

MEETING OF OCTOBER 1, 2013

AGENDA ITEM NO. 5B



Application I.D.: 2013-0013

Application Type: Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review

Location: 2713 Newlands Avenue

Owner(s): Gen and Kelly Tanabe

Applicant: Coast to Coast Architects

APN: 043-274-010

Zoning: R-1B - Single Family Residential District

General Plan Designation: RL – Low Density Residential

Environmental Determination: Categorically Exempt, Section 15303, Class 3 (a)

PROJECT DESCRIPTION

The applicant requests Floor Area Exception, Conditional Use Permit, Variance, and Single Family Design Review approval for the construction of a new 796 square-foot second dwelling unit.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review applications¹.

ZONING/GENERAL PLAN DESIGNATION

The existing single-family residence is 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.

BACKGROUND

October 1925 - The subject properties (Lots 8, 9, 10 and 11) were created by the Belmont Country Club Properties Subdivision No. 5.

¹ 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.

December 1945 - A two story, wood framed, single-family home with brick veneer and horizontal wood siding was constructed on lots 8 and 9.

September 1955 - A patio, walkway, and tennis court were constructed on the subject property.

July 1956 – An all-purpose room was added to the existing single-family dwelling.

April 1962 – An in-ground swimming pool was constructed on the subject property.

July 1964 – A second story addition was added over the garage, after approval of a setback Variance.

June 2011 – The previous property owner applied for a Lot Line Adjustment (LLA) reducing the four existing legal lots on the project site to three lots. The LLA was found consistent with the City's Subdivision Ordinance, but not the City's Zoning Ordinance (i.e., structures and utilities crossed property lines). The applicant was notified that the application could be approved if all structures and on-site utilities that crossed property lines were removed (the existing single-family home, pool, accessory buildings, etc.). No further action was taken on the application.

August 2011 – Permit approved to re-plaster the existing swimming pool on site.

November 2011 – Current owners purchased the property.

May 2013 – Planning Commission Study Session. The application included a Floor Area Exception, Conditional Use Permit, Single Family Design Review, and three Variance requests: 1) Extension of a legal non-conforming garage setback (0.5 feet where 18 feet is required); 2) Uncovered parking/paving for parking outside of the required driveway (the current driveway to the garage is predominately within the public right-of-way); and 3) An additional curb cut outside of the required driveway.

The Commission recommended that the applicant consider reducing hardscape on the project site as part of the application. In addition, the Commission recommended that the applicant explore project alternatives that reduced the number of Variances requested with the project. Specifically, it was suggested that the applicant explore the feasibility of closing and landscaping existing driveway areas, and establishing one driveway using an existing paved area as a side entry to the existing non-conforming garage.

SITE CONDITIONS

The subject 21,341 square-foot property is located on the corner of Newlands and Monserat Avenues. Monserat Avenue is considered the front of the project site (narrowest frontage adjacent to a street); Newlands Avenue is considered a street-side of the project site. The subject property slopes downward approximately 13% from front (east) to rear (west). The site is developed with a single family home, swimming pool, tennis court, patios, walkways, retaining walls, and small accessory structures. Existing landscaping includes a mixture of lawn areas, small shrubs and mature trees.

PROJECT ANALYSIS

Entitlements

The applicant proposes to open an existing 97 square-foot enclosed deck for an existing single family home, and construct a new 796 square-foot, detached, second dwelling unit. The project would also include the closure of two driveways, and the utilization of an existing paved area as a new driveway to allow for uncovered parking and side-entry access to the existing garage. The proposed project requires the following entitlements:

- Floor Area Exception (FAE) - The proposed project would result in a total of 5,171 sq. ft., where 3,500 sq. ft. is the maximum permitted within the subject R-1B District.
- Variance (VAR) – Construction of a second dwelling unit where parking for the main unit is not fully compliant. The project would include conforming uncovered parking within the new driveway, but non-conforming covered parking inside the garage; the existing garage is 19.25' in length where twenty feet is the minimum required.
- Conditional Use Permit (CUP) - A detached second dwelling unit greater than 640 sq. ft.
- Single Family Design Review (SFDR) - Construction of new gross floor area greater than 400 square feet.

Layout/Floor Plan/Exterior Design/Materials

A 97 square-foot enclosed deck area would be opened (removed as floor area) from the existing single family home. An open metal railing would be installed on the deck.

The proposed second dwelling unit would be located to the right of the single family home (two existing accessory structures would be removed). The unit would contain two bedrooms, one bathroom, and a kitchen/living room. The second unit would include horizontal wood siding, divided light windows, French doors, and hipped, asphalt-shingle roofing.

Tree Removal

No trees are proposed for removal. The subject property was substantially paved by previous property owners, including paved patios in very close proximity to mature, protected-size, oak trees. The applicant proposes to remove concrete from around the oak trees as part of the proposed landscape plan described below. The City Arborist has reviewed the plans and recommended tree protection/retention measures for the project, which have been incorporated as conditions of project approval.

Landscaping

The applicant has provided landscape and irrigation plans (Sheets L1-L3). The landscape plan includes maintaining existing mature trees on site, and planting a variety of new shrubs, ground cover, and vines around the second unit. A privacy hedge would be planted between the second unit and the residence to the south of the project site (2307 Monserat Avenue). The

existing/proposed landscaping would include predominately native or locally acclimated, drought-tolerant plantings.

Grading/Hardscape

Grading required for the construction of the second unit foundation and closure of the driveways would be minimal (approximately 40 cubic yards). A hardscape plan has been submitted by the applicant (see Sheet T4). The applicant's hardscape plan indicates that there is currently 11,580 sq. ft. of hardscape area for the entirety of the project site (54%). The applicant proposes to reduce hardscape/impervious hardscape as part of the project by closing existing driveway areas and replacing concrete patio areas with pavers over a pervious substrate. The total hardscape after the project would be 9,671 sq. ft. (45%), a 1,909 sq. ft. hardscape reduction.

Off Street Parking

Garage spaces measuring at least 17' in width and 18' in length are considered conforming to the BZO for homes constructed prior to 2005. However, a floor area reserve is required to ensure that additions to such homes do not reach the maximum floor area for the site without first upgrading parking to a fully conforming two-car garage (20'X 20'). Two uncovered parking spaces also need to be provided (17' in width and 18' in length are the minimum dimensions).

The subject property already exceeds its maximum floor area for the Zoning District, and parking on site is legal non-conforming (no uncovered parking is provided). The proposed project would provide conforming uncovered parking, and a non-conforming two-car garage for covered parking (19.25' in length where 20' is the minimum required). As noted earlier, a Variance is requested to permit the proposed second unit without fully compliant covered parking.

PROJECT DATA

Criteria	Existing	Proposed	Required or Max. Allowed
Density	2/Acre	4/Acre	1-7 Units/Acre
Lot Size	21,341 sq. ft.	No Change	No Change
Slope	13%	No Change	No Change
FAR¹	0.21	0.24	0.16 (corresponds to 3,500 sq. ft. max.)
Square Footage	4,472 sq. ft.	5,171 sq. ft.	3,500 sq. ft.
Parking²	Two-car garage (~ 19' x 22')	Two-car garage (~ 19.25' x 22') Two uncovered	Two-car garage (~ 20' x 20') Two uncovered
Setbacks - Single Family Dwelling (SFD):			
Front³	0.5 ft.	No Change	18 ft.
Left Side (north)	48 ft.	No Change	15 ft.
Right Side (south)	56 ft.	No Change	9 ft.
Rear	104 ft.	No Change	15 ft.
Height SFD⁴	30 ft.	No Change	28 ft.

