

## MEETING OF SEPTEMBER 4, 2012

### AGENDA ITEM 5C



Application No.: 2012-0022

Application Type: Single Family Design Review

Location: 1585 Molitor Road

Applicant: James Valenti

Owner: Mike and Makiko Huber

APN: 045-274-350

Zoning: R-1C Single Family Residential

General Plan Designation: RL- Low Density Residential

Environmental Determination: Categorical Exemption, Section 15301

### PROJECT DESCRIPTION

The applicant requests Single Family Design Review approval to construct a 656 (net) square-foot addition to the existing 2,477 square-foot two-story single-family residence. The proposal will bring the total square footage of the residence to 3,133 square feet which is below the Zoning Ordinance permitted maximum 3,181 square feet for this site.

### RECOMMENDATION

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

### ZONING/ GENERAL PLAN DESIGNATION

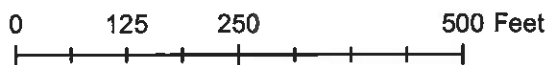
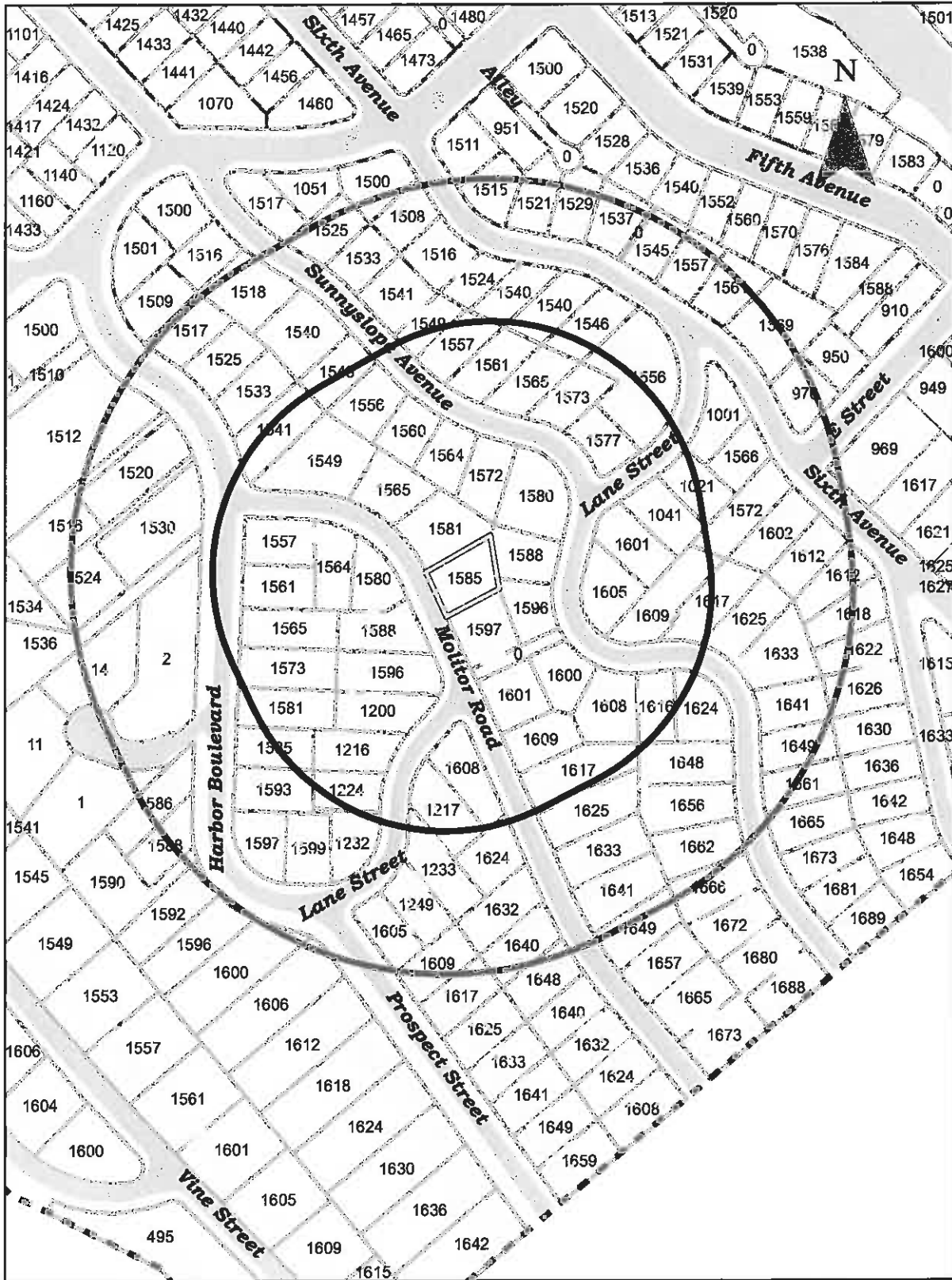
The existing single-family residence is a permitted use in the designated R-1C (Single Family Residential) zoning district, and is conforming to the General Plan Designation RL - Low Density Residential.

