



MEETING OF SEPTEMBER 21, 2010

AGENDA ITEM NO. 6A

Application I.D.: 2010-0024

Application Type: Conditional Use Permit & Single Family Design Review

Location: 11 Briarwood Way

Applicant: Design Max Construction

Owner: Tom Nam Loui

APN: 040-384-080

Zoning: PD (Planned Development)

General Plan Designation: RL (Low-Density Residential)

Environmental Determination: Categorically Exempt, Section 15301, Class 1(e)(1)

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit and Single Family Design Review approval to amend the Woodbridge Park Detailed Development Plan (DDP) by adding an 809 square-foot addition to the existing 3,005 square foot single-family residence for a total of 3,814 square feet which complies with the development guidelines for this DDP.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** the Conditional Use Permit and Single Family Design Review subject to the conditions of approval contained in the attached draft resolution¹.

GENERAL PLAN DESIGNATION

The site is designated as Low Density Residential (RL) in the General Plan, and the continued residential use is consistent with the General Plan designation.

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.

ZONING DESIGNATION

The subject property is located in a PD (Planned Development) zoning district. According to Sections 12.4 and 12.9 of the Zoning Code, amendments to an approved Detailed Development Plan (DDP) for a single family development require approval of a Conditional Use Permit and Single Family Design Review. The proposal would add square footage to the dwelling as originally approved, and would be generally consistent with approved Floor Area Ratio's of other surveyed single family dwellings in the Planned Development; all other DDP standards for the Planned Development are satisfied with this proposal. Staff has provided the approved DDP standards for the Planned Development as part of the report materials (See Attachment V).

PRIOR ACTIONS

- In March of 1978 the Planning Commission approved an amendment to the General Plan land use designation from light industrial to low density residential (7units per acre), and certified the EIR.
- In August 1978, the Council adopted Resolution No. 4901, in which land use, housing, open space and conservation elements of the General Plan were amended.
- In March of 1979, the Council adopted the enabling Ordinance, which rezoned property to PD.
- October 1979, the Commission adopted a Resolution approving the PD and the Use Permit to establish the DDP for the development.
- Woodbridge Park was subdivided in 1980 and the subject lot was delineated as lot eight.
- A single-family residence was constructed in 1985.
- No other amendments to this DDP were found.

SITE CONDITIONS

The subject property is located in a neighborhood of one and two-story single-family homes with a mixture of stucco and wood exterior finishes. The site (9,190 sq. ft.) is developed with a two-story house and includes a conforming two car garage and a two car driveway. The site is currently landscaped with lawn areas, shrubs and non protected trees on site.

PROJECT ANALYSIS

Existing Dwelling Floor Area/Layout

The existing 3,005 square foot two story dwelling consists of a kitchen, living and dining areas, six bedrooms, family and laundry room, four bathrooms, and a two-car garage.

Proposed Dwelling Modifications

The applicant is proposing to construct an 809 square-foot single story addition. The addition would consist of a bedroom, bathroom, and second living and family areas. The project proposal will include a wet bar accessed from the proposed second family area. A second kitchen is not proposed, thus the addition would not be considered a second unit pursuant to Belmont Definition Section 2.104b *Secondary Dwelling Unit*². However, a Condition of Approval has been included requiring the following:

Prior to the issuance of a building permit, the applicant shall prepare and submit, for review and approval by the Community Development Director and City Attorney, a deed restriction which shall contain the following provision:

- *The single-family dwelling located at 11 Briarwood Way, Belmont, CA. shall be allowed on kitchen for the property. Any modifications to the dwelling to create a second kitchen or permanent provisions for cooking (i.e. installation of a gas/electric stove or fixed mounted microwave oven) would thus create a secondary unit as defined by Belmont Zoning Ordinance Section 2.104b Secondary Dwelling Units and shall be prohibited, or comply with all provisions in Section 24 – Secondary Dwelling Units of the Belmont Zoning Ordinance.*

Exterior Materials/Colors

The proposal includes refinishing the addition with stucco siding, painted to match the color of the existing dwelling. All new roofing materials would match the existing charcoal tile. The applicant has included color photographs of the existing home (see Attachment VI).

