrated intent to complete the project within the next year.*
- (c) The surrounding neighborhood conditions and site characteristics have not changed in a way that would no longer provide a factual basis for positively reaffirming the original findings.*

Section 10.5 allows the Planning Commission to extend planning approvals it originally granted. Such extension is not required to be requested before, or granted prior to the one-year deadline. The Commission has approved, within the last three years, extension requests for Single Family Design Review projects for two vacant lots on Naughton Avenue, at 2007 Bishop Road, 2612 Hallmark Drive and 1501 Folger Drive.

**CONCLUSION**

Staff has reviewed the request in light of the required findings and found:

- Applicable statutes have not changed via establishment of different findings, standards, or general evaluation criteria.
- The applicant has provided a reasonable explanation for the delay. Staff further believes the applicant shows intent to obtain project permits and commence construction within the next year.
- There have been no significant changes to the surrounding 2708 Monte Cresta Drive neighborhood in the past year. There have been no new Planning Commission approvals for projects in the general vicinity on the subject property. No other recent building permits (for significant additions/modifications) or zoning entitlements within the last

year have been issued for properties within 300 feet of the subject site. There have also been no changes to the characteristics of the project site.

Staff believes a second extension is warranted. Should the Commission grant the extension, the entitlements would be valid until January 19, 2013 (or less time as deemed appropriate by the Commission), unless a building permit has been issued before then, with no option for additional time extensions. In conclusion, staff believes the findings for granting an extension (Section 10.5.1. a-c) can be made in the affirmative.

#### **ATTACHMENTS**

- I. Resolution approving extension of a Variance & Single Family Design Review
- II. Applicant Letter, dated October 16, 2011
- III. Summary Minutes, January 19, 2010
- IV. January 19, 2010 Conditions of Approval
- V. January 19, 2010 Planning Commission staff report (no additional attachments )

RESOLUTION NO. 2011-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING AN EXTENSION OF A VARIANCE & SINGLE FAMILY DESIGN REVIEW  
FOR 2708 MONTE CRESTA DRIVE (APPL. NO. 2011-0054)

WHEREAS, Gurpreet Sachdeva, property owner, requests an extension of the Planning Commission approval of a Variance and Single Family Design Review to construct a new 2,080 square foot single-family residence and a Variance to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project to be Categorically Exempt pursuant to the California Environmental Quality Act, Section 15303; and,

WHEREAS, the Planning Commission hereby adopts the staff memorandum dated December 6, 2011 and the facts contained therein as its own findings of facts; and,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belmont hereby:

- Extends the Single Family Design Review approval to construct a new 2,080 square foot single-family residence and a Variance to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback at 2708 Monte Cresta Drive, to January 19, 2013, subject to the conditions in the attached Exhibit "A"; and,
- Finds the required findings per Section 10.5.1 (a-c) (Extension of Time) are made in the affirmative as follows:
  - (a) *The governing regulations under which the permit was originally approved have not changed in a way that have established different findings, development standards, or evaluation criteria.*

The applicable Variance and Single Family Design Review statutes have not significantly changed within the last year such that different findings, development standards, or evaluation criteria have been established. This finding is affirmed.

- (b) *The applicants have presented a reasonable explanation of the delay in completing the project and have demonstrated intent to complete the project within the next year.*

The applicant has provided a reasonable explanation for the delay. The applicant shows intent to obtain project building permits and commence the development this year. This finding is affirmed.

- (c) *The surrounding neighborhood conditions and site characteristics have not changed in a way that would no longer provide a factual basis for positively reaffirming the original findings.*

There have been no significant changes to the surrounding 2708 Monte Cresta Drive neighborhood in the past year. There have been no new Planning Commission approvals for projects in the general vicinity on the subject property. No other recent building permits (for significant additions/modifications) or zoning entitlements within the last year have been issued for properties within 300 feet of the subject site. There have also been no changes to the characteristics of the project site. This finding is affirmed.

\* \* \* \* \*

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on December 6, 2011 by the following vote:

AYES,  
COMMISSIONERS: \_\_\_\_\_  
NOES,  
COMMISSIONERS: \_\_\_\_\_  
ABSENT,  
COMMISSIONERS: \_\_\_\_\_  
ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_  
RECUSED,  
COMMISSIONERS: \_\_\_\_\_

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

October 16, 2011

Dear Planning Commission,

Nothing has changed since our original project. We appreciate the patience with this project as we are very excited about getting the project started. Since approval, we have had challenges with obtaining financing as well as getting the contractors are having some difficulty with the construction piece of this project and the design.

Sincerely,

Gurpreet Sachdeva

**10.5.1 EXTENSION OF TIME** – The Planning Commission may grant up to two 1-year extensions of the expiration dates for variance, conditional use, design review, and exception permits it originally granted upon making the following findings:

- (a) *The governing regulations under which the permit was originally approved have not changed in a way that have established different findings, development standards, or evaluation criteria.*
  
- (b) *The applicants have presented a reasonable explanation of the delay in completing the project and have demonstrated intent to complete the project within the next year.*
  
- (c) *The surrounding neighborhood conditions and site characteristics have not changed in a way that would no longer provide a factual basis for positively reaffirming the original findings.*



CITY OF BELMONT  
PLANNING COMMISSION  
SUMMARY MINUTES  
TUESDAY, JANUARY 19, 2010, 7:00 PM

5A. PUBLIC HEARING – 2708 Monte Cresta Avenue

The applicant requests Single Family Design Review approval to construct a new 2,080 square foot single-family residence for this site. The project also includes a Variance request that would allow a deck located above the ground floor entrance to encroach into the required 18-foot front yard setback. (Appl. No. 2007-0034); APN: 043-331-850; Zoned: R-1B – Single Family Residential CEQA Status: Categorical Exemption per Section 15303 Applicant/Owner: Gurpreet Sachdeva Project Planner: Rob Gill (659) 598-4204

AP Gill summarized the Staff Report, recommending approval of the Variance and the Single-Family Design Review subject to the Resolution and Conditions of Approval attached. He added that letters received from neighbors John and Judy Becker and Barry Heisler had been placed on the dais.

Referring to the letter received from Mr. Heisler, Commissioner Fraustchi asked staff to comment on the Commission's role in determining a project based on economics. CA Zafferano responded that economics is not one of the findings that the Commission has to make with respect to either a Design Review or a Variance.

Referring to the Becker's letter, Commissioner Fraustchi asked if the Commission can condition a project based on completion of another approved project. CA Zafferano's response was "no" in that the findings in front of them relate to this project and not to any project the applicant does or does not have in this city or other cities. He added that none of the findings relate to the three items that were raised in the email and that some of those matters are governed by separate ordinances of the City, such as the construction time limits ordinance. They would have to make a nexus in order to condition on any of those items.

CDD de Melo confirmed that there would be 83 truck loads of haul if they use trucks that carry 10 cubic yards. Commissioner Fraustchi's question if they plan to use double trucks was deferred to the applicant.

Referring to the left side of the lot that has a PD designation, Commissioner Fraustchi asked if the Commission can condition that an area on an applicant's lot, if it is undeveloped, be certified stabilized rather than just saying that we are not affecting it. CDD de Melo responded that they have extensive geologic reviews by the applicant's geotech consultant and three different reviews by the City's third party consultant and

that there are extensive conditions proposed that require further sign-offs by geologic parties to confirm that the construction techniques proposed are suitable for this hillside and for this project. He added that, since the project came to the Commission as a Preliminary Design Review in 2007, there has been extensive work on the lot to confirm that this project at least meets the test from a geologic stability standpoint by two registered professionals.

Commissioner Frautschi asked if there is anywhere in the current code that guarantees reasonable outdoor recreational space as a standard for developing a lot. CDD de Melo responded that there is not a specific section of the Zoning Code that mandates, requires or prescribes a certain amount of open space for a property. The applicant's only active recreational open space that is proposed for this project is the deck that takes its entrance from the main portion of the home. There are no other areas within this property that the applicant proposes for open space use. Staff believed it appropriate in making the Variance findings for this property that it is not an unreasonable request for them to seek open space opportunities on this lot via this design that would necessitate and warrant a Variance.

Vice Chair Mayer and Commissioner Mathewson questioned if two cars parked in the parking spaces shown on the drawings would block the entrance to the house. The question was deferred to the applicant.

Chair Horton's questions regarding the lack of a window in the office/bedroom and venting for the house were deferred to the applicant.

Gurpreet Sachdeva, applicant/owner, introduced his team and described the history of the project and the revisions made to the design concept as a result of the Commission's direction at the last meeting. Responding to the feedback received regarding the existing project, he thanked the neighbors for their support and apologized that it has taken so long to complete that project. He explained the difficulties caused with the general contractor as a result of the economic downturn. He stated that their goal is to get the project under discussion built as quickly as possible and that they do not anticipate another economic meltdown or issues with another general contractor.