### PRIOR ACTION

The site encompasses Lot 25, Block 14 of the Bayview Heights Subdivision No. 2. The house was built in 1961. While there have been no other Planning entitlements approved for this property, the

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



owners have made a variety of improvements to the site including: removal of a pool, addition of a small porch cover, and replacement of the roof.

## **SITE CONDITIONS**

The subject property is located in an established residential neighborhood comprised of both one and two-story single family homes. The 6,288 square-foot lot is generally rectangular in shape, and the average lot slope measures approximately 16%. The site includes two garage and two driveway parking spaces, with an additional parking area in the right of way along the front property line. The property includes a variety of trees and shrubs, with a lawn area at the rear of the structure. A pedestrian walkway along the northwest property line provides access between the front and rear yard areas.

## **PROJECT ANALYSIS**

### Existing Dwelling Floor Area/Layout

The existing 2,477 square-foot split level dwelling consists of the following:

- Street level: A small entry area, two bedrooms, one bathroom, a living/dining room, kitchen, and a legal non-conforming two-car garage with interior dimensions of 19 feet 8 inches in width by 19 feet 6 inches in depth (see *Zoning Conformance* discussion of this garage on Page 5).
- Lower Level (basement): A bedroom, family room, bathroom, laundry area and unfinished crawl space.

### Proposed Dwelling Modifications

#### *Basement*

- The floor plan includes include modifications to the family room, bedroom, and bathroom (two bedrooms per the Zoning Ordinance)
- The stairwell providing access to the basement has been relocated to the front of the house
- Conversion of unfinished crawl space to a mechanical room and storage areas (heights less than 6 ½ feet in height)
- No change in total floor area

#### *Street level*

- Remodeled and expanded front entry (approx. 58 square feet), including a new porch, new access to the garage, and a relocated stairwell accessing the basement and new upper floor
- Remodeled kitchen opening to a new breakfast nook and the dining/living room area
- Bedroom and den modifications (counts as two bedrooms per the Zoning Ordinance)
- Remodeled bathroom

- Partial extension of an existing rear deck (only the portion that is outside of the required setback areas)
- Modification of garage to meet minimum required depth of 20 feet.

*New second story*

- A 626 square-foot master suite with bathroom with a walk-in closet, and sitting area
- A new uncovered deck overlooking the rear yard area

<b>Dwelling Floor Area Summary</b>	
<b>Proposed Square Footage</b>	<b>Proposed Modifications/Additions</b>
<u>Basement</u> Existing: 749 sq. ft. Total: <b>749 sq. ft.</b>	<u>Existing</u> – Family room, bedroom, bathroom, stairwell access to street level, laundry facilities. <u>Proposed</u> – Relocated stairwell, mechanical equipment and storage areas, remodeled bedroom.
<u>First Floor</u> Existing house: 1,728 sq. ft. Proposed: 30 new (net) sq. ft. Total: <b>1,313 sq. ft</b>	<u>Existing</u> – Two bedrooms, one bathroom, a living/dining room, kitchen, and a legal non-conforming two-car garage. <u>Proposed</u> – Remodeled front entry, kitchen with breakfast nook, living/dining room, bedroom, den, new front porch.
<u>New Second Story Addition</u> Proposed: 626 sq. ft. Total: <b>626 sq. ft.</b>	<u>Proposed</u> – Master suite, bathroom, walk-in closet, uncovered deck.
Existing Floor Area: 2,477 Sq. Ft. Removed Floor Area: (-78 Sq. Ft.) Proposed Floor Area: 734 Sq. Ft. Total = <b>3,133 Sq. Ft.</b>	

Exterior Materials/Colors

The remodeled house would utilize a combination of finish materials, including white cedar wood siding as well as cream colored stucco. New windows will utilize white vinyl framing, and the roof fascia accents are also white. The street level deck at the rear of the home would utilize tempered glass railing. A composition shingle roof is proposed with varying roof lines designed specifically to minimize the height of the structure, and solar panels are proposed on the southern facing roof. The materials are both consistent with the existing dwelling and with other dwellings in the neighborhood.