PROJECT DATA (continued)

Criteria	Existing	Proposed	Required or Max. Allowed
Setbacks - Second Dwelling Unit (2nd Unit):			
Front	N/A	21 ft.	18 ft.
Left Side (north)	N/A	120 ft.	15 ft.
Right Side (south)	N/A	9 ft.	9 ft.
Rear	N/A	56 ft.	15 ft.
Height – 2nd Unit	N/A	13.5 ft.	15 ft.
Minimum Lot – 2nd unit	21,341 sq. ft.	21,341 sq. ft.	8,000 sq. ft.
Max bedrooms 2nd unit	N/A	2	2
Max. Size – 2nd unit	N/A	796 Sq. ft.	30% of main unit /1,200 sq. ft.
<p>¹ Total floor area based upon size and slope of the project site would be 11,118 sq. ft.; however BZO Section 4.2.3(d) limits total floor area in the R1B Zoning District to 3,500 sq. ft. regardless of lot slope and size, unless a Floor Area Exception is approved (see discussion regarding Floor Area Exceptions); ² Second units do not require additional parking, but the project site must meet the parking standards for single family homes (two covered garage spaces and two uncovered spaces). Fully compliant uncovered parking would be provided; the applicant is requesting a Variance to allow non-conforming covered parking (see Variance discussion). ³ Setback averaging used to determine the required front setback; the existing home is legal non-conforming with respect to front setback; the proposed second unit would conform to setback requirements); ⁴ The existing height of the home at the chimney is legal non-conforming; the proposed second unit would conform to the height limit.</p>			

GENERAL PLAN CONFORMANCE

The second unit, as currently proposed, is a conditionally permitted use for single-family residential districts. The proposal is consistent with the low-density residential designation.

ZONING CONFORMANCE

The proposed second unit conforms to the all setback, height, and permitted use regulations of the R-1B zoning district. The Floor Area Exception and parking Variance are discussed below.

NEIGHBORHOOD OUTREACH

The applicant performed neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report. The homeowners reportedly sent a letter to all neighbors within 300 feet of their house describing the project and inviting them to comment on the project.

The applicant reports that they received only positive comments on the proposed project. 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 secondary unit is categorically exempt from the provisions of the California Environmental Quality Act by provision of Section 15303, Class 3 (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.”

FLOOR AREA EXCEPTION EVALUATION

Section 4.2.10 of the Zoning Ordinance provides guidelines to grant exceptions to single family floor area standards. The Purpose Section [4.2.10.A] of the Belmont Zoning Ordinance states, *“Exceptions to single family floor area standards may be granted to prevent or lessen inconsistencies in floor area ratio standards among neighboring properties and to assist in providing adequate off street parking, or when no significant increase in building bulk results; provided such exceptions would not be a grant of special privilege or be inconsistent with the intent of the General Plan or Zoning Ordinance”*.

Consistency with Floor Area Ratio Standards

Staff has reviewed the applicant’s proposed project for FAR inconsistencies with neighboring properties (see table below).

Floor Area Exception Table - Neighboring Properties

Street Address	Lot Size	Building Area	FAR
2302 Monserat Avenue	5,500 sq. ft.	2,397 sq. ft.	0.44
2307 Monserat Avenue	11,900 sq. ft.	2,990 sq. ft.	0.25
2713 Monserat Avenue¹	21,341 sq. ft.	4,472 sq. ft.	0.21 (Existing)
2713 Monserat Avenue	21,341 sq. ft.	5,171 sq. ft.	0.24 (Proposed)
2707 Newlands Avenue	6,500 sq. ft.	1,820 sq. ft.	0.28
2709 Newlands Avenue	6,413 sq. ft.	2,020 sq. ft.	0.31
2712 Newlands Avenue	5,995 sq. ft.	2,880 sq. ft.	0.48
2714 Newlands Avenue	6,000 sq. ft.	2,520 sq. ft.	0.42
2716 Newlands Avenue	8,395 sq. ft.	2,498 sq. ft.	0.30
2718 Newlands Avenue	8,280 sq. ft.	2,140 sq. ft.	0.26
2720 Newlands Avenue	5,950 sq. ft.	2,470 sq. ft.	0.42
2801 Newlands Avenue	11,330 sq. ft.	1,970 sq. ft.	0.17
Average –	8,873 sq. ft.	2,561 sq. ft.	0.32

¹ Existing lot size for the subject property includes all four lots. Should the project be approved, a condition would be required that the four lots are merged prior to building permit issuance.

Staff has found that the existing residence has an FAR that is the second lowest of the surveyed neighboring dwellings (adjacent sites). The permitted FAR for the subject property is 0.16, and the actual FAR for the existing 4,472 square foot dwelling is 0.21. The proposed addition and construction of a second dwelling unit would result in a total floor area for the site of 5,171 sq. ft. (.24 FAR), which would be 33% lower than average (as compared with the neighboring properties) which is still low (as compared with the surrounding area), but the inconsistency will be lessened.

Staff has also reviewed the proposed project to determine if a significant increase in building bulk would result. A significant bulk impact could occur if the proposed project resulted in visible size that is disproportionate to the lot on which it is situated. A decrease in perceived building bulk for the main unit would result from removal of the enclosed patio, and the landscaping of the existing driveway. The subject second unit would be constructed with more than adequate setbacks and would be well screened from the street and neighboring properties by large trees and other landscaping. The proposed one-story, second unit would also incorporate design, colors and materials, and window treatments that would assist in mitigating for any perceived bulk. Staff concludes that no significant increase in building bulk would result from the proposed project.

Thus, the applicant's proposal would result in a FAR that would lessen the inconsistencies in the range of floor area ratios among neighboring properties, In addition, the project would not result in a significant increase to building bulk, and would not grant a special privilege.

Section 4.2.10.D of the Zoning Ordinance establishes the following four findings that must be supported by the request for a Floor Area Exception.

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

The increase in floor area will not result in a physical structure that would be detrimental to the public health, safety, or welfare or be materially injurious to properties in the vicinity. The second unit would meet all required setbacks and height requirements of the R-1B Zoning District, maintain more than adequate fire separation from surrounding structures, and entail minimal grading. Should the project be approved, the second unit would be conditioned to meet the requirements of current building and fire codes, prior to issuance of a building permit. This finding can be made in the affirmative.

2. *The addition will not adversely affect the views or privacy of adjacent property.*

There are no private views across the project site where development is proposed to occur, due to existing topography and the location of mature vegetation. Windows would be minimized and a privacy hedge would be planted between the second unit and the closest residential unit to the south. This finding can be made in the affirmative.

3. *The addition is compatible with the existing residence and neighboring properties.*

The design of the second unit would incorporate some of the architectural style of the existing residence (brick veneer and horizontal wood siding) and would be compatible with the existing

structure and neighboring properties. Furthermore, a decrease in perceived building bulk for the main unit would result from removal of the enclosed patio, and the landscaping of the existing driveway. The subject second unit would also be constructed with more than adequate setbacks and would be well screened from the street and neighboring properties by large trees and other landscaping. Lastly, the large size of the parcel supports the additional floor area without presenting an inconsistency to the zoning standards. Thus, this finding can be made in the affirmative.

4. *The exception would not result in excessive grading or tree removal.*

The project would require minimal grading predominately to accommodate the construction of the second unit and the closing of existing driveways. No trees would need to be removed, and existing concrete would be removed around mature oak trees at the front of the project site. The City Arborist has reviewed the project and has recommended tree protection measures for retention of these trees, and staff has included all tree protection measures recommended in the City Arborist Report as conditions of project approval. Thus, this finding can be made in the affirmative.

VARIANCE EVALUATION

As discussed above, the applicant requests a Variance to allow construction of a second dwelling unit where parking for the main unit is not fully compliant. The project would include conforming uncovered parking within the new driveway, but non-conforming covered parking inside the garage; the existing garage is 19.25' in length where twenty feet is the minimum required. The Belmont Zoning Ordinance establishes the following findings for the review of a Variance (Section 14.5.1(A-E)):

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.*

There are no stated objectives of the Zoning Plan; however Section 1.1 of the Zoning Ordinance indicates that the purpose of the Zoning Ordinance is "...to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City." Additionally, the purpose of Single Family Design Review outlined in Section 13.A.1 indicates that new development should "...preserve the wooded, low density character of the City's single family and duplex residential neighborhoods, preserve existing trees and vegetation, minimize bulk, ...provide safe on-site vehicular access to parking, and assure that new single-family and duplex residential development achieves an appropriate balance ... including consistency with existing site conditions and minimal disruption of site and surrounding topography."

The existing single-family home was constructed with a garage 0.5 feet from the front property line, and no uncovered parking adjacent to the garage. Expansion of the existing garage at its current location to allow for two fully conforming garage spaces (20'X 20') and the creation of two uncovered spaces adjacent to the garage would require three Variances, and an increase in total hardscape. In addition, the existing access to covered parking does not allow for adequate site distance for vehicles backing out onto the street. The practical difficulty or unnecessary

physical hardship of this type of construction would be inconsistent with the objectives of the Zoning plan as identified above.