John Rider, Engineer/Designer for the project, gave a power point presentation showing design concepts that were abandoned and iterations of the current proposal for an earth-sheltered home. Responding to the question regarding ventilation, he explained that the skylights are oversized and will be used for venting and that the laundry room and bathrooms will have mechanical vents. Regarding the office space, it wasn't clear to him that there was a zoning ordinance regarding the size of the room and they will make any required changes.

Commissioner Frautschi questioned why they put the office space at the back of the house where there are no windows and suggested that it be incorporated into the master suite. Mr. Rider said that he will pursue that concept with the owner.

Commissioner Frautschi expressed concern about the stability of the area to the left of the lot. Charles Kissick, registered geologist and certified civil engineer, came to the podium and noted that the area is not on the subject property but on the lot next door. He was not worried about it, noting that there will be some drainage systems that will help de-water the whole hillside behind the retaining walls that make up the house and there will also be some surface drainage measures above the house to capture the water and get it off site. He added that the landslide to the left could be stabilized if needed by removing what is there and putting in something that is engineered and stable. He stated that this project will not have any impact on that area and it will not have any impact on the subject property.

Commissioner Frautschi questioned how they will get the equipment above the house to store the dirt and place it on the roof. Mr. Kissick responded that it will be tricky for the contractor and he will have to be creative in moving the dirt around. He did not believe it would be practical to try to retain some of the dirt on the site.

Mr. Sachdeva asked for permission to comment after the public has had a chance to speak in order to address any of their concerns. Chair Horton responded that there will not be a discussion but questions could be answered.

Chair Horton opened the Public Hearing.

John Becker, Belmont resident, stated that his home, which is directly across the street, is the one that will be most impacted by the proposed construction. He thanked the City Attorney for the response to his letter, and clarified that the first concern raised in his letter related to the construction at 2702 Monte Cresta and the other two referred to 2708 Monte Cresta. He pointed out that the project that was originally approved was expected to take a year or a little more to construct, it has become a 2-1/2 year nightmare for the neighborhood, and that it does not resemble the plans that were originally approved. He believes that the conditions that caused the delay in completing the first project still exist. He reiterated the points made in his letter and asked what assurances could be made that all of the factors that still exist today will not delay construction again and put them in the position of having to live with a construction site for 4 or 5 years.

Warren Gibson, Belmont resident and former Planning Commissioner, believed the proposed plan is a big improvement. He was concerned about the area between the parking pad and the street that shows green but is actually a rock cliff. He questioned how they are going to retain it, noting that the danger is that they could end up with a huge tall retaining wall instead of the green slope that shows on the plans.

Jaime Dal Porto, Belmont resident, concurred with her neighbors about the length of time the current project has taken and about the possible slide area mentioned earlier. She stated that the current unfinished project does not look at all like the plans that the Commission approved. The last time she was at a meeting she heard Commissioner say that this is an unbuildable lot and wondered how many times they will have this

conversation. She asked that Commissioners go look at the current project and asked if that is what they want in Belmont; it looks like a prison and has no windows.

Responding to the public comments, Mr. Rider returned to the podium to state that his firm was not hired to design the original home and he could not speak to the accuracy of whether or not it was built to the renderings or the drawings. He added that this is a different team and the preliminary plans that are presented are very accurate. Regarding the section between the driveway and the road, they have not yet come up with a complete design about what to do there but the end result will not be a tall retaining wall; it will be made aesthetically pleasing and tie in with the house.

Mr. Sachdeva stated that there are more regulations in place in the contractor and bank environments, that there are similar homes built in the same exact fashion, and he invited anybody to look at the approved plans for the current house – they are identical to what has been built – and it is two weeks away from being finalized. He believes that the new design is more aesthetically pleasing and they do not expect the project to take longer than planned.

Vice Chair Mayer asked the applicant who told him, when he bought the property, that these were buildable lots. Mr. Sachdeva responded that her name was “Marge” and that since they were zoned as buildable lots they took it at face value. CA Zafferano pointed out that comments made by staff are not binding on the City so what the staff said or did not say had no bearing on this application.

Mr. Kissick commented that he purposely designed the driveway slope and retaining wall so they could preserve the slope. They have to preserve the slope because they have to work around the anchored power pole.

Responding to Commissioner Frautschi, CDD de Melo stated that typically 18% is the maximum driveway slope allowed by the Public Works Department, though there are a few exceptions.

**MOTION:** By Commissioner Parsons, seconded by Commissioner Mathewson, to close the Public Hearing. Motions passed 6/0/1 by a show of hands, with Commissioner Mercer absent.

Commissioner Frautschi appreciated that the applicant answered most of the Commission’s comments from the last meeting, hoped that there was a possibility of leaving more dirt on the site and did not like to grant Variances in the Canyon but would vote with the rest of the Commission on that. He thought the landscape plan was great but suggested keyholes in the pavement on the left side of the driveway in the area of the retaining wall and plantings below the trash enclosure area. He suggested that the applicant look at a house on Terrace that has the same type of retaining wall. He stated to the neighbors that the Commission has no control over how fast a project moves along, adding that there is now a time limit ordinance and that construction on this new project cannot begin until April due to a moratorium on digging. He stated that he has always felt

that something should not be built on this property. He thought it was a nice design but he did not like a bunker-type building in Belmont – it has to fit into the character of the neighborhood and because of the haul, cut and fill he thought he could withhold his approval.

Commissioner Parsons questioned why anybody would want to build houses on these lots and why anybody would want to live in them. The project seemed feasible to him, has greatly reduced the amount of soil disturbance and the visible impact of the front of the building from the street, and the materials appeared to him to be attractive. He supported amending the landscape plan to require plantings along the stone wall on the face under the porch. He could support the Variance and could support the project.

Vice Chair Mayer stated that his original main question was the buildability of the lot due to the 52% slope, noting that the General Plan discourages building on lots in excess of 30% slope, but also believed strongly in property rights and the rights of owners to take their property and do the maximum within the codes to allow them to develop that property for their economic use and benefit. He felt that the applicant had addressed most of the major concerns that were raised at the preliminary design review and could make the findings for the Variance and could approve the project.

Commissioner Reed stated that the proposal seemed to be a huge improvement over what was submitted before he was on the Commission, but he did not believe he personally would build on a 52% sloping lot, especially with small children since there is very little usable outdoor space. He could support the Variance and the project.

Commissioner Mathewson was not comfortable with building anything on a 52% slope and was not sure about the Variance.

Chair Horton concurred that this was a far better design than the one reviewed in the study session and is probably about all that can be done. She suggested that the City might want to do something about assuring completion of this project given the situations they have seen in the past. She wanted the neighbors to know that since the first house was approved, which has nothing to do with this application, there has been an ordinance passed that requires builders to complete their projects within a certain period of time or pay very hefty fines.

MOTION: By Commissioner Frautschi, seconded by Commissioner Parsons, adopting the Resolution approving a Variance at 2708 Monte Cresta Drive (App. No. 2007-0034).

Ayes: Frautschi, Parsons, Mathewson, Reed, Mayer, Horton

Noes: None

Absent: Mercer

Motion carried 6/0/1

MOTION: By Vice Chair Mayer, amended and seconded by Commissioner Parsons, adopting the Resolution approving a Single-Family Design Review at 2708 Monte Cresta Drive (Appl. No. 2007-0034), with the addition of a condition to add some type of vine to grow up the walls along the side of the garage.

Ayes: Mayer, Parsons, Reed, Horton

Noes: Mathewson, Frautschi

Absent: Mercer

Motion carried 4/2/1

## EXHIBIT "A"

### CONDITIONS OF PROJECT APPROVAL SINGLE FAMILY DESIGN REVIEW 2708 MONTE CRESTA DRIVE (APPL. NO.2007-0034)

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

#### Planning Division

1. Plans submitted for building permit and all construction shall conform to the plans on file in the Planning Division for Appl. No. 2007-0034, date stamped October 29, 2009. The Director of Community Development may approve minor modifications to the plans.
2. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
3. Prior to issuance of building permits, the property owners shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that they have read, understand and agree to these conditions of approval.
4. In accordance with the Belmont Zoning Ordinance, the permit(s) granted by this approval shall expire one (1) year from the date of approval, with said approval date indicated on the accompanying Planning Commission resolution. Any request for extension of the expiration date shall be made in accordance with the applicable provisions of the Belmont Zoning Ordinance.
5. In the event that this approval is challenged by a third party, the property owners and all assignees will be responsible for defending against this challenge, and agree to accept responsibility for defense at the request of the City. The property owners and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorneys fees that might result from the third party challenge.