Landscaping and Groundwork

The subject property has a wide variety of existing mature landscaping that includes ground cover, decorative shrubs, fruit trees, a flower bed and a lawn in the rear yard; all of the landscaping has been documented on the existing site/landscape plan. The existing landscaping is proposed to

remain and no trees would be removed or pruned to allow for construction of the project. The plan indicates that approximately 40 square feet of the flagstone paving at the front of the home would be removed to allow for installation of additional groundcover and shrubs to match existing plant species. A standard condition of approval has been included requiring that any landscaping damaged or removed during construction be replaced in kind per the approved landscape plan. No site-clearing or grading is required for the ground floor remodel and second floor addition.

**PROJECT DATA**

<i>Criteria</i>	<i>Existing</i>	<i>Proposed</i>	<i>Required or Max. Allowed</i>
<b>Lot Size</b>	6,288 sq. ft.	No Change	No Change
<b>Slope</b>	Approx. 16%	No Change	No Change
<b>FAR</b>	0.394	0.498	0.506
<b>Square Footage</b>	2,477 sq. ft.	3,133 sq. ft.	3,181 sq. ft.
<b>Parking</b>	Two-car garage (19'6" x 19'8") Two uncovered	Two-car garage (20' x 19'8") Two uncovered	No Change
<b>Setbacks:</b>			
<b>Front 15'</b>	18'	25' (new addition)	20'
<b>Side (North)</b>	5'	No Change	6'
<b>Side (South)</b>	3'	No Change	6'
<b>Driveway length</b>	18"	No Change	18'
<b>Height</b>	Approx. 22'	28'	28'

**GENERAL PLAN CONFORMANCE**

The proposed addition for the single-family residence does not change the land use of the site. The residence is in conformance with the RL Low-Density Residential general plan designation.

**ZONING CONFORMANCE**

The following sections of the Belmont Zoning Ordinance (BZO) address elements of the existing site/dwelling and proposed addition:

- Section 8.1.4 of the BZO provides as follows:

*There shall be provided and maintained not less than four vehicle spaces – two (2) automobile garage spaces and two (2) spaces which need not be covered – for each dwelling unit in any one or two family structure when any of the following occurs:*

- o 600 or more square feet of gross floor area is added to the dwelling
- o Any floor area modification proposed to a home that is currently 3,000 square feet or larger, or that results in a dwelling becoming 3,000 square feet or larger

- *Any floor area modification proposed to a dwelling that currently has four or more bedrooms, or that results in an increase in the number of bedrooms from three or fewer to four or more*
- *Two or more bedrooms are being added to such dwelling, regardless of whether any existing bedrooms are eliminated*

The proposed project would add more than 600 square-feet to the dwelling, and the home includes four or more bedrooms per the zoning ordinance definition of bedroom. The property has an existing legal non-conforming two-car garage with internal dimensions measuring 19.6 feet in length by 19.7 feet in width (see minimum garage dimension discussion in section 2 below). The existing parking area on-site (driveway) will continue to provide the two required uncovered parking spaces. The proposed project is in compliance with this Section of the BZO.

2. Section 8.3.1(e) of the BZO provides as follows:

*Minimum Garage Dimension - A garage containing two parking spaces shall have an inside dimension of not less than 20 feet by 20 feet; however, any garage constructed prior to April 21, 2005 having a minimum interior dimension of 17 feet in width by 18 feet in depth shall be considered a legal nonconforming two-car garage for purposes of this Ordinance. Any such dwelling with a 17' X 18' legal nonconforming garage may continue its nonconformity provided the square footage necessary to establish a 20' x 20' garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.*

The existing garage measures 19.6 feet long by 19.7 feet wide. The remodel of the existing street level floor plan would expand the length of the garage to the minimum required 20 feet; however, the width will remain at 19.7 feet. The home is proposed to be 3,133 square-feet in size, and the total permitted for the property is 3,181 square-feet, maintaining 48 square-feet for a future garage upgrade. Only six (6) square-feet are required for a floor area reserve; the project conforms to this section of the BZO.