However, the proposed project would create a side entry garage using the existing paved area for uncovered parking allowing for the closure and landscaping of the existing non-conforming driveway, and the construction of a driveway and uncovered parking area with adequate site distance for vehicles backing out onto the street. In addition, maintaining the existing garage wall location (i.e., maintaining the garage length at 19.25' where 20' is required), would allow for adequate turning radius for vehicles accessing the garage without impacting the large oak trees located along the front property line. Thus, the proposed project would result in a better parking orientation, safer site access, and preservation of existing mature vegetation, consistent with the objectives of the Zoning Ordinance, as stated above. 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 existing single-family home was constructed with a garage 0.5 feet from the front property line, and no uncovered parking adjacent to the garage. These are unique conditions not often found in the subject property's R-1B District and within the City of Belmont. 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 existing garage does not allow for adequate site distance for vehicles backing out onto the street, making use of the garage for parking largely impractical and ineffective. In addition, there is currently no on-site uncovered parking adjacent to the garage. An uncovered parking area exists on the street side access on Newlands Avenue, but this parking area is isolated from the home by a significant distance and a large number of steps, and therefore deprives the owner of some measure of security. Extending the side garage entry to allow for a fully conforming interior garage length, would still require a Variance (extension of a non-conforming 0.5 foot setback where 18 feet are required), and would impact mature oak trees at the front of the site.

The proposed project includes a side entry garage with a length of 19.25 feet where 20 feet in length is required. The garage would include conforming width and more than adequate length for the parking of two vehicles: the project would also provide two, fully conforming uncovered parking spaces adjacent to the garage. In addition, maintaining the location of the garage wall would allow for an adequate turn radius for vehicles accessing the garage, without impacting mature oak trees at the front of the site.

Review of city and county records indicates that the vast majority of homes within the subject zoning district and within the City of Belmont were built prior to 2005, and that construction of these homes included covered parking (mostly garages). Belmont Zoning Ordinance (BZO) Section 8.3.1.e indicates that homes constructed prior to 2005 with garage areas of 17 feet in width and 18 feet in length are considered legal non-conforming with respect to garage

dimensions. This Zoning Ordinance Section was intended to include the minimal interior dimensions necessary for the side-by-side parking of two vehicles. The proposed project would exceed these dimensions, and would provide for practical use of the existing garage.

Therefore, the strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of the privileges of safe, convenient and secure off street parking, enjoyed by the owners of other properties classified in the same zoning district. 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.

As noted above, review of city and county records indicates that the vast majority of homes within the subject zoning district and within the City of Belmont were built prior to 2005, and that these homes were constructed with covered parking (mostly garages). In addition, the vast majority of homes include driveway lengths sufficient for adequate back-up sight distance. Lastly, as noted above, Belmont Zoning Ordinance (BZO) Section 8.3.1.e indicates that homes constructed prior to 2005 with garage areas of 17 feet in width and 18 feet in length are considered legal non-conforming with respect to garage dimensions. This Zoning Ordinance Section was intended to include the minimal interior dimensions necessary for the side-by-side parking of two vehicles. The proposed project would exceed these dimensions, and would provide for practical use of the existing garage. Therefore, the proposed project would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district. 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 materially injurious to properties or improvements in the vicinity.

No significant long term noise, parking or traffic impacts are anticipated from the project. A grading permit will be required and Best Management Practices (BMPs) for grading will be required as a condition of project approval to prevent erosion and sedimentation impacts. All appropriate City departments and consultants have reviewed the proposal and have provided conditions of approval that should ensure that the proposed project will not adversely affect public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity. This finding can be made in the affirmative.

Limitations: Parking And Loading - The Commission may grant a Variance to a regulation with respect to off-street parking facilities or off-street loading facilities, as the Variance was applied for or in modified form if, on the basis of the application and the evidence submitted, the Commission makes the findings prescribed in paragraphs (a) through (e) of Section 14.5.1 and if, on the basis of the Commission's investigation, it makes the following additional findings:

(a) That neither present nor anticipated future traffic volumes generated by the use of the site, or the uses of sites in the vicinity, reasonably require strict or literal interpretation and enforcement of the specified regulation.

Traffic from one additional dwelling unit would not be expected to exceed the capacity of the existing roadway system. The Public Works and Police Departments have reviewed and conditionally approved the application. This finding can be made in the affirmative.

- (b) *That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.*

The granting of the Variance would correct an existing adverse condition with respect to the loading of vehicles on public streets. Specifically, the proposed project would allow for adequate sight distance for vehicles backing onto Newlands Avenue from the garage and/or the uncovered parking area. This finding can be made in the affirmative.

- (c) *That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Plan.*

Vehicles currently back out onto Newlands Avenue from various locations, without interfering with the free flow of traffic on the street. This finding can be made in the affirmative.

CONDITIONAL USE PERMIT EVALUATION

Detached second dwelling units greater than 640 sq. ft., require a Conditional Use Permit. In order to grant a Conditional Use Permit, the Planning Commission must make the following findings pursuant to Section 11.5.1 (a-d) of the BZO:

- a) *The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.*

The existing 21,341 sq. ft. property is comprised of four legal lots of record that were created by the *Belmont Country Club Properties Subdivision No. 5* in 1925. A condition of approval for the proposed Floor Area Exception would require the applicant to merge the four lots into one parcel, prior to issuance of a building permit for the construction of a second unit. Therefore, the proposed addition of a secondary unit, as conditioned, would decrease the potential density of the land use for the property anticipated under the General Plan (i.e., decrease the anticipated burden on existing transportation, utilities, and service facilities in the vicinity). In addition, the site provides adequate off-street parking for the proposed use (two covered and two uncovered parking spaces). This finding can be made in the affirmative.

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

The 21,341 sq. ft. property has sufficient space to meet all setbacks and open space requirements. The proposed project also includes retention of existing mature trees and landscaping that would

be appropriate for the single-family residential setting. This finding can be made in the affirmative.

c) The site will be served by streets of a capacity sufficient to carry the traffic generated by the proposed use.

The site is served by fully improved residential public streets of sufficient capacity to carry traffic generated by the existing single-family home and proposed secondary dwelling unit. This finding can be made in the affirmative.

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

The proposed unit would be fully detached from the primary residential unit and located on that portion of the lot that is of adequate size to comply with all setback requirements for the structure. Proposed off-street parking (two covered and two uncovered spaces) is adequate to accommodate both dwelling units. Two existing curb cuts would be closed and landscaped, and one new curb cut would be created to provide access to the site. The architectural design, color and exterior materials generally match that of the existing residence, and the appearance is subordinate to the primary structure. The two dwelling units would be separated from adjacent properties by fences and screening vegetation. The proposed secondary unit complies with all of these conditions. The project would require minimal grading, and no tree removal. The project would also be required to comply with all applicable Building and Fire Codes. This finding can be made in the affirmative.

Section 24 of the BZO provides the following development standards for the establishment of Secondary Dwelling Units:

24.1 Purpose. This chapter is designed to provide for, and to regulate, the establishment of secondary dwelling units in all residential zoning districts. The purpose of permitting second units is to promote more efficient use of the City's existing housing stock and to help meet the need for small rental units while preserving the character of the City.

24.2 Location. Secondary dwelling units shall be allowed in the following residential zoning districts:

- *All R-1 Single Family Residential zones.*
- *For Single Family Dwellings located in R-2, R-3, and R-4 Residential Zones.*
- *HRO Hillside Residential & Open Space zones upon approval of a Conditional Use Permit by the Planning Commission, as set forth herein.*

24.3 Property Development Standards. A secondary dwelling unit shall be allowed only if it can exist in compliance with the following standards:

- (a) Zoning Requirements. All site area, density, height and yard area standards of the R-1 zoning districts shall apply to the property proposed*

for conversion. Both the principal and secondary dwelling must conform to these zoning requirements.