6. During construction activities which require frequent vehicle movements onto and off of the site, such as grading and site work, the applicant shall be required to provide flag persons on each side of the site on Monte Cresta Drive to direct traffic to ensure that these vehicle movements can be done in safety.
7. The applicant shall be required to notify all property owners/residents within a 300-foot radius of the subject site prior to any/all grading operations – such notification shall include the following:
  - (a) A statement of the published haul route for the cut/fill work.
  - (b) A description of the staging area(s) for all equipment involved with the project cut/fill work.
  - (c) The dates or a timeframe in which the cut/fill work for the project is expected to take place.
  - (d) Contact Information for the project construction manager.
8. The project is subject to Public Works Department and City Geologist review and approval with the following conditions:
  - (a) Engineering Certification – A signed and stamped original version of the referenced July 21, 2009, Sigma Prime Geosciences letter should be submitted to the City.
  - (b) Geotechnical Plan Review – The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, retaining walls and driveway) to ensure that the geotechnical reports' recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
  - (c) Structural Design – Structural aspects of final project design plans and supporting calculation should be certified with the stamp of a Registered Structural Engineer.
  - (d) Waterproofing – A waterproofing specialist should be retained by the applicant to detail appropriate waterproofing measures associated with the concrete roof, extensive retaining walls, and concrete slab floors for the project.
  - (e) Geotechnical Field Inspection – The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. Site excavation should be inspected by the geotechnical consultant to verify necessary applications of shotcrete or other support measures. The results of these inspections and the as-built conditions of the project should be described by the geotechnical

consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

9. The applicant shall provide a written plan for construction staging and storage areas. This information shall be submitted in conjunction with application for a building permit for City review and approval.
10. The project is subject to Community Development Department and Consulting City Arborist (CCA) review and approval with the following conditions regarding tree removal, tree retention measures, tree protection fencing and irrigation. The following detailed recommendations must be included as “tree protection notes” in the final stamped building set of plans.
  - (a) PRUNING:
    - (i) All pre-project clearance pruning of trees on the subject property (oaks #2 & 3) shall be performed only by or under direct site supervision of an ISA Certified Arborist, and shall conform to the most recent edition of ANSI A300 Part I: Tree, Shrub, and Other Woody Plant Maintenance, Standard Practices, Pruning. Tree Care Companies performing work on the subject property shall contact the Consulting City Arborist prior to commencement of any work. A copy of receipts for all tree work shall be provided to the CCA to verify compliance with pruning recommendations.
  - (b) WOOD CHIPS / SOIL BUFFER:
    - (i) Acquire a load of coarse wood chips (not bark chips or leaf chips) from a local landscape materials supplier such as Lyngso or PBS in Redwood City and lay a 4 inch thick layer over soil areas (to be determined by the CCA). Pull chips out approximately 12 horizontal inches away from the tree trunks to avoid excessive root crown moisture. Trees to receive wood chips shall be determined at the preconstruction meeting (most likely oak trees #2 & 3 will require mulch).
  - (c) IRRIGATION:
    - (i) Location of soaker hoses or other irrigation supply lines shall be determined by the CCA (Oak trees #2 & 3 will likely be the only trees requiring supplemental water on site during the construction period).
    - (ii) Contractor shall verify use of irrigation water by documenting in a written journal the time and date of each irrigation event and the approximate volume of water applied. This journal shall be available for viewing by the City Arborist in the site construction trailer.

(d) TRUNK BUFFER:

- (i) For added protection, oaks #2 & 3 shall be supplied with a trunk buffer covering the exposed lower trunks between grade elevation and approximately 6-8 feet above grade. The buffer shall consist of 10 wraps of orange plastic snow fencing around the main trunk to the lowest lateral branches to create a trunk buffer approximately 2 inches thick along the branchless trunk bark area. Stand 2X4 wood boards side by side around the entire circumference of each tree to create a circumferential wall of wood. Continue wrapping more orange plastic snow fencing over the wood boards to secure them in place, and secure (only) the outermost plastic with duct tape or rope (no wirers).

(e) TREE PROTECTION FENCING:

- (i) Chain link fencing shall be erected along the approximate route shown on the tree map scan in this report. The exact location of fence erection shall be determined during the site pre-construction meeting between the CCA the general contractor. The areas between the tree trunk edges and this fence route shall be known as the critical root zones or tree protection zones (“CRZ” or “TPZ”).
- (ii) Fencing material used for all protective fences as per above must be steel chain-link, at least six-feet in height, mounted on two-inch diameter galvanized iron posts 7-feet in length, driven a minimum of 24-inches into the ground. Posts must be mounted eight-feet apart. *This fence must be erected prior to any heavy machinery traffic or construction material arrival on site.*
- (iii) Compliance inspections will occur (1) at the time of fence erection (2) approximately once monthly during grading and construction, and (3) after construction is complete. All fencing must remain in place until all construction is completed and the fencing and other protection has been received a final signoff letter from the city arborist. Permit approval will not occur until after the first inspection has been performed and the protection measures are approved by the city arborist.
- (iv) The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the TPZ/CRZ.
- (v) The TPZ fencing shall have one sign affixed with UV resistant zip ties to the chain link at eye level for every 15-linear feet of fencing, minimum 8”X11” size each, plastic laminated or otherwise waterproofed, stating: TREE

PROTECTION FENCE DO NOT ALTER OR REMOVE CALL CITY  
ARBORIST 48-HRS ADVANCE (650) 697-0990.

- (f) TREE AND SHRUB PLANTING PLACEMENT AND SPECIES LIST:
- (i) Native and non-native tree species, and locations proposed for landscape plantings and mitigation plantings, shall be reviewed by the CCA prior to issuance of the building permit. The 2009 revised landscape plan was not available for CCA review as of the date of writing (6/22/09).
- (g) LANDSCAPE TREE INSTALLATION / BEST MANAGEMENT PRACTICES:
- (i) The CCA will work with the applicant's project team to discuss arboriculture best management practices (BMP) for landscape tree installation. These design standards are per the CCA's decade of experience working with trees in the peninsula landscape, and may in some cases be completely different from typical landscape architect standards. The CCA will recommend use of Cinch-Tie for tree staking/tying, refraining from use of wood cross-ties for the staking system, and recommend use of over-grade over-rootball bubblers with a minimum of four (4) bubblers per tree or Netafim ½" diameter professional grade emitter line for supplemental irrigation throughout the first two years of the trees' lives in the landscape, etc.
- (h) TREE REMOVAL FEES / MITIGATION PLANTINGS:
- (i) The applicant shall pay tree removal fees of \$9,387 (removal of oak trees #1, 6, 7 & 8) as noted in the attached Excel tree data spreadsheet. Payment can be made at the Permit Center where building staff will route all fees to the Parks Department's Tree Planting and Establishment Fund.
- (ii) If trees #2, 3, 4 & 5 cannot be retained or decline during or after construction due to the effects of site plan project activities, then the appropriate tree removal fees, in accordance with the current master fee schedule shall be paid. In addition, removal of these trees shall also require mitigation plantings up to a 3:1 ratio using 24" box size native species plantings or other approved species, or an in-lieu fee (accordance with the current master fee schedule) at the discretion of the Community Development Department.
- Tree damage fees will be determined by the CCA prior to final occupancy signoff, based on visible tree death, tree decline and/or tree damage above or below ground.

(i) ARBORIST INSPECTION FEES:

- (i) The applicant shall pay a tree inspection fee of \$1,300 at the Permit Center, payable to the City of Belmont prior to permit issuance and prior to the initial tree protection inspection meeting on site to cover inspections and signoff letters by the city arborist throughout the life of the project (\$1,000 arborist fee plus 30% City mandated administration fee).

11. Building permit plans for the project shall clearly show the driveway retaining wall(s) within the boundaries of the subject site. Such plans shall be subject to the review and approval by the Public Works and the Community Development Departments.
12. Prior to the issuance of building permits for the project, the applicant shall submit a materials sheet for all proposed exterior front doors (including the garage and trash enclosure doors) and a material sheet for the concrete pavers (type/color) for the driveway.
13. Prior to the issuance of building permits for the project, the applicant shall submit a final landscape plan which includes additional plantings (climbing vines) along face of the driveway retaining wall (wall located along the southwest corner of the property) and the interior walls under the front deck. Such landscape plan shall be subject to review and approval by the Community Development Department.
14. Prior to submitting for a building permit, the owner/applicant shall meet with the Community Development Director, Building Official and other interested parties to discuss a designated on-site area for storage and staging (including stock pile of graded soil on site). The owner/applicant shall prepare storage and staging plan prior to attending the meeting.

