

**CITY OF BELMONT  
MEMORANDUM**



**TO:** Planning Commission

**FROM:** Damon DiDonato, Senior Planner

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

**SUBJECT:** September 21, 2010 Planning Commission Meeting - Agenda Item 5C  
Single Family Design Review – Request for Extension of Approval  
Address: 2007 Bishop Road; APN: 043-010-710; Appl. No. 2010-0037

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**SUMMARY**

The property owners, Carlos and Myrna Soriano, request a second extension of the Planning Commission approval of a Single Family Design Review to construct a new 4,490 square-foot single-family residence on a vacant 86,254 sq. ft. lot that is below the maximum permitted 4,500 square feet for the site.

**BACKGROUND**

On October 7, 2008, the Planning Commission approved (by a vote of 7-0) the subject Single Family Design Review request. The Commission also recommended that the City Council grant an Exception for the requirements to install a sidewalk along the property frontage.

On April 28, 2009, the City Council approved an Exception for the requirements to install a sidewalk along the property frontage.

On May 19, 2009, the Planning Commission approved a final landscape plan and final architectural materials and colors for the project.

On October 6, 2009, the Planning Commission approved an extension of the project entitlements to October 7, 2010.

**SITE CONDITIONS**

The subject property has an average slope of 24.4 %, and is located on the northwest portion of Bishop Road, along a loop created north of this road and its intersection with Marsten and Roberts Avenues. A steeply sloping area to the northeast of the site was not developed, and remains in its natural state. The City Arborist has confirmed that there are approximately 22 regulated trees on and adjacent to the project site that may be impacted by the proposed project.

The property is bounded to the north by vacant lots (zoned HRO-2) that have no road access, to the west by vacant undeveloped property (Lots 1 and 2 of the three-lot subdivision), to the east by a large, vacant lot zoned HRO-1, and single family homes, and to the south by single family

homes along Bishop Road. The surrounding single family neighborhood is developed with one and two-story single-family homes with a mixture of stucco and wood exterior finishes.

**PROJECT DESCRIPTION**

The applicant proposes to construct a Mediterranean-style, 4,490 square foot single-family residence on site. The home would consist of one and two-story building elements with an attached garage, arranged in a semi-circular fashion. The project would consist of the following:

Floor Plans - First Floor

The 3,670 sq. ft. first floor consists of a 3,107 sq. ft. residence, and an attached 563 sq. ft. garage. The first floor of the residence includes a master bedroom, walk-in closet, living room, dining area, kitchen, family room, foyer, laundry, breakfast nook, study (or guest bedroom), and one and one-half bathrooms. An interior staircase would provide access to the upper level. Four balconies would exit to the rear of the home, one patio would exit to the front of the home and one terrace would exit to the side of home. The interior floor to ceiling height of the first floor is proposed at ten feet in living areas, nineteen feet in the foyer, and five feet in the attic above the living room. Crawl space under the house ranges from several inches to approximately five feet in height. A two-car garage with an interior dimension of 21.5’ by 23’, would be attached to the home via a roofed breezeway. The 20’ long by 21.5 wide parking area in front of the garage is adequate to park two additional cars. An unroofed utility pad would be constructed adjacent to the garage in order to screen utility meters, trash and recycling. A five-foot high stucco wall with a built-out base cap would surround the pad.

Floor Plans - Second Floor

The proposed second floor includes two bedrooms, two full bathrooms, two closets, a counter and stairs with the foyer open to below. A one-foot wide decorative “Juliet” balcony is proposed at the rear of the bedroom on the east side of the home. The total proposed floor area for this level is approximately 820 square feet.

<b>Dwelling Floor Area Summary</b>	
<b>Proposed Square Footage</b>	<b>Proposed Modifications/Additions</b>
First Level (Main Floor) – 3,670 Sq. Ft.	<u>Proposed:</u> Fully complying two-car garage, master bedroom, walk-in closet, living room, dining area, kitchen, family room, foyer, laundry, breakfast nook, study (or guest bedroom), and one and one-half bathrooms.
Second Level – 820 Sq. Ft.	<u>Proposed:</u> Two bedrooms, two full bathrooms, two closets, a counter and stairs with the foyer open to below.
<b>Total for dwelling = 4,490 Sq. Ft.</b>	

See Attachment IV – October 7, 2008 Planning Commission staff report for additional background information for the project.

Since the Planning Commission approved the project on 10/7/08, the applicant's architect worked closely with staff to prepare project plans for subsequent meetings with the City Council and the Planning Commission (i.e., sidewalk, landscape design and colors and materials). The applicant's architect indicated that the civil, architectural and structural plans were complete in October 2009. Ownership of the property changed to Carlos and Myrna Soriano in November 2009.