- (b) Lot Size. The minimum lot size for a secondary dwelling unit shall be 5,000 square feet. Conditional Use Permit approval by the Planning Commission shall be required for all properties having less than 8,000 square feet of total area.*
- (c) Minimum Unit Size - second unit shall be 275 square feet.*
- (d) Maximum Allowable Unit Size with approval of a Building Permit (Administrative)*
 - A detached unit not greater than 399 square feet.*
 - A unit constructed within the building envelope of the existing main dwelling not greater than 640 square feet.*
 - A unit combining existing floor area with new floor area not greater than 640 square feet (maximum of 399 square feet outside of building envelope).*
- (e) Maximum Allowable Unit Size with approval of a Conditional Use Permit by the Planning Commission*
 - Units greater than 640 square feet and up to 1,200 square feet or maximum of 30% of the total floor area of the principal dwelling, whichever is smaller.*
- (f) Number of bedrooms. A maximum of two bedrooms is allowed for any new secondary dwelling unit.*
- (g) Height. Detached secondary dwelling units shall not exceed 15 feet in height and shall comply with all development requirements of the R-1 Single Family Residential Zoning District.*
- (h) Design. The secondary dwelling unit shall be subordinate to the principal building in size and shall be designed so that the appearance of the principal building remains that of a single-family residence. The secondary dwelling unit shall be architecturally compatible with the main structure and shall be constructed of similar materials. The roof forms and pitches of a secondary dwelling unit shall be consistent with those of the principal building.*
- (i) Off-Street Parking. Notwithstanding Section 8.1.4, either an existing or new single-family detached dwelling with either a new studio, one-bedroom, or two bedroom secondary dwelling unit shall be provided with four off-street parking spaces (minimum of two automobile garage spaces).*

Spaces provided shall meet the size requirements pursuant to Section 8.3.1 and must be paved and located wholly upon the property in fee. One space may be permitted in tandem in the driveway of a two-car garage if the garage meets minimum setback requirements, adequate on-street parking is available, and the lot configuration precludes placement elsewhere on the property.

- (j) Occupancy. At least one unit shall be owner occupied.*
- (k) Sale of unit. Title to a secondary dwelling unit may not be transferred separately from title to the primary unit or the underlying land.*

24.4 Additional Development Standards.

- (a) Secondary dwelling units shall be allowed only on parcels on which one dwelling unit is located.*
- (b) Secondary dwelling units must comply with all applicable building, health, and fire codes and shall be served by sanitary sewer.*
- (c) Secondary dwelling units are allowed for legal non-conforming principal buildings only if existing setbacks are conformed to.*
- (d) Exterior access (such as exterior doors, stairways, and landings) to attached secondary dwelling units shall not be located on the front of the primary dwelling, unless approved by the Planning Commission pursuant to Sections 13A.1(c) & 13A.2 – Single Family Design Review.*
- (e) No separate curb cuts shall be allowed in the creation of off-street parking for any new unit. A detached secondary dwelling unit shall be served by the same driveway access to the street as the existing main dwelling.*
- (f) A restrictive covenant which mandates owner occupancy of at least one of the units shall be recorded with the establishment of a new secondary dwelling unit. The restrictive covenant shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner. The restrictive covenant shall be subject to approval by the City Attorney as to its form and content.*
- (g) The conversion of any detached accessory structure with non-conforming yard setbacks into a secondary dwelling unit shall be subject to variance review and approval by the Planning Commission pursuant Section 14 (Variances), as set forth herein.*
- (h) Vehicles of any kind, with or without wheels, and trailers are prohibited as secondary dwelling units.*

Analysis

The proposed detached secondary dwelling unit would meet all density, lot size, height, setback, maximum bedroom, and maximum allowable unit size standards of the BZO. The second unit would be subordinate to the principal building in size, and would incorporate similar roof forms and pitches, and some of the same exterior materials (brick veneer and horizontal wood siding). The primary unit is currently owner occupied; should the project be approved, a deed restriction would require owner occupancy of at least one of the units on site. The applicant is requesting a Variance in order to provide the required parking for the proposed second unit (see Variance discussion).

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 secondary unit is generally consistent in character with the primary dwelling on the site in architectural design, color and exterior finish materials; these features are compatible with other residences in the immediate neighborhood. The proposed secondary unit would not exceed 15' in height, would not disrupt any public views from surrounding streets, and there are no prominent ridgelines that would be affected by the proposed structure. The secondary unit would be screened from the street by the existing dwelling and mature vegetation. 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*

Building bulk

The existing single family home is large, and contains bulk as viewed from the street; however, an enclosed deck area would be removed from the front of the home and additional landscaping would be planted in the closed driveway area, which would serve to mitigate for some of bulk of the home as seen from the street. The proposed one-story, second unit would include red brick

vener and horizontal wood siding, divided light windows, French doors, and hipped, asphalt-shingle roofing. Given the use of these materials and the proposed design, the second unit would not appear bulky, and would be further softened and substantially screened by existing and proposed vegetation. Thus, it does not appear that there will be a significant increase in building bulk for the project site.

Tree Removal

No trees are proposed for removal. The subject property was substantially paved by previous property owners, including paved patios in very close proximity to mature, protected-size, oak trees. The applicant proposes to remove concrete from around the oak trees as part of the proposed landscape plan. The City Arborist has reviewed the plans and recommended tree protection/retention measures for the project, which have been incorporated as conditions of project approval.

Grading/Hardscape

Grading required for the construction of the second unit foundation and closure of the driveways would be minimal (approximately 40 cubic yards). A hardscape plan has been submitted by the applicant that indicates that there is currently 11,580 sq. ft. of hardscape area for the entirety of the project site (54%). The applicant proposes to reduce hardscape/impervious hardscape as part of the project by closing existing driveway areas and replacing concrete patio areas with pavers over a pervious substrate. The total hardscape after the project would be 9,671 sq. ft. (45%), a 1,909 sq. ft. hardscape reduction.

All four factors (building bulk, grading, hardscape, and tree removal) appear to be appropriately addressed in the building design to achieve a complementary balance for the project. 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 proposed driveway would have clear access to the garage and uncovered guest spaces. A pedestrian pathway would also be provided to the front door. 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 project would require only minimal grading. No trees would need to be removed. The proposed second unit would be located in Flood Zone C (an area characterized as having minimal flooding potential with no flood hazards identified). Standard conditions of project approval would require the applicant to observe best management practices (BMPs) for the construction of the second unit, to ensure that no impacts would occur to the local watershed. Furthermore, through the City's building permit review process, a structural analysis will be evaluated by Building Division staff, and third party geotechnical consultant (if necessary) to confirm construction suitability for the project. 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.

Existing concrete driveways would be closed and landscaped, and a new driveway would be constructed (pavers over a pervious substrate) that would be integrated into the project design. Utility services would be extended to the new unit; no new retaining walls or accessory structures are proposed for the site. 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 currently landscaped with ground cover, shrubs and mature trees. The applicant has provided landscape and irrigation plan, which includes maintaining existing mature trees on site, and planting a variety of new shrubs, ground cover, and vines around the second unit. A privacy hedge would be planted between the second unit and the residence to the south of the project site (2307 Monserat Avenue). The existing/proposed landscaping would include predominately native or locally acclimated, drought-tolerant plantings. 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.

No significant grading would be required for the project, and a secondary driveway would allow access to the construction area so that all construction could be staged on site. 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. All construction would be completed in compliance with the Uniform 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.

The proposal includes no new encroachments into the public right-of-way. This finding can be made in the affirmative.

I. Substantial Compliance with the Residential Design Guidelines.

The proposed one-story, second unit would include red brick veneer and horizontal wood siding, divided light windows, French doors, and hipped, asphalt-shingle roofing. The proposed mix of materials and architectural features would serve to moderate building bulk as seen from the

surrounding area. The project proposal is in substantial compliance with the Residential Design Guidelines. This finding can be made in the affirmative.

CONCLUSION AND RECOMMENDATION

Based on the analysis and required findings, staff recommends the Planning Commission **approve** the Floor Area Exception, Variance, Conditional Use Permit and Single Family Design Review.