Building Division

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

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

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

1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
  2. New curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
  3. A residential driveway approach shall be installed in accordance with Department of Public Works approval standards. A standard detail shall be of the residential driveway shall be included in the building permit submittal.
  4. Roof leaders and site drainage shall be directed to the City Stormwater drainage system. A dissipater box or other energy reduction method shall be used.
  5. Roof downspout systems shall be designed to drain into designated, effective infiltration areas or structures (refer to the Bay Area Stormwater Management Agencies Association (BASMAA) Start at the Source Design Guidance Manual for Stormwater Quality Protection [available from BASMAA @ 510-622-2465]).
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
  2. The property owner/applicant shall apply for and obtain a permanent encroachment agreement from the Department of Public Works, with approval by the City Council, for a structure, retaining wall, awning, or other features constructed in the public right-of-way, easement or on property in which the City holds an interest.
  3. The property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
  4. Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.
  5. The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site. The plan shall incorporate the following restrictions:

- (a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the Municipal Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of the municipal Code for review process).
  - (b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
  - (c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
  - (d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
  - (e) Restrictions and recommendation of the Geologic and Soils report as approved by the City's Geologist.
6. The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled.
7. The proposed development will add impervious surface area to the property. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.
8. A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.
9. The owner/applicant shall perform a video inspection of the sewer lateral from the house/building to the sewer main, submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
10. Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
11. If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.

12. The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
  - (a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
  - (b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and Sedimentation Control Field Manual (available from: Friends of the San Francisco Estuary, P.O. Box 791, Oakland, CA 94604-0791).
  - (c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
  - (d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
  - (e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
  - (f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
  - (g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
13. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides.
14. All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to

effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.

15. The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall include the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.
  16. The owner/applicant shall designate an on-site area for storage and staging. No material is allowed to be staged or stored on City streets without a property encroachment permit.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. The property owner/applicant shall apply for and obtain an administrative permanent encroachment agreement from the Department of Public Works, for placement of non-standard materials (i.e., brick pavers) within the public right-of-way.
  2. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
  3. Grading shall be performed in accordance with the City Grading Ordinance, Chapter 9 of the City Code. Soil or other construction materials shall not be stockpiled in the public right-of-way unless an encroachment permit is obtained from the Department of Public Works. Grading shall neither be initiated nor continued between November 15 and April 15. Grading shall be done between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specifically authorized by the Director of Public Works. The Stormwater Pollution Prevention Program Best Management Practices (BMPs) for construction shall be implemented to protect water quality.
  4. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
  5. The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:
    - (a) Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.

- (b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
- (c) Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
- (d) Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
- (e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
- (f) Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
- (g) Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
- (h) Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
- (i) Limit construction access routes and stabilize designated access points.
- (j) Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.

6. If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

7. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.

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

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

IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.
5. Construction vehicles shall be parked so as not to block any lanes of traffic.

Certification of Approved Final Conditions:



Rob D. Gill  
Assistant Planner

January 20, 2010  
Date



## MEETING OF JANUARY 19, 2010

### AGENDA ITEM NO. 5A

Application I.D.: 2007-0034  
Application Type: Variance & Single Family Design Review  
Location: 2708 Monte Cresta Drive  
Applicant/Owner: Gurpreet Sachdeva  
APN: 043-311-850  
Zoning: R-1B -- Single Family Residential  
General Plan Designation: RL -- Low Density Residential  
Environmental Determination: Categorically Exempt, Section 15303.  
Class 3(a)

### PROJECT DESCRIPTION

The applicant has requested Single Family Design Review approval to construct a new 2,080 square foot single-family residence for the site (2,082 sq. ft. maximum building size permitted). The project would also include a Variance to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback.

### RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Variance and Single Family Design Review subject to the conditions of approval contained in the attached draft resolution<sup>1</sup>.

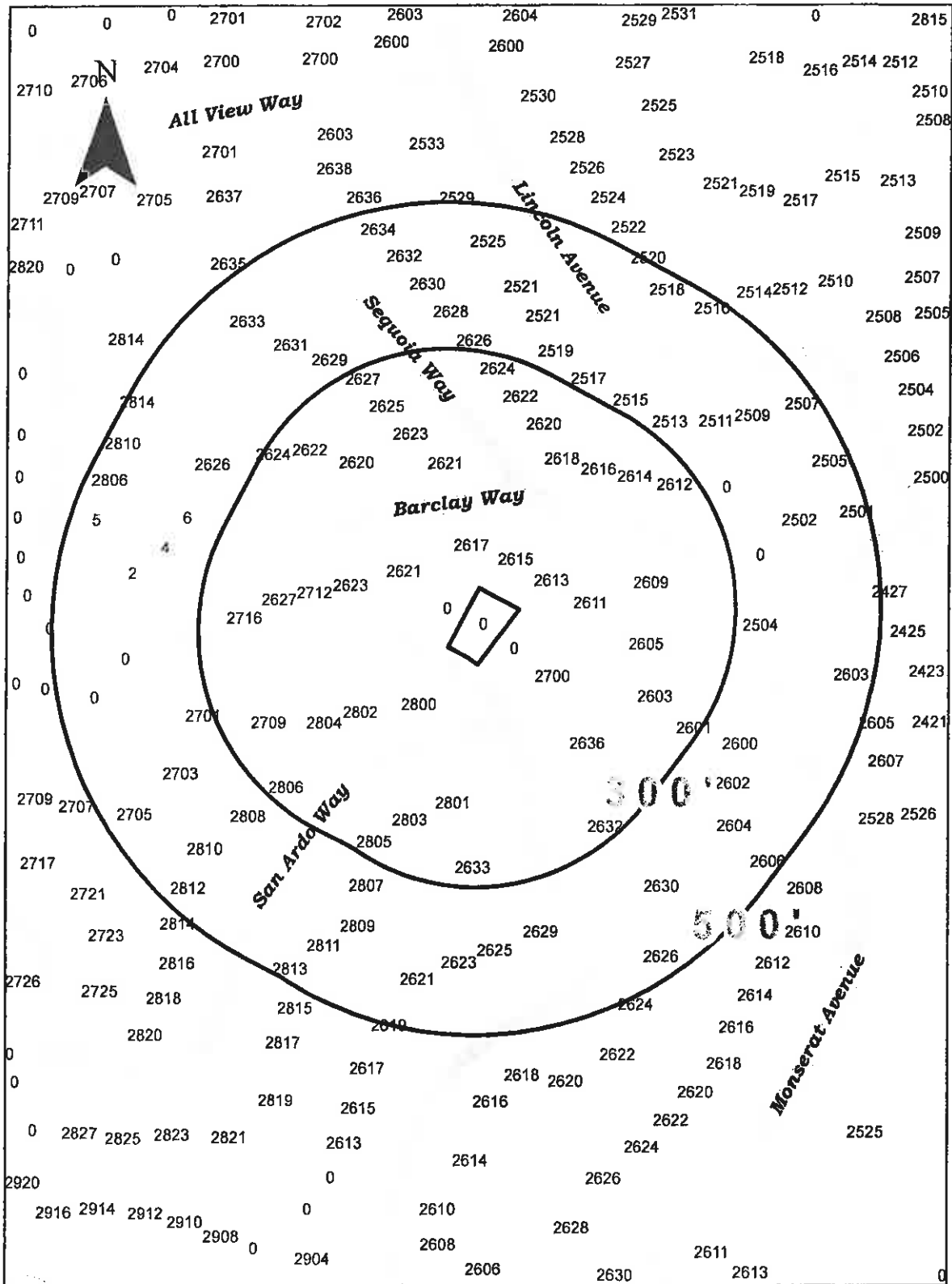
### ZONING/GENERAL PLAN DESIGNATION

The proposed single-family residence would be a permitted use in the designated R-1B (Single Family Residential) zoning district, and is conforming to the General Plan Designation RL - Low Density Residential.

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

**300/500-foot radius map**



0 130 260 520 Feet

## **PRIOR ACTIONS**

The subject property encompasses all of Lot 64 and a portion of Lot 63 of the Belmont Country Club Properties, which was recorded in 1926. The parcel and the adjacent lot at 2702 Monte Cresta were granted a lot line adjustment on November 1, 2000 that merged three parcels into two. Additionally, an addendum to that lot consolidation provided a complete metes and bounds description of the two parcels and was recorded in April 2004.

## **PROJECT HISTORY**

The applicant submitted a Single Family Design Review and Variance request for development of the property in April 2004. The project was reviewed by the Planning Commission at a public hearing on October 5, 2004. Due to some discrepancies relative to the proposed heights of the retaining wall adjacent to the driveway and concerns about bulk and massing, the application was continued.