Landscaping and Groundwork

The subject property has existing mature landscaping consisting of groundcover and a variety of bushes and trees on site. All existing landscaping would remain and no trees would be pruned or removed to allow for construction of the project. The applicant proposes a new lawn area within the north side and rear yard areas.

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

- *If any existing landscaping should be damaged during construction related activities, the applicant shall replace such landscaping in kind for the property prior to issuance of a planning final. The applicant shall also prior to building permit issuance, provide photographs of the property to document existing landscape conditions.*

The project plan indicates the total lot coverage by hardscape would be at approximately 50% (not including the rear attached deck). The proposed project does not substantially add to the hardscape on site. However, the existing property layout with respect to hardscape could be further reduced. Staff recommends a condition of approval that would require the paving along the right side and at the rear of

² 2.104b *SECONDARY DWELLING UNIT* - a secondary dwelling unit is a separate dwelling unit which provides complete, independent living facilities for one or more persons, located on a lot containing a single-family dwelling as the principal building. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation.

the property be removed and include a combination of permeable materials and landscaping (i.e. combination of shrubs, groundcover, stepping stone or gravel).

PROJECT DATA

Criteria	Existing	Proposed	Required per Approved DDP
Lot Size	9,190 sq. ft.	No Change	9,190 sq. ft. – (<i>this lot as approved in the DDP</i>)
Slope	No change	No Change	No specific development standard
FAR	.335	.423	.500*
Square Footage	3,075 sq. ft., with the garage & detached shed	3,884 sq. ft.	4,595 sq. ft.
Parking	Two-car garage Two uncovered	No change	Two-car garage Two uncovered
Setbacks:			
Front	24' 6"	14 ft.	10 ft. to 20 ft.**
Side (right)	6 ft.	No change	5 ft.
Side (left)	46 ft.	25 ft.	5 ft.
Rear	Approx. 28' 6"	Approx. 25'	15 ft.
Driveway length	24' 6"	No change	No specific development standard
Height	23 ft.	No change	35 ft.

* Per the Woodbridge Park DDP standards – the overall FAR for the project will not exceed 0.5 (dwelling unit square footage excluding the garage).

** Discussion of the front yard setback follows on Pg. 7 – *Zoning Conformance* section of this report.

DETAILED DEVELOPMENT PLAN CONFORMANCE

The proposed addition meets all setback(s), height, FAR, and permitted use regulations of the approved Woodbridge Park Detailed Development Plan standards for the Planned Development. The specific findings required for amendment of the DDP (and survey of other dwelling FAR's and dwelling sizes within the PD) are discussed in the *Conditional Use Permit* section which follows later in the report.

ZONING CONFORMANCE

- 1) The City Council reviewed and adopted amendments to BZO Section 12.12(C) (RE: Admin Approvals of Amendments to DDP) at their 6/22/10 meeting; these statutes took effect on July 22, 2010. However, this application was submitted (6/16/10) prior to this ordinance being effective. As such, this application was reviewed under the previous Ordinance Section. The findings are as follows:

1. *The proposed addition is compatible with the structure and structures in the general neighborhood, and will not block any neighbor views of the surrounding area.*
2. *The proposed addition does not bring the total floor area on the site in excess of 3,500 square feet.*
3. *The site is of sufficient size to accommodate the proposed addition together with all yards, open spaces, walls and fences, parking and loading facility, landscaping and such other provisions required by this Ordinance.*
4. *The proposed use will not be detrimental to the public health, safety, or welfare.*
5. *No other Planning Commission entitlements are required.*
6. *The addition contains no more than 200 square feet at the first floor level only.*

The proposed addition meets all of the findings for administrative review except for findings #2 and #6. The proposed addition(s) will bring the total floor area on the site in excess of 3,500 square feet and will exceed the 200 square foot threshold needed for the CUP to be reviewed and approved administratively. Thus, the Conditional Use Permit and Single Family Design Review to amend the Woodbridge Park Detailed Development Plan have been referred to the Planning Commission for review and approval.