ACTION ALTERNATIVES

1. Continue the application for redesign or further analysis.
2. Deny the Floor Area Exception, Variance, Conditional Use Permit, and/or 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. 500 foot radius map of project site (Located on Page 2 of staff report)
- II. Resolution approving the Floor Area Exception and Single Family Design Review
- III. Conditions of Approval
- IV. Neighborhood Outreach Materials
- V. Arborist Report
- VI. Applicant's plans, submittal information and photos (Commission only)

Respectfully submitted,



Damon DiDonato
Senior Planner



Carlos de Melo
Community Development Director

RESOLUTION NO.
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A FLOOR AREA EXCEPTION, VARIANCE, CONDITIONAL USE PERMIT
AND SINGLE FAMILY DESIGN REVIEW
AT 2713 NEWLANDS AVENUE (APPL. NO. 2013-13)

WHEREAS, Coast to Coast Architects, applicant, on behalf of Gen and Kelly Tanabe, owners, request Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design approvals to construct a new a new 796 square-foot second dwelling unit; and,

WHEREAS, a Public Hearing was duly noticed, and held on October 1, 2013, and closed; and,

WHEREAS, the Planning Commission hereby adopts the staff report dated October 1, 2013 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves Floor Area Exception, Variance, Conditional Use Permit, and Single Family Design Review to construct a new 796 square-foot second dwelling unit at 2713 Newlands Avenue, subject to the attached conditions in Exhibit "A", and based upon the following findings:

Environmental Review

Section 15303, Class 3 (a) of the California Environmental Quality Act (CEQA) exempts construction of 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 Second Unit meets the above requirements for CEQA exemption.

Floor Area Exception

The required Floor Area Exception Findings, Section 4.2.10.D (1-4), are made in the affirmative as follows:

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

The increase in floor area will not result in a physical structure that would be detrimental to the public health, safety, or welfare or be materially injurious to properties in the vicinity. The second unit would meet all required setbacks and height requirements of the R-1B Zoning District, maintain more than adequate fire separation from surrounding structures, and entail

minimal grading. The second unit is conditioned to meet the requirements of current building and fire codes, prior to issuance of a building permit. This finding is affirmed.

2. *The addition will not adversely affect the views or privacy of adjacent property.*

There are no private views across the project site where development is proposed to occur, due to existing topography and the location of mature vegetation. Windows would be minimized and a privacy hedge would be planted between the second unit and the closest residential unit to the south. This finding is affirmed.

3. *The addition is compatible with the existing residence and neighboring properties.*

The design of the second unit would incorporate some of the architectural style of the existing residence (brick veneer and horizontal wood siding) and would be compatible with the existing structure and neighboring properties. Furthermore, a decrease in perceived building bulk for the main unit would result from removal of the enclosed patio, and the landscaping of the existing driveway. The subject second unit would also be constructed with more than adequate setbacks and would be well screened from the street and neighboring properties by large trees and other landscaping. Lastly, the large size of the parcel supports the additional floor area without presenting an inconsistency to the zoning standards. Thus, this finding is affirmed.

4. *The exception would not result in excessive grading or tree removal.*

The project would require minimal grading predominately to accommodate the construction of the second unit and the closing of existing driveways. No trees would need to be removed, and existing concrete would be removed around mature oak trees at the front of the project site. The City Arborist has reviewed the project and has recommended tree protection measures for retention of these trees, and all tree protection measures recommended in the City Arborist Report are included as conditions of project approval. This finding is affirmed.

Variance

The required Variance Findings, Section 14.5.1(A-E), and the additional Parking Findings (a-c), are 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.*

There are no stated objectives of the Zoning Plan; however Section 1.1 of the Zoning Ordinance indicates that the purpose of the Zoning Ordinance is "...to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City." Additionally, the purpose of Single Family Design Review outlined in Section 13.A.1 indicates that new development should "...preserve the wooded, low density character of the City's single family and duplex residential neighborhoods, preserve existing trees and vegetation, minimize bulk, ...provide safe on-site vehicular access to parking, and assure that new single-family and duplex

residential development achieves an appropriate balance ... including consistency with existing site conditions and minimal disruption of site and surrounding topography.”

The existing single-family home was constructed with a garage 0.5 feet from the front property line, and no uncovered parking adjacent to the garage. Expansion of the existing garage at its current location to allow for two fully conforming garage spaces (20'X 20') and the creation of two uncovered spaces adjacent to the garage would require three Variances, and an increase in total hardscape. In addition, the existing access to covered parking does not allow for adequate site distance for vehicles backing out onto the street. The practical difficulty or unnecessary physical hardship of this type of construction would be inconsistent with the objectives of the Zoning plan as identified above.

However, the proposed project would create a side entry garage using the existing paved area for uncovered parking allowing for the closure and landscaping of the existing non-conforming driveway, and the construction of a driveway and uncovered parking area with adequate site distance for vehicles backing out onto the street. In addition, maintaining the existing garage wall location (i.e., maintaining the garage length at 19.25' where 20' is required), would allow for adequate turning radius for vehicles accessing the garage without impacting the large oak trees located along the front property line. Thus, the proposed project would result in a better parking orientation, safer site access, and preservation of existing mature vegetation, consistent with the objectives of the Zoning Ordinance, as stated above. 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 existing single-family home was constructed with a garage 0.5 feet from the front property line, and no uncovered parking adjacent to the garage. These are unique conditions not often found in the subject property's R-1B District and within the City of Belmont. 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 existing garage does not allow for adequate site distance for vehicles backing out onto the street, making use of the garage for parking largely impractical and ineffective. In addition, there is currently no on-site uncovered parking adjacent to the garage. An uncovered parking area exists on the street side access on Newlands Avenue, but this parking area is isolated from the home by a significant distance and a large number of steps, and therefore deprives the owner of some measure of security. Extending the side garage entry to allow for a fully conforming interior garage length, would still require a Variance (extension of a non-conforming 0.5 foot setback where 18 feet are required), and would impact mature oak trees at the front of the site.

The proposed project includes a side entry garage with a length of 19.25 feet where 20 feet in length is required. The garage would include conforming width and more than adequate length for the parking of two vehicles; the project would also provide two, fully conforming uncovered parking spaces adjacent to the garage. In addition, maintaining the location of the garage wall would allow for an adequate turn radius for vehicles accessing the garage, without impacting mature oak trees at the front of the site.

Review of city and county records indicates that the vast majority of homes within the subject zoning district and within the City of Belmont were built prior to 2005, and that construction of these homes included covered parking (mostly garages). Belmont Zoning Ordinance (BZO) Section 8.3.1.e indicates that homes constructed prior to 2005 with garage areas of 17 feet in width and 18 feet in length are considered legal non-conforming with respect to garage dimensions. This Zoning Ordinance Section was intended to include the minimal interior dimensions necessary for the side-by-side parking of two vehicles. The proposed project would exceed these dimensions, and would provide for practical use of the existing garage.

Therefore, the strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of the privileges of safe, convenient and secure off street parking, enjoyed by the owners of other properties classified in the same zoning district. 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.

As noted above, review of city and county records indicates that the vast majority of homes within the subject zoning district and within the City of Belmont were built prior to 2005, and that these homes were constructed with covered parking (mostly garages). In addition, the vast majority of homes include driveway lengths sufficient for adequate back-up sight distance. Lastly, as noted above, Belmont Zoning Ordinance (BZO) Section 8.3.1.e indicates that homes constructed prior to 2005 with garage areas of 17 feet in width and 18 feet in length are considered legal non-conforming with respect to garage dimensions. This Zoning Ordinance Section was intended to include the minimal interior dimensions necessary for the side-by-side parking of two vehicles. The proposed project would exceed these dimensions, and would provide for practical use of the existing garage. Therefore, the proposed project would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district. 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.

No significant long term noise, parking or traffic impacts are anticipated from the project. A grading permit will be required and Best Management Practices (BMPs) for grading will be required as a condition of project approval to prevent erosion and sedimentation impacts. All appropriate City departments and consultants have reviewed the proposal and have provided conditions of approval that should ensure that the proposed project will not adversely affect

public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity. This finding is affirmed.

Parking And Loading - additional Variance findings:

- (a) *That neither present nor anticipated future traffic volumes generated by the use of the site, or the uses of sites in the vicinity, reasonably require strict or literal interpretation and enforcement of the specified regulation.*

Traffic from one additional dwelling unit would not be expected to exceed the capacity of the existing roadway system. The Public Works and Police Departments have reviewed and conditionally approved the application. This finding is affirmed.