Revised project plans were submitted in November 2005; however, the applicant subsequently withdrew the project in January 2006. The applicant continued forward with an application to develop the adjacent lot, 2702 Monte Cresta Road, with a single family home; that project was approved by the Planning Commission on 5/3/05. A building permit was issued for the home on 6/28/06; that project is currently under construction.

A new application for the subject site was submitted in November 2007. The project was reviewed by the Planning Commission as study session item in December 2007 to allow Commissioners an opportunity to discuss the proposal and provide feedback on the proposed site design, grading quantities, and related Single Family Design Review findings. At the study session, the Planning Commission directed the applicant to revise the project plans and submit a design concept that would 1) minimize site grading, 2) eliminate the variance request(s) for retaining walls that exceed the maximum permitted height, and 3) include a comprehensive landscape plan. The minutes from that meeting are included as Attachment VII.

Since the December 2007 study session, the applicant has submitted different concept designs to address the Commission concerns. The latest building and layout design are further described in the staff report.

## **SITE CONDITIONS**

The site is located in a residential neighborhood of single-family homes on a section of Monte Cresta Drive that rises steeply up from the northeast side of the road and drops off on the southwest side of the road. The houses in the immediate area are situated on hillsides mostly in a multi-level contemporary architectural style, with wood and stucco finishes. Houses situated on the upslope typically have significant graded driveways with retaining walls, and houses on the downslope typically have driveway bridges. The subject site is situated on the steep upslope side that rises at an inclination of 1:1 (horizontal to vertical). The upper portion of the lot is flatter and is inclined at an

approximate 3:1 ratio. The average slope for the overall site is 52%. The site is undeveloped and covered in native grasses and vegetation with eight protected/regulated trees on site.

The City's Ground Movement Potential and Geologic Hazard Policy Map of the San Juan Hills Study Area indicates that the site is primarily designated as being in a Ps (potential shallow landslide failure) zone which allows development and roadway expansion on a conditionally permitted basis. The southwest corner of the site is designated as being in a Pd (Potential Deep Landslide) zone, which permits development and road expansion when hazards are mitigated.

**PROJECT ANALYSIS**

Floor Layout / Parking

The applicant proposes to construct a new multi-level 2,080 square foot single-family residence that consists of the following:

- A two-car garage (20' x 20' interior dimensions).
- An interior entry/stairwell that would provide access from the lower level to the main (upper) living area.
- A main floor that includes a kitchen, dining and living rooms, two bedrooms, office, two and a half bathrooms and laundry room.

<b>Dwelling Floor Area Summary</b>	
<b>Proposed Floors</b>	<b>Type of rooms</b>
Garage & Entry Level – 531 Sq. Ft.	Two-car garage and interior entry/stairwell
Main Level – 1,549 Sq. Ft.	Kitchen, dining and living rooms, two bedrooms, office, two and a half bathrooms and laundry room.
Total = 2,080Sq. Ft.	

Exterior Materials/Colors

The exterior materials of the proposed contemporary style residence include:

**Roof:** Living/green roof over a concrete roof structure [Grass Roof by Grasscrete].

**Exterior Walls:** Lime plaster painted dark tan and brown colors [Villita & Oxford Brown by Kelly Moore].

**Window and Door Trim:** Anodized aluminum painted a burgundy color [Bravado by Kelly Moore].

**Retaining Walls & Trash Enclosure:** Concrete wall(s) with exposed aggregate finished in a grey color with red pebble accents.

### **Deck Railing:** Steel posts and railing

The building colors and materials are illustrated on the attached sample sheet (See Attachment V).

A Condition of Approval has also been included requiring the following:

- Prior to the issuance of building permits for the project, the applicant shall submit a materials sheet for all proposed exterior front doors (including the garage and trash enclosure doors) and a material sheet for the concrete pavers (type/color) for the driveway.

### Landscaping and Arborist Recommendations

The applicant proposes a landscape planting plan and exterior landscape features for the site that includes:

- Two varieties of trees for a total of thirteen trees (24" box size).
- Three varieties of shrubs plantings for a total of approximately thirty-one (31) shrub plantings.
- Two varieties of climbing vines
- Ground cover plantings for fill-in
- Concrete pavers and grasscrete for the driveway.

### Tree Removal

The site is undeveloped and covered in native grasses, weeds with protected/regulated trees on site. The applicant intends to remove and clean up the overgrown (weedy) portions of the lot, but keep most of the site in the existing native vegetation. The applicant proposes to remove one regulated size tree (oak tree #8) and three protected size trees (oak trees #1, #6, & #7). The applicant is required to plant nine mitigation plantings for the three protected coast live oak trees being removed; thirteen new 24-inch box trees are proposed, including seven Coast Live Oaks and six Western Redbud trees.

The City Arborist conducted a site visit and prepared a revised report dated June 19, 2009, including a sketch showing the location of the surveyed trees (Attachment VI). The City Arborist has identified two trees (oak tree #2 & #3) that potentially could be adversely impacted by drain line trenching and foundation work. These potential impacts will be mitigated through best management practices and other protection measures recommended by the arborist on pages 7-14 of the report. The arborist's recommendations are included as conditions of approval.

### Groundwork and Geotechnical Recommendations

The project requires approximately 980 cubic yards (CY) of cut and 150 CY of fill, for a net of 830 CY of cut to be hauled off site. The 150 CY yards of fill is to be placed on the roof, and will be stockpiled at the top of the property until it is time to place the soil over the roof.

The project has been through extensive geotechnical review by both the applicant's geotechnical and engineering consultants and the City Geologist. A preliminary geotechnical and geologic investigation was performed by Romig Engineers in April and November 2003. Since that time, the applicant has hired a new geotechnical consultant, Sigma Prime Geosciences (SPG), who prepared a revised Grading, Drainage, and Erosion Control Plan. No new Geotechnical Investigation has been prepared for the project site. At the request of the Public Works Department and the City Geologist, SPG has submitted a letter dated June 12, 2009 in which they state that they have taken over as the project geotechnical consultant and take full responsibility for the geotechnical design criteria as presented in the 2003 Romig Engineers Soils reports. SPG has prepared two supplemental responses for the current project (letters dated July 21, 2009, and December 2, 2009) addressing concerns raised by the City Geologist.

The City's Ground Movement Potential and Geologic Hazard Policy Map of the San Juan Hills Study Area indicates that southwest corner of the site is designated as being in a Pd (Potential Deep Landslide). The project geotechnical consultant has clarified that the lateral slope distance between the proposed development and nearest portion of the landslide area (Pd) is approximately 21-feet, that existing landsliding is not anticipated to impact the proposed development, and that additional mitigation measures (beyond those associated with the drainage plan for the house) are not recommended (see response letter dated 12/2/09).

The City Geologist evaluated supplemental geotechnical data provided by Romig and SPG and concluded that all of the geotechnical requirements had been fulfilled to their satisfaction (see Cotton & Shires Peer Review Letters dated June 26, 2009, August 7, 2009, and December 14, 2009). Staff believes that the geotechnical review has been extensive and adequate. Should the project be approved, the City Geologist will evaluate the proposed grading quantities and design layout in conjunction with the building permit submittal when the construction drawings, including those for the foundation, are available.

**PROJECT DATA**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>	<b>Required or Max. Allowed</b>
<b>Lot Size</b>	7,796 sq. ft.	No Change	No Change
<b>Slope</b>	52%	No Change	No Change
<b>FAR</b>	None	0.267	0.267 (corresponds to 2,082 sq. ft. max.)
<b>Square Footage</b>	None	2,080 sq. ft.	2,082 sq. ft.
<b>Parking</b>	None	Two-car garage (20' x 20') Two uncovered	Two-car garage Two uncovered

*Table continued on page 7*

Criteria	Existing	Proposed	Required or Max. Allowed
<b>Setbacks:</b>			
<b>Front</b>	None	18 ft. (Main dwelling) (Garage Face) 20 ft. (Deck) 10 ft.	18 ft.*
<b>Side (right)</b>	None	Approx. 9' 11"	8 ft.
<b>Side (left)</b>	None	10' 7"	8 ft.
<b>Rear</b>	None	Approx. 49' 5"	15 ft.
<b>Driveway length</b>	None	Approx. 55 ft.	18 ft.
<b>Height</b>	None	Approx 23' 1"	28 ft.

\*Front Yard Setback per 9.7.4(a): Seven lots on the same side of the street were evaluated to determine the average front yard setback. The front yard setbacks ranged from 12' to 30', with an overall average of 18'. The applicant has requested a variance to allow the exterior deck (which extends above the ground floor level) to encroach into the required front yard setback.

## GENERAL PLAN CONFORMANCE

The proposed new single-family residence does not change the intended land use of the site. The proposed residence is in conformance with the low-density residential general plan designation.