- 2) The proposed addition will maintain a 14-foot front yard setback. Pursuant to the Woodbridge Park Detailed Development, *“the minimum front yard shall be 20’ but may be reduced to 10’ where the driveway is at least 20’ and the total area of the open space in the front yard, exclusive of the side yards, equals or exceeds 750 square feet”*. The existing driveway is 24’ 6” in length (back-of-sidewalk), and the total area of open space in the front yard (exclusive of the side yards) is over 1,000 sq. ft. The proposed addition is consistent with the Detailed Development Plan.
- 3) There are no City building permits on record for the original construction of the rear attached deck. During staff’s site inspection, staff observed that the deck was less than 30” above grade and appears to have been constructed several years ago. Based on these assumptions, it appears that the deck was constructed during a time when a building permit was not required for deck structures less than 30” above grade. (Prior to 2008, deck structures less than 30” above grade did not require a building permit under the Uniform Building Code).
- 4) There is a shed located at the rear of the property. The shed does not require a building permit because of its size (less than 120 square feet). However, the shed (includes a floor to ceiling height greater than 6’ 6”) shall be counted in the total square footage for the site³.

GENERAL PLAN CONFORMANCE

The proposed addition for the single-family residence does not change the land use of the site. The

3 2.60 FLOOR AREA, GROSS – *“The sum of all finished and un-finished framed-in floor surfaces with an interior vertical height of six and one-half feet (6’ 6”) or more from floor to ceiling, capable of accommodating living space...”*

residence is in conformance with the low-density residential general plan designation.

NEIGHBORHOOD OUTREACH

The applicant performed neighborhood outreach as detailed in the Neighborhood Outreach Strategy attached to this report. The applicant reported mailing notices to all property owners within 300 feet of the site informing residents of the project. The applicant reported holding an open house on August 14, 2010 in which no comments of opposition were received. The applicant appears to have achieved the outreach strategy tasks.

ENVIRONMENTAL CLEARANCE (CEQA)

The proposed addition to the single-family home is categorically exempt from the provisions of the California Environmental Quality Act by provision of Section 15301, Class 1 (e)(1):

“Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less;...

The proposed project meets these requirements for CEQA exemption.

CONDITIONAL USE PERMIT

The Commission may grant the Conditional Use Permit to amend the Detailed Development Plan, subject to the following findings per Section 11.5.1 a-d (Conditional Use Permits) of the Zoning Code:

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

The existing two-story residence is sited among other single-family detached residences within the PD of one and two story designs. Research of other properties within the Planned Development to assess square footages and comparative FAR’s for the purposes of establishing compatibility revealed the following:

Address	APN	Lot Size	Dwelling Size	FAR
11 Briarwood Way (Existing)	040-384-080	9,190	3,075	0.335
11 Briarwood Way (Proposed)	040-384-080	9,190	3,884	0.423
26 Briarwood Way	040-383-130	5,910	2,050	0.347
22 Briarwood Way	040-383-120	5,790	2,650	0.458
18 Briarwood Way	040-383-110	6,620	3,020	0.456
14 Briarwood Way	040-383-100	8,270	2,050	0.248
10 Briarwood Way	040-383-090	5,790	2,050	0.354
6 Briarwood Way	040-383-080	5,460	3,020	0.553

2 Briarwood Way	040-383-070	6,740	2,050	0.304
201 Oxford Way	040-384-010	7,450	2,050	0.275
205 Oxford Way	040-384-020	6,600	2,450	0.371
209 Oxford Way	040-384-030	7,100	3,020	0.425
213 Oxford Way	040-384-040	6,920	2,050	0.296
552 Seagate Way	040-384-050	6,490	3,020	0.465
456 Seagate Way	040-384-060	7,140	2,650	0.371
540 Seagate Way	040-384-070	7,180	2,640	0.368

*Because San Mateo County GIS Portal records do not include the garage area, staff adjusted the building size numbers to include an estimated 400 square feet of garage so as to provide a more consistent point of comparison for all listed properties.