The new property owners have indicated that the uncertainty caused by the financial crisis and ensuing recession have made it very problematic to acquire construction loans for new homes, and they have failed in their attempts to get financing to build the home this year. They are hoping to either sell the lot or get a construction loan to build the home next year.

The one-year deadline for taking a building permit (and vesting the approval) expired on October 7, 2009, and was extended to October 7, 2010. The applicant submitted an application on July 15, 2010 requesting a second and last extension of the Single Family Design Review entitlement. The applicable Zoning Ordinance statutes for extension approvals are as follows:

*Section 10.5 APPLICATIONS - EXTENSION OF TIME*

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

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

Section 10.5 allows the Planning Commission to extend planning approvals it originally granted. Such extension is not required to be requested before, or granted prior to the one-year deadline. The Commission has approved, within the last three years, extension requests for Single Family Design Review projects for two vacant lots on Naughton Avenue, at 210 Alameda de las Pulgas, and 2612 Hallmark Drive.

## CONCLUSION

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

- Applicable statutes have not changed via establishment of different findings, standards, or general evaluation criteria.
- The applicants have provided a reasonable explanation for the delay. Staff further believes the applicant shows intent to obtain project permits and complete construction within the next year. The applicant has worked closely with staff to prepare project plans for building permit submittal, and has paid all in-lieu parkland dedication fees (\$42,500) remaining from the subdivision that created the subject project site. Approval of this time extension request would enable the applicant to either sell the lot or secure financing to build the home after the winter grading moratorium (April 2011).
- There have been no significant changes to the surrounding Bishop Road neighborhood in the past year. There have been no new Planning Commission approvals for projects in the general vicinity on the subject property. No other recent building permits (for significant additions/modifications) or zoning entitlements within the last year have been issued for properties within 300 feet of the subject site. There have also been no changes to the characteristics of the project site.

Staff believes a second extension is warranted. Should the Commission grant the extension, the entitlements would be valid until October 7, 2011 (or less time as deemed appropriate by the Commission), unless a building permit has been issued before then, with no option for additional time extension. In conclusion, staff believes the findings for granting an extension (Section 10.5.1. a-c) can be made in the affirmative.

## ATTACHMENTS

- I. Resolution approving extension of Single Family Design Review
- II. Conditions of Approval
- III. Reduced project plans (8.5" x 11")
- IV. October 7, 2008 Planning Commission staff report (attachments deleted)

RESOLUTION NO. 2010-\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING AN EXTENSION OF A SINGLE FAMILY DESIGN REVIEW  
FOR 2007 BISHOP ROAD (APPL. NO. 2010-0037)

WHEREAS, Carlos and Myrna Soriano, property owners, requests an extension of the Planning Commission approval of a Single Family Design Review to construct a new 4,490 square-foot single-family residence on a vacant 86,254 sq. ft. lot that is below the maximum permitted 4,500 square feet for the site; and,

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

WHEREAS, the Planning Commission hereby adopts the staff memorandum dated September 21, 2010 and the facts contained therein as its own findings of facts; and,

WHEREAS, The Planning Commission has considered the applicant's request for an extension of the Single Family Design Review entitlements and finds the required findings per Section 10.5.1 (a-c) (Extension of Time) are made in the affirmative as follows:

(a) *The governing regulations under which the permit was originally approved have not changed in a way that have established different findings, development standards, or evaluation criteria.*

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

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

The applicants have provided a reasonable explanation for the delay. Staff further believes the applicant shows intent to obtain project permits and complete construction within the next year. The applicant has worked closely with staff to prepare project plans for building permit submittal, and has paid all in-lieu parkland dedication fees (\$42,500) remaining from the subdivision that created the subject project site. Approval of this time extension request would enable the applicant to either sell the lot or secure financing to build the home after the winter grading moratorium (April 2011). This finding is affirmed.

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

There have been no significant changes to the surrounding Bishop Road neighborhood in the past year. There have been no new Planning Commission approvals for projects in the general

vicinity on the subject property. No other recent building permits (for significant additions/modifications) or zoning entitlements within the last year have been issued for properties within 300 feet of the subject site. There have also been no changes to the characteristics of the project site. This finding is affirmed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Belmont hereby extends Single Family Design Review approval to construct a new 4,490 square-foot single-family residence, to October 7, 2011, subject to the conditions in the attached Exhibit "A".

\* \* \* \* \*

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on November 17, 2009 by the following vote:

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

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