## ZONING CONFORMANCE

- 1) Section 9.7.1(b) of the Belmont Zoning Ordinance permits decks to encroach up to six feet into front or rear yard setback areas so long as they do not extend above the ground floor entrance. The proposed front deck would extend above the ground floor entrance and would encroach into the required front setback; the applicant has requested a variance from this zoning standard<sup>2</sup>.
- 2) Section 8.1.4 of the Belmont Zoning Ordinance provides as follows:

*"At the time of erection or enlargement of any building containing one or more dwelling units...there shall be provided and maintained not less than four vehicle space – two (2) automobile garage spaces and two (2) spaces which need not be covered – for each new or added dwelling unit in any one or two family structures..."*

<sup>2</sup> YARD AND SETBACK REQUIREMENTS - EXCEPTIONS - Certain structures within and projections into required yard areas are permitted, as herein specified, and shall not be considered to be obstructions or included in the calculation of coverage, unless otherwise specified.

### 9.7.1 PERMITTED IN ANY YARD

- (b) : roofed exterior stairs, landings and decks of open design required by law which do not extend above the ground floor entrance except for the railing. No such stairs, landings or decks shall project more than six (6) feet into the required front or rear yard, and in no case should they encroach into the side yard setback.

The project proposal includes two (2) automobile garage spaces and two (2) uncovered parking spaces that meet the City's parking requirements.

3) Section 9.7.1 (f) of the BZO provides as follows:

*"Permitted in any yard: Fences, walls or lattice-work screens having a height of not more than six feet above any portion of the adjoining ground level..."*

The site plan indicates that there will be two retaining walls along the proposed driveway. These retaining walls encroach into the front yard setback, but staff has confirmed that they will have a maximum height of 6-feet.

4) Sec. 22-6 (a)(1) of the Municipal Code (Authority To Issue Permits For Major And Unusual Encroachments: City Council) in part states: *"The City Council shall have the sole authority to issue written permits in accordance with Muni Code Sec. 22-6, authorizing the permittee to 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."*

A small segment of the driveway retaining wall will encroach into the public right-of-way (see Grading & Drainage Plan on sheet C-1). The property owner/applicant has opted to eliminate this wall section from the building plans rather than apply for and obtain a permanent encroachment agreement from the City in accordance with Muni Code Section 22-6.

To address this modification, a Condition of Approval has also been included requiring following:

- Building permit plans for the project shall clearly show the driveway retaining wall(s) within the boundaries of the subject site. Such plans shall be subject to the review and approval by the Public Works and the Community Development Departments.

The proposed new single-family residence meets all other setback, height, parking, floor area ratio, and permitted use regulations of the R-1B zoning district.

## **NEIGHBORHOOD OUTREACH**

The applicant reports performing neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report (see Attachment IV). On July 1, 2009 the property owner sent a letter to all residents within 300 feet of the subject property inviting them to an open house on July 11, 2009. The applicant reported that two neighbors attended. Questions/concerns were raised related to the construction at the adjacent property (2702 Monte Cresta Drive) and traffic. Staff has not received any public comments regarding this project as of the writing of this report. The applicant appears to have achieved the outreach strategy tasks.

## ENVIRONMENTAL CLEARANCE (CEQA)

The proposed new single-family home is categorically exempt from the provisions of the California Environmental Quality Act by provision of Section 15303, Class 3(a):

*"Class 3 consists of construction and location of limited numbers of new, small facilities or structures... Examples of this exemption include but are not limited to:*

*(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption."*

The proposed residence meets the above requirements for CEQA exemption.

## VARIANCE ANALYSIS

Section 9.7.1(b) of the Belmont Zoning Ordinance permits decks to encroach up to six feet into front or rear yard setback area so long as they do not extend above the ground floor entrance. The proposed front deck will extend above the ground floor entrance (garage level) and would require a setback variance for the location in the front yard. In order to grant a variance, findings pursuant to section 14.5.1 of the Zoning Ordinance are required.

### Section 14.5.1 Variance Findings

*(a) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Plan.*

The proposed front deck is the only recreational outdoor space associated with the proposed house design. Due to the steepness of the lot (52% slope), the site does not allow the opportunity for reasonable outdoor recreational space without excessive grading and retaining walls to stabilize the steep slope. Adherence to the literal interpretation of the zoning regulations would result in limiting the site area for recreational open space. This finding can be made in the affirmative.

*(b) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*

The steep upslope of the lot is considered an exceptional or extraordinary circumstance that necessitates alternative means of creating outdoor spaces that does not generally apply to most properties in the same zoning district that are on less steep terrain. Design alternatives for recreational outdoor space are constrained by the steep upslope site conditions. This finding can be made in the affirmative.

- (c) *The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

The strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of the privileges of a safe and convenient outdoor recreational space for the subject property. The physical constraints of the lot lead to a site layout that includes an outdoor space that is above grade and sensitive to the natural terrain of the site. Other steep lots exist in the same zoning district and located in the neighborhood typically have decks/balconies that provide reasonable open recreational space. This finding can be made in the affirmative.

- (d) *The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*

The granting of the setback variance will not constitute a grant of special privilege. The steep slope of the subject property limits the use of the side and rear yard areas. Allowing the proposed deck to extend above the ground floor entrance would create a usable recreational area directly accessible from the main living area of the residence and lessen the need for additional outdoor space (i.e. on grade patio or deck structure) that would be physically difficult to access due to the steep terrain of the lot. This finding can be made in the affirmative.

- (e) *The granting of the Variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.*

The granting of the variance will provide safe access to an outdoor area. The front yard deck poses no environmental impact to the site and would not be materially injurious to properties or improvements in the vicinity. The doors off the living room that lead on to the attached front deck would provide another means of emergency exiting. The proposed front deck would be constructed in compliance with the California Building Code as administered by the City of Belmont. This finding can be made in the affirmative.

Staff has determined that the project (relative to the proposed front yard deck) can meet all of the Variance findings and is recommending approval of the Variance.

## **SINGLE FAMILY DESIGN REVIEW EVALUATION**

The Belmont Zoning Ordinance establishes the following findings for the review of single-family residential projects (Section 13A.5(A-H)). Each finding is listed below with staff's analysis of whether this project meets each finding in the affirmative.

- A. *The buildings and structures shown on the site plan are located to be consistent with the character of existing development on the site and in the neighborhood, as defined; minimize disruptions of existing public views; protect the profile of prominent ridgelines.*

The proposed new house is situated on the steep upslope side of Monte Cresta Drive, but not located on a ridgeline. Other houses on the upslope side of Monte Cresta Drive and nearby streets are characterized by extensively excavated driveways with retaining walls. The proposed house is generally consistent in character with similar hillside dwellings that are contemporary in design with wood and stucco finishes. This structure would not disrupt public views as assessed from Montecresta Drive, Barclay Drive, San Ardo Way, and Monserat Avenue. This finding can be made in the affirmative.

*B. The overall site and building plans achieve an acceptable balance among the following factors:*

- (1) building bulk*
- (2) grading, including*
  - (a) disturbed surface area and*
  - (b) total cubic yards, cut and fill*
- (3) hardscape, and*
- (4) tree removal*

#### Bulk

The proposed residential structure has been designed to integrate into the hillside. The front portion of the structure would be exposed (all exterior architecture elements will be featured at the façade) and all other walls would be embedded within the hillside. A portion of the structure would incorporate a green roof and the remainder of the roof structure would be covered with natural soil to blend into hillside. The house is designed as a multi-level structure with the main level stepping back from the garage/entry level below to help break up the overall bulk of the facade. The exterior front deck and railing provide relief to also break up the mass of the structure. The architectural details appear to moderate the building bulk and are appropriate for this structure and the neighborhood.

#### Grading

The project requires approximately 980 cubic yards (CY) of cut and 150 CY of fill, for a net of 830 CY of cut to be hauled off site. The 150 CY yards of fill is to be placed on the roof, and will be stockpiled at the top of the property until it is time to place the soil over the roof. Geotechnical concerns with the proposed excavation have been adequately addressed to ensure soil stability and to recommend suitable structural design construction methods.

Geotechnical reports have determined that the site is suitable for the proposed construction if done in compliance with the recommendations presented in the final report approved by the City Geologist and Sigma Prim Geosciences. Should the project be approved, staff would include the geotechnical recommendations in the conditions of project approval.

#### Hardscape

The site is currently undeveloped. The proposed hardscape for the site largely consists with the driveway and the footprint of the house.

There are no paved walkways or patios proposed for the site. The proposed construction of the retaining walls and trash enclosure would result in additional subsurface hardscape.