The above table illustrates the varying range in lot sizes and floor areas of properties along this surveyed section of Briarwood Way. Of the fifteen properties surveyed for this report, lot sizes range from 5,460 square feet to 9,190 square feet. Floor Area Ratio's for the properties surveyed range from 0.248 to 0.553. The proposed square footage for the subject site (3,814 sq. ft. dwelling with 70 sq. ft. shed) would result in the largest home of the 15 surveyed properties, but would not exceed the allowable FAR (.500) per the approved Woodbridge Park Detailed Development Plan standards. The proposed FAR for the subject property would be the sixth lowest of the 15 surveyed properties. The proposed addition would be generally in scale (single story addition) and character with other single family residences within this PD district. The proposal will not increase traffic and will not unduly impact utilities or services in the vicinity. Only minimal clearing is required for the site as the ground floor addition would have minimal impact on the site area. Based on the factors described above, staff believes 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, fences, parking and loading facilities, landscaping and such other provisions as required by the Zoning Ordinance.

The subject site is sufficient in size to accommodate the existing single-family residential use (and proposed addition). All setbacks and building height requirements are met in accordance with the approved Detailed Development Plan. No landscaping would be removed to allow for construction of the addition. The proposal maintains four off-street parking spaces (two covered/two uncovered). Thus, staff believes this finding can be made in the affirmative.

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

The existing residential use (and proposed project) will not result in a change in the amount of traffic generated in the neighborhood. Based on comments received from City Departments, local streets are adequate to accommodate the existing expanded single-family residence. Thus, 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 single story addition for the existing residence would not diminish views or light of properties in the vicinity. All dwelling modifications would meet applicable California Building and Fire codes. Adjacent streets and sidewalks adequately serve the current residential use and will continue to do so for the expanded dwelling. Staff believes the proposed addition is compatible with adjoining development and will not adversely affect other property in the vicinity or the general welfare of the City. This finding can therefore be made in the affirmative.

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 existing two-story residence is situated on a nonridge level lot. The design, materials and color palette of the proposed addition and remodel are consistent with the established character (wood and stucco exterior design) of other one and two story homes within the neighborhood. The proposed addition would not increase the existing height of the dwelling. Thus, the proposed enlargement of the dwelling will not disrupt any public views as assessed from Briarwood Way. Staff believes 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*
 - (b)
 - (3) *hardscape, and*
 - (4) *tree removal*

Building bulk

The proposed residential project will be designed in a manner that is consistent with the existing dwelling. The proposed addition to the existing two-story residence occurs primarily at the north portion of the residence and moderates the building bulk by articulating the rooflines for the dwelling. The proposal includes refinishing the addition with stucco siding, painted to match the color of the existing dwelling. All new roofing material would match the existing charcoal color tile. Staff believes the proposed architectural design of the addition moderates the building bulk and is appropriate for this structure and the neighborhood.

Grading/Hardscape

Only minimal clearing is required for the site as the single story addition would have minimal impact on the ground areas.

The project plan indicates the total lot coverage by hardscape would be at approximately 50% (not including the rear deck). The proposed project does not substantially add to the hardscape on site. However, the existing property layout with respect to hardscape could be further reduced. Staff recommends a condition of approval that would require the paving along the right side and at the rear of the property be removed and include a combination of permeable materials and landscaping (i.e. combination of shrubs, groundcover, stepping stone or gravel). To address this issue, the condition would require that prior to the issuance of building permits for the project, the applicant shall submit a final hardscape/landscape plan (the plan shall denote the revised percentage of hardscape) subject to review and approval by the Community Development Department.

Tree Removal

The site is currently landscaped with a variety of shrubs, ground cover and trees on site. No trees would be pruned or removed to allow for construction of the project.

All four factors (building bulk, grading, hardscape, and tree removal) would appear (as conditioned) to be appropriately addressed in the building design and site/groundwork to achieve a complementary balance for the project. Staff believes 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 existing driveway has clear access to the street. The existing walkway from the right-of-way to the porch entry is safe for pedestrian usage. Staff believes 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.

No significant clearing or grading is proposed or anticipated for the site. There are no known geological or flooding hazards in the immediate neighborhood of the subject property, and there are no streams on or near the property. Staff believes 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.

There are no proposed changes to the driveway or utility services. The project proposal includes no significant accessory structures. Staff believes 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 a variety of shrubs, groundcover and trees on site. No trees would be pruned or removed to allow for construction of the project. The applicant proposes a new lawn area within the north side and rear yard areas.

A Condition of approval has been included requiring the following:

- *If any existing landscaping should be damaged during construction related activities, the applicant shall replace such landscaping in kind for the property prior to issuance of a planning final. The applicant shall also prior to building permit issuance, provide photographs of the property to document existing landscape conditions.*

Staff believes this finding can be made in the affirmative.