3. Section 9.6.3 of the BZO states:

*ALTERATIONS AND ADDITIONS TO NON-CONFORMING STRUCTURES - No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located. For purposes of this section, additions in an R-1A, R-1B, or R-1C District shall comply with applicable current setback and height requirements.*

The existing residential structure has legal non-conforming side yard setbacks of three (3) and five (5) feet, and a front yard setback of 18 feet; the proposed second story is located outside of any setback areas. The project conforms to this section of the BZO.

The proposed addition meets all other setbacks, height, FAR, and permitted use regulations of the R-1C zoning district.

## **NEIGHBORHOOD OUTREACH**

The applicant completed the neighborhood outreach tasks as detailed in the Neighborhood Outreach Strategy attached to this report (See attachment IV). The applicant reported personally mailing letters to neighbors in the vicinity of the project site, informing residents of the project, and soliciting feedback. The applicant received feedback from three neighbors related to noise and hours of construction; these concerns will be mitigated by inclusion of the standard conditions of approval requiring all operations to comply with the Belmont Noise Ordinance and limiting the days and hours during which construction activities may occur. The applicant received two written objections to the project, both of which are provided with attachment IV. One neighbor expressed concerns about the height of the building and the potential for additional shadowing on their property that abuts the subject property at the rear corner. The second neighbor expressed concerns about maintaining private residential views.

To address the concern regarding the height of the structure, staff has included a condition of approval requiring that a California licensed surveyor or civil engineer provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.

Staff has not received any responses to the public notice as of the writing of this report. The applicant has reported no other objections to the project. 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. *Fifty percent of floor area of the structures before the addition, or 2,500 square feet, whichever is less.*

The existing residence meets the above requirements for a CEQA exemption.

## **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-I)). 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 design, materials and color palette of the proposed addition and remodel are consistent with the varied character (stucco and wood exterior designs) of other one and two-story homes in the neighborhood. Although the proposed upper-story addition would increase the total height of the dwelling (from 22 feet to 28 feet), it is anticipated that the project will not significantly disrupt public views from Molitor Road. There are no prominent ridgelines within the vicinity of the project. 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 proposed project would add a new upper story addition (28-foot height) to the existing split-level (one and two story) residence, and will not exceed the BZO maximum building height requirement of 28 feet. The project is subject to a condition of approval requiring a California licensed surveyor or civil engineer provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.

The proposed second story addition would be set back from the perimeter of the existing structure such that it meets all setback requirements. While there is no upper story setback at the rear of the home, the applicant has specifically utilized a hipped roof design in this location that minimizes perceived building height. The varying roof styles and design features such as window framing further help to reduce the perceived height and bulk of the structure.

### Grading/Hardscape

No site-clearing or grading is required for the remodel and upper story addition.

### Tree Removal

The site is currently landscaped with a lawn area, and a variety of mature shrubs and fruit trees. No trees would be pruned or removed to allow for construction of the project. Any landscaping removed or damaged during construction must be replaced in-kind per the approved landscape plan.

All four factors (building bulk, grading, hardscape, and tree removal) appear to be appropriately addressed in the building design and site/groundwork 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 existing driveway provides clear vehicular and pedestrian access between the street and the home. The paved right-of-way area at the front of the property provides additional line of sight and vehicular back-up distance. A paved pedestrian walkway in the side yard provides a connection between the front and rear yard areas. 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 grading or site clearing is required for the proposed construction. 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 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, and there are no accessory structures on the property. 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 lawn area, and a variety of mature shrubs, fruit trees, and flowers. No trees would be pruned or removed to allow for construction of the project; an additional 40 square feet of new landscaping will be added to the front of the home (shrubs and groundcover to match existing). 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 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 project does not include any encroachments into the public right-of-way. This finding can be made in the affirmative.