- (b) *That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.*

The granting of the Variance would correct an existing adverse condition with respect to the loading of vehicles on public streets. Specifically, the proposed project would allow for adequate sight distance for vehicles backing onto Newlands Avenue from the garage and/or the uncovered parking area. This finding is affirmed.

- (c) *That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Plan.*

Vehicles currently back out onto Newlands Avenue from various locations, without interfering with the free flow of traffic on the street. This finding is affirmed.

Conditional Use Permit

The required Conditional Use Permit Findings, Section 11.5.1 (a-d) are made in the affirmative as follows:

- a) *The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.*

The existing 21,341 sq. ft. property is comprised of four legal lots of record that were created by the *Belmont Country Club Properties Subdivision No. 5* in 1925. A condition of approval for the proposed Floor Area Exception would require the applicant to merge the four lots into one parcel, prior to issuance of a building permit for the construction of a second unit. Therefore, the proposed addition of a secondary unit, as conditioned, would decrease the potential density of the land use for the property anticipated under the General Plan (i.e., decrease the anticipated burden on existing transportation, utilities, and service facilities in the vicinity). In addition, the site

provides adequate off-street parking for the proposed use (two covered and two uncovered parking spaces). This finding is affirmed.

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

The 21,341 sq. ft. property has sufficient space to meet all setbacks and open space requirements. The proposed project also includes retention of existing mature trees and landscaping that would be appropriate for the single-family residential setting. This finding is affirmed.

c) The site will be served by streets of a capacity sufficient to carry the traffic generated by the proposed use.

The site is served by fully improved residential public streets of sufficient capacity to carry traffic generated by the existing single-family home and proposed secondary dwelling unit. This finding is affirmed.

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

The proposed unit would be fully detached from the primary residential unit and located on that portion of the lot that is of adequate size to comply with all setback requirements for the structure. Proposed off-street parking (two covered and two uncovered spaces) is adequate to accommodate both dwelling units. Two existing curb cuts would be closed and landscaped, and one new curb cut would be created to provide access to the site. The architectural design, color and exterior materials generally match that of the existing residence, and the appearance is subordinate to the primary structure. The two dwelling units would be separated from adjacent properties by fences and screening vegetation. The project would require minimal grading, and no tree removal. The project would also be required to comply with all applicable Building and Fire Codes. This finding is affirmed.

Single Family Design Review

The required Single Family Design Review Findings, Section 13A.5 (A-I), 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 secondary unit is generally consistent in character with the primary dwelling on the site in architectural design, color and exterior finish materials; these features are compatible with other residences in the immediate neighborhood. The proposed secondary unit would not exceed

15' in height, would not disrupt any public views from surrounding streets, and there are no prominent ridgelines that would be affected by the proposed structure. The secondary unit would be screened from the street by the existing dwelling and mature vegetation. 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 tree removal*

Building bulk

The existing single family home is large, and contains bulk as viewed from the street; however, an enclosed deck area would be removed from the front of the home and additional landscaping would be planted in the closed driveway area, which would serve to mitigate for some of bulk of the home as seen from the street. The proposed one-story, second unit would include red brick veneer and horizontal wood siding, divided light windows, French doors, and hipped, asphalt-shingle roofing. Given the use of these materials and the proposed design, the second unit would not appear bulky, and would be further softened and substantially screened by existing and proposed vegetation. Thus, there will not be a significant increase in building bulk for the project site.

Grading/Hardscape

Grading required for the construction of the second unit foundation and closure of the driveways would be minimal (approximately 40 cubic yards). A hardscape plan has been submitted by the applicant that indicates that there is currently 11,580 sq. ft. of hardscape area for the entirety of the project site (54%). The applicant proposes to reduce hardscape/impervious hardscape as part of the project by closing existing driveway areas and replacing concrete patio areas with pavers over a pervious substrate. The total hardscape after the project would be 9,671 sq. ft. (45%), a 1,909 sq. ft. hardscape reduction. Therefore, grading and hardscape elements are not excessive for the proposed project and are appropriate in the neighborhood context.

Tree Removal

No trees are proposed for removal. The subject property was substantially paved by previous property owners, including paved patios in very close proximity to mature, protected-size, oak trees. The applicant proposes to remove concrete from around the oak trees as part of the proposed landscape plan. The City Arborist has reviewed the plans and recommended tree

protection/retention measures for the project, which have been incorporated as conditions of project approval.

All four factors (building bulk, grading, hardscape, and tree removal) appear to be appropriately addressed in the building design to achieve a complementary balance for the project. 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 proposed driveway would have clear access to the garage and uncovered guest spaces. A pedestrian pathway would also be provided to the front door. 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 project would require only minimal grading. No trees would need to be removed. The proposed second unit would be located in Flood Zone C (an area characterized as having minimal flooding potential with no flood hazards identified). Standard conditions of project approval would require the applicant to observe best management practices (BMPs) for the construction of the second unit, to ensure that no impacts would occur to the local watershed. Furthermore, through the City's building permit review process, a structural analysis will be evaluated by Building Division staff, and third party geotechnical consultant (if necessary) to confirm construction suitability for the project. Thus, as proposed and conditioned, 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.

Existing concrete driveways would be closed and landscaped, and a new driveway would be constructed (pavers over a pervious substrate) that would be integrated into the project design. Utility services would be extended to the new unit; no new retaining walls or accessory structures are proposed for the site. 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 City Code*

The site is currently landscaped with ground cover, shrubs and mature trees. The applicant has provided landscape and irrigation plan, which includes maintaining existing mature trees on site, and planting a variety of new shrubs, ground cover, and vines around the second unit. A privacy hedge would be planted between the second unit and the residence to the south of the project site (2307 Monserat Avenue). The existing/proposed landscaping would include predominately native or locally acclimated, drought-tolerant plantings. Therefore, 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.

No significant grading would be required for the project, and a secondary driveway would allow access to the construction area so that all construction could be staged on site. 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. All construction would be completed in compliance with the Uniform 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.

The proposal includes no new structural encroachments into the public right-of-way. This finding is affirmed.

I. Substantial compliance with the Residential Design Guidelines.

The proposed one-story, second unit would include red brick veneer and horizontal wood siding, divided light windows, French doors, and hipped, asphalt-shingle roofing. The proposed mix of materials and architectural features would serve to moderate building bulk as seen from the surrounding area. The project proposal is in substantial compliance with the Residential Design Guidelines. This finding is affirmed.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on October 1, 2013 by the following vote:

AYES, _____
COMMISSIONERS
NOES, _____
COMMISSIONERS
ABSENT, _____
COMMISSIONERS
ABSTAIN, _____
COMMISSIONERS
RECUSED, _____
COMMISSIONERS

Carlos de Melo
Planning Commission Secretary

EXHIBIT "A"

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2713 NEWLANDS AVENUE

- 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:

Building Division

1. Plans submitted for building permit and all construction shall conform to the approved plans on file in the Planning Division for Appl. No. 2013-0013.
2. The applicant shall obtain all required permits.
3. This project is subject to the School Facilities Fee. Proof of payment must be presented to the City of Belmont before the permit will be issued. Contact the Sequoia Union School District directly for further information.
4. This project is subject to the requirements of the Green Building Ordinance. Based on the scope of work, the project is required to achieve a compliance level 70 Build it Green points using the New Home Checklist.
5. Pursuant to the Belmont Department Ordinance #2011-1, Section 1003.2.9.2(A), the building shall include a fire sprinkler system and the plan will be a deferred submittal.
6. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Provide such a report and a letter from the geotechnical engineer confirming that the foundation plan has been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the plans. BMC 7-12, IBC 106.1 & 1804.3.
7. The applicant shall provide a record of survey.
8. The applicant shall post hours of operation and phone numbers for noise complaints.
9. The applicant shall provide space for recycling containers.
10. The applicant shall provide list of construction and demolition recycling service providers.

11. Contractors and subcontractors shall make a good faith effort to contact construction and demolition recycling providers.
12. The applicant shall notify all contractors and subcontractors of Belmont expectations of maximizing diversion of solid waste.
13. The applicant shall investigate opportunities for salvaging material for reuse.
14. Building plans shall specify that the 2009 IBC, 2009 UPC, 2009 UMC and 2008 NEC as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.