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

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. All construction would be completed in compliance with the California Building Code and NPDES standards as administered by the City of Belmont. Staff believes 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 encroachments into the public right-of-way. Staff believes 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 Conditional Use Permit and Single Family Design Review application with the Conditions of Approval in Attachment III.

ACTION ALTERNATIVES

1. Continue the application for redesign.
2. Deny the Conditional Use Permit and Single Family Design Review. The Commission will identify

specific facts to support a denial, and a resolution would be returned to the Commission for final action.

ATTACHMENTS

- I. 300/500-foot Radius Map (Follows on Page 2 of report)
- II. Resolution approving the Conditional Use Permit & Single Family Design Review
- III. Conditions of Project Approval
- IV. Neighborhood Outreach Strategy
- V. Woodbridge Park Detailed Development Plan Standards
- VI. Applicant's plans and submittal materials (Commission only)

Respectfully submitted,

Rob D. Gill
Assistant Planner

Carlos de Melo
Community Development Director

PLEASE NOTE: Attachments I IV, V & VI are not included as part of this document. Please contact the Community Development Department at (650) 595-7417 for more information on viewing these attachments.

RESOLUTION NO. 2010-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
APPROVING A CONDITIONAL USE PERMIT & SINGLE FAMILY DESIGN
REVIEW TO AMEND AN APPROVED DETAILED DEVELOPMENT PLAN
FOR 11 BRIARWOOD WAY (APPL. NO. 2010-0024)

WHEREAS, Design Max Construction, on behalf of the property owner Tom Nam Loui request a Conditional Use Permit and Single Family Design Review approval to construct a 809 square foot addition to the existing 3,005 square foot residence for a total of 3,814 square feet that complies with the Woodbridge Park Detailed Development Plan Standards; and,

WHEREAS, the site is located in a PD (Planned Development) Zoning District and the project requires an amendment to an approved Detailed Development Plan, which, according to Sections 12.4 and 12.9 of the Zoning Ordinance, requires Conditional Use Permit and Single Family Design Review approval; and,

WHEREAS, a public hearing was duly noticed, held, and closed on September 21, 2010 and,

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

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

WHEREAS, the Planning Commission now makes the required Conditional Use Permit Findings from Zoning Ordinance Section 11.5.1, and Single Family Design Review Findings of Section 13A.5 in the affirmative as follows:

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

The existing two-story residence is sited among other single-family detached residences within the PD of one and two story designs.

Research of other properties within the Planned Development to assess square footages and

comparative FAR’s for the purposes of establishing compatibility revealed the following:

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*Because San Mateo County GIS Portal records do not include the garage area, staff adjusted the building size numbers to include an estimated 400 square feet of garage so as to provide a more consistent point of comparison for all listed properties.

The above table illustrates the varying range in lot sizes and floor areas of properties along this surveyed section of Briarwood Way. Of the fifteen properties surveyed for this report, lot sizes range from 5,460 square feet to 9,190 square feet. Floor Area Ratio’s for the properties surveyed range from 0.248 to 0.553. The proposed square footage for the subject site (3,814 sq. ft. dwelling with 70 sq. ft. shed) would result in the largest home of the 15 surveyed properties, but would not exceed the allowable FAR (.500) per the approved Woodbridge Park Detailed Development Plan standards. The proposed FAR for the subject property would be the sixth lowest of the 15 surveyed properties. The proposed addition would be generally in scale (single story addition) and character with other single family residences within this PD district. The proposal will not increase traffic and will not unduly impact utilities or services in the vicinity. Only minimal clearing is required for the site as the ground floor addition would have minimal impact on the site area. This finding is affirmed.

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

The subject site is sufficient in size to accommodate the existing single-family residential use (and proposed addition). All setbacks and building height requirements are met in accordance with the approved Detailed Development Plan. No landscaping would be removed to allow for construction of the addition. The proposal maintains four off-street parking spaces (two covered/two uncovered). This finding is affirmed.