*I. Substantial compliance with the Residential Design Guidelines.*

The project is in substantial compliance with the Residential Design Guidelines. Specifically, the proposed upper story addition is consistent with the existing home's design (guideline A-4), is balanced over the existing structure (guideline A-5), and the new roof design provides visual interest (guideline A-6). As proposed and conditioned, there is an acceptable balance of building bulk, grading, hardscape, and tree removal. There would be no obstruction of vehicular and pedestrian accessways shown on the site plan and topographical map. This finding can be made in the affirmative.

**CONCLUSION AND RECOMMENDATION**

Based on the analysis and required findings, staff recommends approval of the Single-Family Design Review application with the Conditions of Approval in Attachment III.

**ACTION ALTERNATIVES**

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

**ATTACHMENTS**

- I. 300/500 foot radius map of project site (incorporated as Page 2 of report)
- II. Resolution approving the Single Family Design Review
- III. Conditions of Approval
- IV. Neighborhood Outreach Materials
- V. Applicant's plans and photos (Commission only)

Respectfully submitted,

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Jennifer Walker  
Management Analyst

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Carlos de Melo  
Community Development Director

RESOLUTION NO. 2012-\_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
APPROVING A SINGLE FAMILY DESIGN REVIEW  
AT 1585 MOLITOR ROAD (APPL. NO. 2012-0022)

WHEREAS, James Valenti, applicant, on behalf of Mike and Makiko Huber, requests Single Family Design Review approval to construct a 656 square-foot addition to a single-family residence at 1585 Molitor Road; and,

WHEREAS, a public hearing was duly noticed, held, and closed on September 4, 2012; 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); and,

WHEREAS, the Planning Commission hereby adopts the staff report dated September 4, 2012 and the facts contained therein as its own findings of facts; and,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the Single Family Design Review to construct a 656 square-foot addition to the existing single-family residence at 1585 Molitor Road, subject to the conditions in Exhibit "A", upon finding that:

Environmental Review

The project is categorically exempt pursuant to the California Environmental Quality Act, 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...;*

Residential Design Review

The required Single Family Design Review Findings, Section 13A.5 (A-H), 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 design, materials and color palette of the proposed addition and remodel are consistent with the varied character (stucco and wood exterior designs) of other one and two-story homes in the neighborhood. Although the proposed second story addition would increase the total height of the dwelling (from 22 feet to 28 feet), it is anticipated that the project will not significantly disrupt public views from Molitor Road. There are no prominent ridgelines within the vicinity of the project. This finding is affirmed.

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

### Building Bulk

The proposed project would add a new upper story addition (28-foot height) to the existing split-level (one and two story) residence, and will not exceed the BZO maximum building height requirement of 28 feet. The project is subject to a condition of approval requiring a California licensed surveyor or civil engineer provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.

The proposed second story addition would be set back from the perimeter of the existing structure such that it meets all setback requirements. While there is no upper story setback at the rear of the home, the applicant has specifically utilized a hipped roof design in this location that minimizes perceived building height. The varying roof styles and design features such as window framing further help to reduce the perceived height and bulk of the structure.

### Grading/Hardscape

No site-clearing or grading is required for the remodel and upper story addition.

### Tree Removal

The site is currently landscaped with a lawn area, and a variety of mature shrubs and fruit trees. No trees would be pruned or removed to allow for construction of the project. Any landscaping removed or damaged during construction must be replaced in-kind per the approved landscape plan.

All four factors (building bulk, grading, hardscape, and tree removal) appear 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 provides clear vehicular and pedestrian access between the street and the home. The paved right-of-way area at the front of the property provides additional line of sight and back up distance. A paved pedestrian walkway in the side yard provides a connection between the front and rear yard areas. 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 grading or site clearing is required for the proposed construction. 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, and there are no accessory structures on the property. 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 a lawn area, and a variety of mature shrubs, fruit trees, and flowers. No trees would be pruned or removed to allow for construction of the project; an additional 40 square feet of new landscaping will be added to the front of the home (shrubs and groundcover to match existing). 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 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 project does not include any encroachments into the public right-of-way. This finding is affirmed.

*I. Substantial compliance with the Residential Design Guidelines.*

The project is in substantial compliance with the Residential Design Guidelines. Specifically, the proposed upper story addition is consistent with the existing home's design (guideline A-4), is balanced over the existing structure (guideline A-5), and the new roof design provides visual interest (guideline A-6). As proposed and conditioned, there is an acceptable balance of building bulk, grading, hardscape, and tree removal. There would be no obstruction of vehicular and pedestrian accessways shown on the site plan and topographical map. This finding is affirmed.