EXHIBIT "A"

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2713 NEWLANDS AVENUE

- 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. 2013-0013; 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. A Lot Line Adjustment (LLA) application to merge (Lots 8, 9, 10 and 11) to one parcel shall be submitted for review and approval by the Community Development Director in consultation with the Department of Public Works. Said LLA shall be approved and recorded prior to issuance of building permits for the Second Unit.
7. A restrictive covenant shall be submitted for review and approval by the Community Development Director, in consultation with the City Attorney, prior to issuance of a building permit for the Second Unit. Said Covenant shall mandate owner occupancy of at least one of the units and shall be recorded prior to final building permit inspection and occupancy of the second dwelling unit. The restrictive covenant shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner. The restrictive covenant shall be subject to approval by the City Attorney as to its form and content.

City Arborist

1. Pre-Construction Meeting between Project Team and Contract City Arborist (CCA):

Prior to finalization of or approval of the plans, members of the applicant's project team shall make an appointment for a pre-construction site meeting with the Contract City Arborist and Staff. The following items are up for discussion:

- a. Third Party Project Arborist:

It is suggested that the project team retain an on-call, third party ISA Certified Arborist as a project arborist or "PA" to be on-site during demolition of the existing concrete surfaces within zero to 15 horizontal feet of trees #1 and #2.

It is also suggested that a PA be retained to perform backdigging around any roots measuring 1 inch diameter or larger that are severed and shattered or otherwise damaged during excavation within 15 feet of the trunks of trees #1 and #2, and proceed to cleanly prune those roots using sharp hand tools.

- b. Demolition Phasing Toward End of Project:

It is suggested that demolition of the existing concrete surfacing be phased toward the end of the project so that these surface materials act as a hard "soil buffer" to protect the root zones of trees #1 and #2 during in-law residence construction, until the very end of project when demolition can then be carefully monitored by a PA and/or the CCA to minimize root loss and soil compaction.

- c. Driveway Design:

It is suggested that the proposed driveway baserock excavation cut be kept to an absolute maximum of 5.0 inches total cut below existing grade elevations, and that this area be built using an alternative plastic load dispersion matrix product such as Presto GeoPave (available locally at Reed and Graham geosynthetics of San Jose) which requires only 2.0 inches total cut to bury, and 3.0 inches for paver topping over the matrix. See page 7 and 8 of the arborist report for an image of this product and an actual sample spec plan used for a recent 2013 steep slope driveway in Palo Alto.

Note that the total cut can be reduced to only 2.0 inches if, for example, the GeoPave is dug in 2.0 inches below soil grade, and the pavers are laid on top of grade over the GeoPave matrix, with a 3 inch height metal edging pinned down around the perimeter of the drive to contain the pavers.

d. Ramp Design:

It is suggested that the proposed ramp be built over existing soil grades with no cuts below existing elevations. Toward this end, various options for over-grade construction are available, such as use of geogrid load dispersal matrices like Tensar BX-1100, and/or specifying an over-thick concrete slab with oversized rebar reinforcement.

e. In-Law Residence Foundation Design:

It is suggested that if possible, the west side of the proposed in-law residence foundation footing be built as a slab on grade with less than 6 inches of total cut below existing grade. If this is not possible, then the PA and/or the CCA will need to be retained to provide root pruning services to cleanly sever roots measuring 1 inch diameter or larger that are encountered during excavation for the west side of the foundation within 15 horizontal feet of oaks #1 and #2.

f. Irrigation Pipe Trenching:

It is suggested that all proposed hard PVC irrigation pipe trenching be eliminated from the irrigation plan, and alternative types of water delivery be used, such as copper pipes set over grade along the property boundary, use of poly tubing, bubblers, emitter lines, soaker hoses, microspray, etc.

g. Tree Removals:

If the above root zone preservation construction methods and materials are not utilized for this project, then both oaks #1 and #2 will be considered by Staff to be 'removals' and a removal fee of \$8,693 and an in-lieu fee of \$2,982 will be levied

(assuming Staff and planning commission would be willing to allow damage to, or removal of, two mature coast live oaks).

h. Fees:

Verify that tree-related fees are paid:

- i. Monitoring fee (arborist fee) of \$1,000 plus 30% administration fee required by the City (total \$1,300) which covers quick monthly site inspections and short letter style monitoring reports throughout the life of the project from start of work until final signoff. Additional hourly fees at the standard contract rate of \$100/hour will apply for extended assessment periods, and for monitoring work if the CCA is requested to oversee “special items” such as root pruning, demolition of existing concrete surfacing, etc.
- ii. Tree bond: Applicant shall post a bond per the 2012-13 fee schedule removal fees for trees being retained in very close proximity to proposed work (trees #1 and #2 = \$8,693), or another dollar amount to be determined by Staff.

Staff may also want to require the applicant to also post a bond for the amount of the in-lieu fees for 3:1 basis X 2 tree removals: an additional \$2,982.

- iii. Impacts: Verify that the project team understands that the CCA will determine prior to final occupancy permit issuance if certain tree specimens were negatively impacted by site plan construction activity to the degree that a damage fee would be required to be paid in the amount of partial or full tree removal fees plus in-lieu fees as applicable.

i. Staging/Storage/Ingress/Egress:

Identify all staging, storage, and ingress/egress areas. These must all be outside of the delineated RPZ fence perimeters protecting trees to be retained.

2. Project Arborist:

It is suggested that a third party on-call project arborist or “PA” be retained by the project team prior to start of site work, in order that certain key work items be monitored directly by an ISA Certified Arborist/ASCA Registered Consulting Arborist. These items include, but are not limited to, demolition of existing surface materials within 15 feet of the trunks of oaks #1 and #2, root pruning, and excavation for proposed new baserock layers and foundations for the proposed new residence, new ramp, new irrigation lines, and new driveway.

3. Site Plan Amendments:

It is suggested that recommendation items #5 (1) b, c, d, e, f as itemized in the arborist report be implemented. Otherwise, oaks #1 and #2 will be considered removals by Staff and planning commissioners, and the site plan project impacts to native trees will be greatly increased. In such as case, all tree removal fees and in-lieu fees would apply.

4. Pruning:

Retain a qualified ISA-Certified Arborist to perform structural renovation pruning per current ANSI-A300 standards “as needed”. Do not perform topping, shearing, lion-tailing (removal of inner and lower wood), or thinning pruning which are contrary to the American National Standards mentioned above.

5. Trunk Buffers:

Install new trunk buffers around the trunks of oaks #1 and #2 located in close proximity to proposed work, using the following specification:

Best Management Practice for tree protection of border trees to remain on a site is to wrap an entire roll of orange fencing around the lower 8 feet of trunk of each tree, and affix 2X4 or 1X4 boards (or waste wood of similar dimensions) around the circumference of the trunk, and secure with duct tape on the outside (do not use wires). See specification image at right, which shows a tree wrapped with high grade stiff red plastic fencing material from White Cap rather than the more commonly available orange snow fencing from Home Depot which is more flexible and less protective.

6. Wood Chip Mulch:

Obtain good quality chipper truck type wood chips (not bark chips or shredded redwood bark) from a local landscape supply house such as Lyngso or PBS in Redwood City(www.lyngsogarden.com).

The product will be called ‘natural wood chips’ or similar, and should not be colored or otherwise adulterated in any way. Lyngso lists their natural wood chip product under a “mulch” category, and is simply called “wood chips”, currently selling at \$31 per cubic yard as of 2013.

Install a 4 to 6 inch thick layer of wood chips over the entire open soil root zone area inside the root protection zone to be fenced off with chain link fencing (see the CCA’s tree location map attached to the arborist report).

7. Root Protection Zone Fence:

Install chain link fence per locations determined during the pre-construction meeting around all trees being retained. This fencing shall be known as the root protection zone or “RPZ”. Optimal fence routes are shown as red dashed lines on the CCA’s tree location map markup in this arborist report.

Fencing material used for all protective fences must be steel chain-link, at least five-feet in height, mounted on two-inch diameter galvanized iron posts seven-feet in length, driven a minimum of 24-inches into the ground. Posts for post and hook fencing must be mounted no wider than six-feet apart. This fence must be erected prior to any heavy machinery traffic or construction material arrival on site.

Alternatively, use free-standing chain link panels set on moveable concrete footings set on grade, wired together with wires or affixed to the ground using rebar and wires.