C. *The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.*

The existing residential use (and proposed project) will not result in a change in the amount of traffic generated in the neighborhood. Based on comments received from City Departments, local streets are adequate to accommodate the existing expanded single-family residence. 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 single story addition for the existing residence would not diminish views or light of properties in the vicinity. All dwelling modifications would meet applicable California Building and Fire codes. Adjacent streets and sidewalks adequately serve the current residential use and will continue to do so for the expanded dwelling. Staff believes the proposed addition is compatible with adjoining development and will not adversely affect other property in the vicinity or the general welfare of the City. This finding is affirmed.

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 existing two-story residence is situated on a nonridge level lot. The design, materials and color palette of the proposed addition and remodel are consistent with the established character (wood and stucco exterior design) of other one and two story homes within the neighborhood. The proposed addition would not increase the existing height of the dwelling. Thus, the proposed enlargement of the dwelling will not disrupt any public views as assessed from Briarwood Way. 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*
- (b)
- (3) *hardscape, and*
- (4) *tree removal*

Building bulk

The proposed residential project will be designed in a manner that is consistent with the existing dwelling. The proposed addition to the existing two-story residence occurs primarily at the north portion of the residence and moderates the building bulk by articulating the rooflines for the dwelling. The proposal includes refinishing the addition with stucco siding, painted to match the color of the existing dwelling. All new roofing material would match the existing charcoal color tile. Staff believes the proposed architectural design of the addition moderates the building bulk and is appropriate for this structure and the neighborhood.

Grading/Hardscape

Only minimal clearing is required for the site as the single story addition would have minimal impact on the ground areas.

The project plan indicates the total lot coverage by hardscape would be at approximately 50% (not including the rear deck). The proposed project does not substantially add to the hardscape on site. However, the existing property layout with respect to hardscape could be further reduced. Staff recommends a condition of approval that would require the paving along the right side and at the rear of the property be removed and include a combination of permeable materials and landscaping (i.e. combination of shrubs, groundcover, stepping stone or gravel). To address this issue, the condition would require that prior to the issuance of building permits for the project, the applicant shall submit a final hardscape/landscape plan (the plan shall denote the revised percentage of hardscape) subject to review and approval by the Community Development Department.

Tree Removal

The site is currently landscaped with a variety of shrubs, ground cover and trees on site. No trees would be pruned or removed to allow for construction of the project.

All four factors (building bulk, grading, hardscape, and tree removal) would appear (as conditioned) to be appropriately addressed in the building design and site/groundwork 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 existing driveway has clear access to the street. The existing walkway from the right-of-way to the porch entry is safe for pedestrian usage. 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.

No significant clearing or grading is proposed or anticipated for the site. There are no known geological or flooding hazards in the immediate neighborhood of the subject property, and there are no streams on or near the property. 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.

There are no proposed changes to the driveway or utility services. The project proposal includes no significant accessory structures. This finding is affirmed.

G. 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 a variety of shrubs, groundcover and trees on site. No trees would be pruned or removed to allow for construction of the project. The applicant proposes a new lawn area within the north side and rear yard areas.

A Condition of approval has been included requiring the following:

- If any existing landscaping should be damaged during construction related activities, the applicant shall replace such landscaping in kind for the property prior to issuance of a planning final. The applicant shall also prior to building permit issuance, provide photographs of the property to document existing landscape conditions.*

This finding is affirmed.

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

Review of staging areas, recycling and disposal procedures and adequacy of erosion control measures would be reviewed by the Building Division as part of the structural plan check. All

construction would be completed in compliance with the California Building Code and NPDES standards as administered by the City of Belmont. This finding is affirmed.

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

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

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 approves the Conditional Use Permit and Single Family Design Review to amend the Woodbridge Park Detailed Development Plan to allow a 809 square-foot addition to the existing 3,005 square-foot residence for a total of 3,814 square feet at 11 Briarwood Way, subject to the attached conditions in Exhibit “A”.

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on September 21, 2010 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
CONDITIONAL USE PERMIT & SINGLE FAMILY DESIGN REVIEW
11 BRIARWOOD WAY (APPL. NO. 2010-0024)

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. 2010-0024, date stamped 09/14/10. 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. If any existing landscaping should be damaged during construction related activities, the applicant shall replace such landscaping in kind for the property, prior to issuance of a

planning final. The applicant shall also prior to building permit issuance, provide photographs of the property to document existing landscape conditions.