### Tree Removal

The site would remain in a mostly non-landscaped, natural condition (rear portion of the site). The applicant proposes to remove one regulated size tree (oak tree #8) and three protected size trees (oak trees #1, #6, & #7). The applicant is required to plant nine mitigation plantings for the three protected coast live oak trees being removed; thirteen new 24-inch box trees are proposed, including seven Coast Live Oaks and six Western Redbud trees.

All four factors (building bulk, grading, hardscape, and tree removal) appear to have been appropriately addressed in the building design and site/groundwork that result in breaking up the vertical mass and lines of the structure, ensuring soil stability and suitable construction techniques, and limiting the hardscape. Staff believes an overall balance is achieved with the proposed design and this finding can be made in the affirmative.

C. *All accessways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structures.*

The driveway appears to provide ample vehicular parking and back-up space. The driveway will also provide safe pedestrian access to the front entry of the home. The proposed accessways appear to be adequately designed for safe pedestrian and vehicular access. This finding can be made in the affirmative.

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.*

The site requires approximately 980 cubic yards of cut (830 cy of cut to be hauled off site and 150 cy to be distributed on site as fill) for the driveway, garage, house and site improvements. A geotechnical investigation for the project has been reviewed and approved to the satisfaction of the City Geologist to ensure soil stability and provide design and construction recommendations. Staff believes that site conditions have been adequately reviewed to protect against site instability and ground movement hazards, erosion and drainage, and tree protection. The site is suitable for the proposed construction if completed in compliance with the geotechnical recommendations included in the conditions of project approval. This finding can be made in the affirmative.

E. *All accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.*

The project design would include a series of retaining walls at the front of the home to support the driveway and a trash enclosure. The retaining walls will be limited to a six-foot height and will be visible from the street. The concrete retaining walls would include an exposed aggregate finished in

a grey color with red pebble accents. The covered deck proposed at the front of the dwelling has been incorporated into the overall design of the home. The proposed driveway would accommodate parking for two vehicles and would integrate appropriately into the overall project design/layout. This finding can be made in the affirmative.

*F. The landscape plan incorporates:*

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

The site is undeveloped and covered in native grasses, weeds with protected/regulated trees on site. The applicant intends to remove and clean up the overgrown (weedy) portions of the lot, but keep most of the site in its existing native vegetation condition. The applicant proposes to remove one regulated size tree and three protected size trees. No other trees would be removed for the proposed construction. The applicant is required to plant nine mitigation plantings for the three protected coast live oak trees being removed: thirteen new 24-inch box trees are proposed, including seven Coast Live Oaks and six Western Redbud trees. Drought tolerant five-gallon size shrubs (Rose Glow Barberry and Feather Reed Grass) and ground cover (Myoporum) would be planted along both sides of the driveway/retaining walls. The plan would also incorporate two varieties of climbing vines (Creeping Fig and Boston Ivy) along the driveway/retaining wall. The building structure would incorporate a green roof and the remainder of the roof structure would be covered with natural soil to support native grasses/vegetation. (See landscape plan on sheet L-1).

Staff believes the steepness of the lot and arborist recommendations justify a landscape design that maintains the natural vegetation and does not introduce too many new plants close to the existing trees. The proposed plants as seen from the street appear to compliment the natural landscape features of the lot and do not intrude into the tree protection zones. This finding can be made in the affirmative.

*G. Adequate measures have been developed for construction-related impacts, such as haul routes, material storage, erosion control, tree protection, waste recycling and disposal, and other potential hazards.*

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. The City Geologist has reviewed and approved the geotechnical recommendations for site construction and erosion control, and these recommendations are included in the conditions of project approval. The City Arborist has reviewed construction impacts to protected trees and recommended specific tree protection measures that also have been included as conditions of project approval. All construction would be completed in compliance with the California Building Code and NPDES standards as administered by the City of Belmont. This finding can be made in the affirmative.

*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.*

Other than a standard driveway approach which requires Temporary Encroachment Permit approval as administered by the Public Works Department, the proposal (as conditioned) will include no encroachments into the public right-of-way. This finding can be made in the affirmative.

## CONCLUSION AND RECOMMENDATION

Based on the foregoing analysis, staff recommends approval of the Variance and Single Family Design Review application subject to the Conditions of Approval in Attachment III.

## ACTION ALTERNATIVES

1. Continue the application for redesign.
2. Deny the Variance and Single-Family Design Review. The Commission will identify specific facts to support a denial, and a resolution would be returned to the Commission for final action.

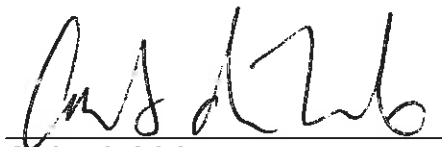
## ATTACHMENTS

- I. 300/500 foot radius map of project site (incorporated as Page 2 of report)
- II. Resolution approving the Variance & Single Family Design Review
- III. Conditions of Approval
- IV. Neighborhood Outreach Materials (Commission Only)
- V. Geotechnical Review (Commission Only):
  - o Romig Geotechnical Investigation, April 7, 2003 & November 17, 2003
  - o Geotechnical Review Letter's by Sigma Prime Geosciences. Inc.. June 12, 2009, July 21, 2009, November 20, 2009 & December 2, 2009
  - o Cotton Shires Peer Review Letters, June 26, 2009, August 7, 2009, and December 14, 2009
- VI. Revised Arborist Report dated June 22, 2009 (Commission Only)
- VII. December 18, 2007 Planning Commission Study Session Minutes
- VIII. Project plans & materials board - October 22, 2009 & December 10, 2009 (Commission only)

Respectfully submitted,



Rob D. Gill  
Assistant Planner



Carlos de Melo  
Community Development Director

CC: Applicant/Owners

RESOLUTION NO. 2010-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A VARIANCE AT  
2708 MONTE CRESTA DRIVE (APPL. NO. 2007-0034)

WHEREAS, Gurpreet Sachdeva, applicant/owner, requests Variance approval to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback for the proposed 2,080 square foot single-family residence for the site and,

WHEREAS, a public hearing was duly noticed, held, and closed on January 19, 2010; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project to be categorically exempt pursuant to the California Environmental Quality Act, Section 15301, Class 1 (e) (1); and,

WHEREAS, the Planning Commission hereby adopts the staff report dated January 19, 2010 and the facts contained therein as its own findings of facts; and,

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

WHEREAS, The Planning Commission finds the required variance findings of Section 14.5.1 (a & b) of the Zoning Ordinance can be made in the affirmative as follows:

- A. *The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Plan.*

The proposed front deck is the only recreational outdoor space associated with the proposed house design. Due to the steepness of the lot (52% slope), the site does not allow the opportunity for reasonable outdoor recreational space without excessive grading and retaining walls to stabilize the steep slope. Adherence to the literal interpretation of the zoning regulations would result in limiting the site area for recreational open space. This finding is affirmed.

- B. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*

The steep upslope of the lot is considered an exceptional or extraordinary circumstance that necessitates alternative means of creating outdoor spaces that does not generally apply to most properties in the same zoning district that are on less steep terrain. Design alternatives for recreational outdoor space are constrained by the steep upslope site conditions. This finding is affirmed.

- C. *The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*

The strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of the privileges of a safe and convenient outdoor recreational space for the subject property. The physical constraints of the lot lead to a site layout that includes an outdoor space that is above grade and sensitive to the natural terrain of the site. Other steep lots exist in the same zoning district and located in the neighborhood typically have decks/balconies that provide reasonable open recreational space. This finding is affirmed.

- D. *The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*

The granting of the setback variance will not constitute a grant of special privilege. The steep slope of the subject property limits the use of the side and rear yard areas. Allowing the proposed deck to extend above the ground floor entrance would create a usable recreational area directly accessible from the main living area of the residence and lessen the need for additional outdoor space (i.e. on grade patio or deck structure) that would be physically difficult to access due to the steep terrain of the lot. This finding is affirmed.

- E. *The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The granting of the variance will provide safe access to an outdoor area. The front yard deck poses no environmental impact to the site and would not be materially injurious to properties or improvements in the vicinity. The doors off the living room that lead on to the attached front deck would provide another means of emergency exiting. The proposed front deck would be constructed in compliance with the California Building Code as administered by the City of Belmont. This finding is affirmed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Variance to allow a deck above the ground floor entrance to encroach into the required 18-foot front yard setback for the proposed 2,080 square foot single-family residence at 2708 Monte Cresta Drive, based on the aforementioned findings.