Note: Create a +/- 18 inch wide open gap in each RPZ fence perimeter so that arborists and other tree protection related personnel can access the areas inside the RPZ.

The protective fencing must not be temporarily moved during construction . Materials, tools, excavated soil, liquids, substances, etc. shall not be placed or dumped, even temporarily, inside the RPZ.

Storage, staging, work, or other activities shall not occur inside the RPZ without the expressed written (emailed) permission from the Contract City Arborist. The CCA can be contacted 48 hours advance notice to request that a fence section be temporarily moved or removed (see signage below).

8. Signage:

The TPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 10-linear feet of fencing, minimum 8”X11” size each, plastic laminated or otherwise waterproofed, stating:

TREE PROTECTION FENCE

**DO NOT MOVE OR REMOVE WITHOUT AUTHORIZATION FROM
WALTER LEVISON, CONTRACT CITY ARBORIST (CCA)**

CALL OR EMAIL 48-HRS ADVANCE FOR PERMISSION

Cell (415) 203-0990 <drtree@sbcglobal.net>

9. Concrete Demolition:

Phase: Phase demolition to the end of project so that surfacing can be retained as a soil buffer to protect the oak root systems until the last possible moment.

Monitor: Retain a third party Project Arborist and/or the CCA to perform monitoring of demolition of concrete within 15 horizontal feet of the trunk edges of oaks #1 and #2.

Fence: Immediately (same day as demolition is complete around the oaks) erect chain link fencing up over the entire root protection zones of the oaks as noted in heavy red dashed line on the CCA's tree location map attached to the arborist report.

Mulch: Immediately (same day as demolition is complete around the oaks) lay a 4 inch thick layer of wood chips as a surface mulch over the entire root protection zone area within the red dashed line fence perimeter.

Irrigate: Immediately (same day as demolition is complete around the oaks) initiate thorough irrigation of the chain link fenced-off oak root zone area under the direction of the PA and/or CCA.

10. Root Crown Excavation:

Retain a qualified ISA Certified Arborist to perform gentle hand tool excavation of the root crowns of oaks #1 and #2 and reestablish original soil grade around the trees by exposing the flaring buttress roots of the root collar area.

11. Root Pruning:

If any woody roots measuring 1 inch diameter or greater are encountered during site work within 15 horizontal feet of oaks #1 or #2, call a qualified tree care contractor (the PA, etc.) to prune roots at right angles to the root growth direction, using sharp tools such as an A/C powered Sawzall, lopper, professional pruning saw, etc.

If roots are required to be left exposed for more than 24 hours, then cover with six (6) layers of wet, muddy burlap. If possible, cover the root(s) completely with existing site soil and wood chip mulch, and irrigate thoroughly to saturate the uppermost 24 inches of the soil profile. Cover the soil with wood chip mulch. See image at right for example of correct root pruning.

Call the CCA at cell 415-203-0990 immediately upon encountering the roots (prior to pruning) so that digital images of the root locations, depths, and densities can be archived.

If roots are shattered or broken, then the “backdigging” protocol must be used prior to root pruning to dig around the broken root until a clean undamaged section is exposed and able to be pruned at a right angle to the branch growth direction.

12. Irrigation Temporary:

Trees being preserved in close proximity to work may require once monthly deep irrigation, to be supplied by a soaker hose, drip emitter line system, or portable water tank/spray apparatus (to be determined by the CCA and General Contractor). Irrigation locations, frequency, and duration to be determined by the CCA.

If the CCA requires supplemental irrigation for trees being retained, then the CCA will check soil moisture using a Lincoln probe on a once monthly basis to determine if relative soil moisture levels are adequate for proper cultural care of various individual site trees. Irrigation adjustments may be required depending on these monthly probe readings.

13. Water Spray:

Spray off foliage of oaks #1 and #2 on a 1x/month basis using a high power garden hose to wash both the upper and lower surfaces of the foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

14. Landscape Development:

Pipes and Conduit:

All new irrigation pipe trenching, electrical conduit (low voltage and 120V), and other subgrade items shall be offset min. 15 horizontal feet from the trunk edges of all existing trees being retained at site.

Irrigation Pipes

New landscape trees and plants shall be irrigated with over-grade “no dig” type emitter line and/or bubblers and flexible poly tubing such that there is no irrigation pipe trenching within 15 feet or more of any tree being retained. PVC and other “trenched in” type solid piping can be used at 15 feet min. from trees.

EXHIBIT "A"

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2713 NEWLANDS AVENUE

II COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT FIRE DEPARTMENT:

1. A separate application and permit are required for the installation or alteration of any Automatic Fire Extinguishing System. An application shall be made by either a Registered Engineer or by the Licensed Fire Sprinkler Contractor who will be performing the work. This shall include any Fixed Fire Protection System. A valid Permit and Approved Plans shall be at the jobsite at all times.
2. Prior to application for a Fire Sprinkler Permit, the applicant shall submit plans to Mid-Peninsula Water District for their review and approval. Please contact MPWD at 650-591-8941
3. A separate application and permit are required for the installation of any underground fire service lines. Application shall be made by a Registered Engineer or by either a General Engineering Contractor or a Licensed Fire Sprinkler Contractor, who will be performing the work.
4. Every building, or structure, shall be provided with an address. Numerals shall be located where clearly visible from the street or roadway upon which it fronts. Residential Structures shall have numerals a minimum of 4 inches in height and of ½ stroke. Numerals shall be of contrasting color to their background and illuminated at night. Numerals shall be white in color where located upon glazing.
5. All Fire Inspections are performed on Wednesdays between 9-2, unless special arrangements are made with the Fire Inspector. The applicant shall call 650-637-2939 a minimum of 48 hours in advance to place an inspection request. The applicant will receive a confirmation call within 24 hours of the request.
6. On plans submitted for a Building Permit, the applicant shall show the location of all required Smoke Alarms and Carbon Monoxide Alarms, in accordance with CRC Sections 314 & 315.
7. Plans submitted for a Building Permit shall identify the size of bedroom windows, demonstrating that they meet egress requirements of CRC 310.
8. In accordance with the Municipal/Regional Stormwater Permit no fire sprinkler system drain shall discharge into any Storm Drain System. The system shall discharge to either a landscape area large enough to contain the outflow, or to the Sanitary Sewer by means of an indirect connection. The applicant shall show the location of the Fire Sprinkler System drain on plans submitted for a building permit.

III 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.

EXHIBIT "A"

CONDITIONS OF PROJECT APPROVAL
SINGLE FAMILY DESIGN REVIEW
2713 NEWLANDS AVENUE

IV. 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. A residential driveway approach shall be installed in accordance with Department of Public Works approved standards.
 3. The unused driveway shall be removed and replaced with sidewalk (where applicable) and curb and gutter in accordance with Department of Public Works approved standards.
 4. Roof drains shall drain away from the building and be directed to landscaping or a stormwater treatment measure.
 5. The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to building permit approval.
 6. The project shall incorporate landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers.
 7. Air conditioning condensation shall drain to landscaping or a stormwater treatment measure.
 8. Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance [or comparable local ordinance].
 9. Swimming pools, hot tubs, spas and fountains shall have a connection to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards. This connection could be a drain in the pool to the sanitary sewer or a cleanout located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer cleanout.
 10. The plans submitted for building permit shall show the connection of the sewer lateral pipe to the main line.

- 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. Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.
 3. 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.
 4. 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.
 5. 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.
 6. The applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for: (a) Improvements valued by the building official at \$200,000 or more, or (b) Work associated with a change in water service (e.g. change in meter size or adding a second meter).
 7. The applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
 8. The Sanitary sewer shall include a back flow prevention device.
 9. 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.
 10. 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.

11. The applicant shall incorporate landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
 1. After the City permits are approved but before beginning construction, the owner/applicant shall hold a preconstruction conference with Building and Public Works Department staff and other interested parties. The developer shall arrange for the attendance of the construction manager, contractor, and all subcontractors who are responsible for grading and erosion and sedimentation protection controls.
 2. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
 3. 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, storm drain 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. Fire sprinkler test water shall discharge to onsite vegetated areas, or, alternatively shall be discharged to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

Certification of Approved Final Conditions:

Damon DiDonato, Senior Planner

Date