7. The single-family dwelling located at 11 Briarwood Way, Belmont, CA. shall be allowed only one kitchen for the property. Any modifications to the dwelling to create a second kitchen or permanent provisions for cooking (i.e. installation of a gas/electric stove or fixed mounted microwave oven) would thus create a secondary unit as defined by Belmont Zoning Ordinance Section 2.104b Secondary Dwelling Units⁴ and shall be prohibited, or comply with all provisions in Section 24 – Secondary Dwelling Units of the Belmont Zoning Ordinance.
8. Prior to the issuance of building permits for the project, the applicant shall submit a final hardscape/landscape plan that indicates the removal of hardscape/paving along the right side and at the rear of the property and replaced with combination of permeable materials and landscaping (i.e. combination of shrubs, groundcover, stepping stone or gravel). The plan shall also denote the revised percentage of hardscape for the site. Such plan shall be subject to review and approval by the Community Development Department.
9. Prior to the issuance of building permits for the project, the applicant shall submit a final irrigation plan (to be included on landscape plan or on a separate sheet). Such plan shall include notes indicating the general location of fixtures and type of irrigation.

Building Division

1. Prior to any construction, the applicant or a designated representative shall obtain all of the required building permits for the project. The applicant will be required to provide a construction and demolition-recycling plan as a condition of the building permit. The Building Department will inspect for compliance with this plan. The conditions of approval for this permit also require the applicant to perform all work in conformance with the NPDES requirements.
2. 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 (Sequoia Union School District, Maintenance & Operation, 480 James, Ave., Redwood City, CA 94062. 650.369.1411 ext. 2290 or 2203 www.seq.org).
3. 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

⁴ 2.104b SECONDARY DWELLING UNIT - a secondary dwelling unit is a separate dwelling unit which provides complete, independent living facilities for one or more persons, located on a lot containing a single-family dwelling as the principal building. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation.

been determined that the recommendations in the soils report are properly incorporated into the plans. BMC 7-12, IBC 106.1 & 1804.3.

4. The contractor/property owner shall be reasonable to post hours of operation and phone numbers for noise complaints.
5. The contractor/property owner shall provide space on the subject property for recycling containers.
6. The contractor shall provide a list of construction and demolition recycling service providers.
7. The applicant/owner shall require all contractors and subcontractors to make a good faith effort to contact a construction and demolition provider.
8. The project manager shall notify contractor shall and subcontractors of the City's expectation of maximizing diversion of solid waste.
9. The applicant/owner shall investigate opportunities for salvaging material for reuse.
10. The applicant/owner shall be reasonable in investigating opportunities for salvaging materials for reuse.
11. The applicant shall specify on the plan that the 2006 IBC, 2006 UPC, 2006 UMC and 2005 NEC as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.

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

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.
 1. Streets, sidewalks and curbs in need of repair within and bordering the project shall be repaired and/or removed and replaced in accordance with the Department of Public Works approved standards. Photographs or video of before condition are recommended.
 2. Roof leaders and site drainage shall be directed to the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.

- 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. 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.
 3. The owner/applicant shall perform a video inspection of the sewer lateral from the house/building to the sewer main, submit the inspection to the Department of Public Works for review and make any necessary repairs to the lateral.
 4. All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
 2. 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 The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo 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.
3. 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.
 4. Failure to comply with any permit condition may result in a “Stop Work” order or other penalty.
- III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT / SAN CARLOS FIRE DEPARTMENT:
1. An Automatic Fire System shall be required if the following occurs:
 - a. The structure is made uninhabitable during renovation/construct.
 - b. The project includes removal of or renders any utilities inoperative (i.e. water, electrical, natural gas or sanitary sewer) for more than twenty-four consecutive hours.
 2. Address numbers shall be illuminated and visible on all new buildings. Rear addressing is/may also be required. Size of lettering and illumination shall meet the Belmont / San Carlos Fire Standards.
- IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE POLICE DEPARTMENT:
1. All activities shall be subject to the requirements of the Belmont Noise Ordinance
 2. No debris boxes or building materials shall be stored on the street.

3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

Certification of Approved Final Conditions:

Rob D. Gill, Assistant Planner

Date