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on January 19, 2010 by the following vote:

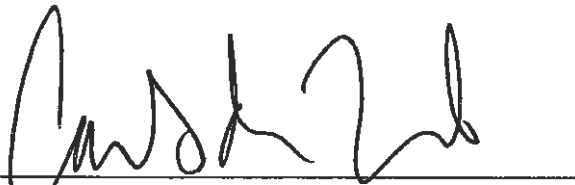
AYES,  
COMMISSIONERS: Mathewson, Reed, Frautschi, Parsons, Mayer, Horton

NOES,  
COMMISSIONERS: None

ABSENT,  
COMMISSIONERS: Mercer

ABSTAIN,  
COMMISSIONERS: None

RECUSED,  
COMMISSIONERS: None



Carlos de Melo  
Planning Commission Secretary

RESOLUTION NO. 2010-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A SINGLE FAMILY DESIGN REVIEW  
AT 2708 MONTE CRESTA DRIVE (APPL. NO. 2007-0034)

WHEREAS, Gurpreet Sachdeva, applicant/owner, requests Single Family Design Review approval to construct a 2,080 square foot single family dwelling on the subject vacant lot located at 2708 Monte Cresta Drive; and,

WHEREAS, a public hearing was duly noticed, held, and closed on January 19, 2010; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project to be categorically exempt pursuant to the California Environmental Quality Act, Section 15301; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated January 19, 2010 and the facts contained therein as its own findings of facts; and,

WHEREAS, the Planning Commission finds the required Single Family Design Review Findings of Section 13A.5, are made in the affirmative as follows:

- A. *The buildings and structures shown on the site plan are located to be consistent with the character of existing development on the site and in the neighborhood, as defined; minimize disruptions of existing public views; protect the profile of prominent ridgelines.*

The proposed new house is situated on the steep upslope side of Monte Cresta Drive, but not located on a ridgeline. Other houses on the upslope side of Monte Cresta Drive and nearby streets are characterized by extensively excavated driveways with retaining walls. The proposed house is generally consistent in character with similar hillside dwellings that are contemporary in design with wood and stucco finishes. This structure would not disrupt public views as assessed from Montecresta Drive, Barclay Drive, San Ardo Way, and Monserat Avenue. This finding is affirmed.

- B. *The overall site and building plans achieve an acceptable balance among the following factors:*

- (1) building bulk*
- (2) grading, including*
  - a. disturbed surface area and*
  - b. total cubic yards, cut and fill*
- (3) hardscape, and*
- (4) tree removal*

Bulk

The proposed residential structure has been designed to integrate into the hillside. The front portion of the structure would be exposed (all exterior architecture elements will be featured at the façade) and all other walls would be embedded within the hillside. A portion of the structure would incorporate a green roof and the remainder of the roof structure would be covered with natural soil

to blend into hillside. The house is designed as a multi-level structure with the main level stepping back from the garage/entry level below to help break up the overall bulk of the facade. The exterior front deck and railing provide relief to also break up the mass of the structure. The architectural details appear to moderate the building bulk and are appropriate for this structure and the neighborhood.

### Grading

The project requires approximately 980 cubic yards (CY) of cut and 150 CY of fill, for a net of 830 CY of cut to be hauled off site. The 150 CY yards of fill is to be placed on the roof, and will be stockpiled at the top of the property until it is time to place the soil over the roof. Geotechnical concerns with the proposed excavation have been adequately addressed to ensure soil stability and to recommend suitable structural design construction methods.

Geotechnical reports have determined that the site is suitable for the proposed construction if done in compliance with the recommendations presented in the final report approved by the City Geologist and Sigma Prim Geosciences. Should the project be approved, staff would include the geotechnical recommendations in the conditions of project approval.

### Hardscape

The site is currently undeveloped. The proposed hardscape for the site largely consists with the driveway and the footprint of the house. There are no paved walkways or patios proposed for the site. The proposed construction of the retaining walls and trash enclosure would result in additional subsurface hardscape.

### Tree Removal

The site would remain in a mostly non-landscaped, natural condition (rear portion of the site). The applicant proposes to remove one regulated size tree (oak tree #8) and three protected size trees (oak trees #1, #6, & #7). The applicant is required to plant nine mitigation plantings for the three protected coast live oak trees being removed; thirteen new 24-inch box trees are proposed, including seven Coast Live Oaks and six Western Redbud trees.

All four factors (building bulk, grading, hardscape, and tree removal) appear to have been appropriately addressed in the building design and site/groundwork that result in breaking up the vertical mass and lines of the structure, ensuring soil stability and suitable construction techniques, and limiting the hardscape. This finding is affirmed.

- C. *All accessways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structures.*

The driveway appears to provide ample vehicular parking and back-up space. The driveway will also provide safe pedestrian access to the front entry of the home. The proposed accessways appear to be adequately designed for safe pedestrian and vehicular access. This finding is affirmed.

- D. *All proposed grading and site preparation have been adequately reviewed to protect against site stability and ground movement hazards, erosion and flooding potential, and habitat and stream degradation.*

The site requires approximately 980 cubic yards of cut (830 cy of cut to be hauled off site and 150 cy to be distributed on site as fill) for the driveway, garage, house and site improvements. A geotechnical investigation for the project has been reviewed and approved to the satisfaction of the City Geologist to ensure soil stability and provide design and construction recommendations. Staff believes that site conditions have been adequately reviewed to protect against site instability and ground movement hazards, erosion and drainage, and tree protection. The site is suitable for the proposed construction if completed in compliance with the geotechnical recommendations included in the conditions of project approval. This finding is affirmed.

- E. *All accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.*

The project design would include a series of retaining walls at the front of the home to support the driveway and a trash enclosure. The retaining walls will be limited to a six-foot height and will be visible from the street. The concrete retaining walls would include an exposed aggregate finished in a grey color with red pebble accents. The covered deck proposed at the front of the dwelling has been incorporated into the overall design of the home. The proposed driveway would accommodate parking for two vehicles and would integrate appropriately into the overall project design/layout. This finding is affirmed.

- F. *The landscape plan incorporates:*

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

The site is undeveloped and covered in native grasses, weeds with protected/regulated trees on site. The applicant intends to remove and clean up the overgrown (weedy) portions of the lot, but keep most of the site in its existing native vegetation condition. The applicant proposes to remove one

regulated size tree and three protected size trees. No other trees would be removed for the proposed construction. The applicant is required to plant nine mitigation plantings for the three protected coast live oak trees being removed; thirteen new 24-inch box trees are proposed, including seven Coast Live Oaks and six Western Redbud trees. Drought tolerant five-gallon size shrubs (Rose Glow Barberry and Feather Reed Grass) and ground cover (Myoporum) would be planted along both sides of the driveway/retaining walls. The plan would also incorporate two varieties of climbing vines (Creeping Fig and Boston Ivy) along the driveway/retaining wall. The building structure would incorporate a green roof and the remainder of the roof structure would be covered with natural soil to support native grasses/vegetation.

The Planning Commission believes the steepness of the lot and arborist recommendations justify a landscape design that maintains the natural vegetation and does not introduce too many new plants close to the existing trees. The proposed plants as seen from the street appear to compliment the natural landscape features of the lot and do not intrude into the tree protection zones. This finding is affirmed.

*G. Adequate measures have been developed for construction-related impacts, such as haul routes, material storage, erosion control, tree protection, waste recycling and disposal, and other potential hazards.*

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. The City Geologist has reviewed and approved the geotechnical recommendations for site construction and erosion control, and these recommendations are included in the conditions of project approval. The City Arborist has reviewed construction impacts to protected trees and recommended specific tree protection measures that also have been included as conditions of project approval. All construction would be completed in compliance with the California Building Code and NPDES standards as administered by the City of Belmont. This finding is affirmed.

*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.*

Other than a standard driveway approach which requires Temporary Encroachment Permit approval as administered by the Public Works Department, the proposal (as conditioned) will include no encroachments into the public right-of-way. This finding is affirmed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Single Family Design Review to construct a 2,080 square foot single family dwelling on the subject vacant lot located at 2708 Monte Cresta Drive, subject to the attached conditions in Exhibit "A".

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on January 19, 2010 by the following vote:

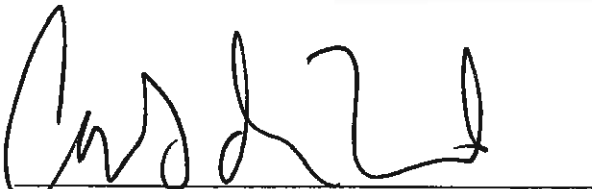
AYES,  
COMMISSIONERS: Reed, Parsons, Mayer, Horton

NOES,  
COMMISSIONERS: Mathewson, Frautschi

ABSENT,  
COMMISSIONERS: Mercer

ABSTAIN,  
COMMISSIONERS: None

RECUSED,  
COMMISSIONERS: None



Carlos de Melo  
Planning Commission Secretary