\* \* \* \* \*

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on September 4, 2012 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  
1585 MOLITOR ROAD (APPL. NO.2012-0022)

- 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 the building permit and all construction shall conform to the plans on file in the Planning Division for Appl. No. 2012-0023, date stamped 7/18/12. 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, 4<sup>th</sup> 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.
7. Building plans shall be submitted that reflect that no part of the residence shall exceed the 28-foot height limit as measured from the finished grade to the topmost point of the residence immediately above. A California licensed surveyor or civil engineer shall provide a wet-stamped certification that the home conforms with the 28-foot height limit prior to the roof diaphragm inspection.

### 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. All activities shall be subject to the requirements of the Belmont Noise Ordinance (maximum 65 dBA for daytime hours, Maximum 55 dBA for nighttime hours).
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 (Sequoia Union School District, Maintenance & Operation, 480 James, Ave., Redwood City, CA 94062. 650.369.1411 ext. 2290 or 2203 [www.seq.org](http://www.seq.org)).
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 of 25 Build It Green points using the Elements approach or 50 Build it Green points using the Whole House approach; both from the Existing Home checklist.
5. The contractor/property owner shall be reasonable to post hours of operation and phone numbers for noise complaints.
6. The contractor/property owner shall provide space on the subject property for recycling containers.
7. The contractor shall provide a list of construction and demolition recycling service providers.

8. The applicant/owner shall require all contractors and subcontractors to make a good faith effort to contact a construction and demolition provider.
  9. The project manager shall notify contractors and subcontractors of the City's expectation of maximizing diversion of solid waste.
  10. The applicant/owner shall be responsible 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.
  12. Pursuant to the Belmont Fire Department Ordinance 2011-01, Section 1003.2.9.2(A), the building will receive a fire sprinkler system and the plan will be a deferred submittal.
- 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, landscape area, or other energy reduction method shall be used.
  3. The owner/applicant shall confirm with the Public Works Department whether or not a C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist must be submitted.
- 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. 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
3. 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.
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. The measures shall also include:
  - (A) Water all active construction sites at least twice daily.
  - (B) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - (C) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - (D) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - (E) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - (F) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - (G) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
  - (H) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
  - (I) Replant vegetation in disturbed areas as quickly as possible.
  - (J) Watering should be used to control dust generation during the break-up of pavement.
  - (K) Cover all trucks hauling demolition debris from the site.
  - (L) Use dust-proof chutes to load debris into trucks whenever feasible.
  - (M) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - (N) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running order prior to operation.

- (O) Diesel powered equipment shall not be left inactive and idling for more than five minutes, and shall comply with applicable BAAQMD rules.
  - (P) Use alternative fueled construction equipment, if possible.
  - (Q) All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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. This condition is required for: a) any remodeling/addition project with a cost of \$50,000 or more; b) addition of bedroom, bathroom, faucet/drain/sink in regardless of the total cost.
  6. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
- C. The following conditions shall be met prior to occupancy except as otherwise specified in the conditions.
1. All construction and related activities which require a City 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., 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, 4<sup>th</sup> 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.
  2. Failure to comply with any permit condition may result in a "Stop Work" order or other penalty.
  3. 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.
4. The owner/applicant shall ensure that applicable Best Management Practices (BMPs) from the San Mateo Stormwater Pollution Prevention Program (STOPPP) are followed to prevent discharge of soil or any construction material into the gutter, stormdrain system or creek.
- III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT FIRE DEPARTMENT:
1. Address numbers shall be provided on the main dwelling, or located on the property where clearly visible from the street upon which it fronts. Address numbers shall be illuminated Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width 0.5 inch (12.7 mm). This note shall be provided on the cover sheet of the building plans.
  2. Based on Section R313 of the 2010 California Residential Code, the building is required to be provided with an automated Fire Sprinkler System designed in accordance with CRC 313 and 2010 Ed of NFPA 13-D.
  3. A separate submittal and permit is required for the Fire Sprinkler System. Application shall be made by either a registered engineer or by the licensed fire sprinkler contractor who will be performing the work.
  4. All underground Fire Service Lines shall be pressure tested and flushed prior to connecting to the fire sprinkler riser, and witnessed by the Fire Inspector.
  5. No Fire Sprinkler System shall be concealed within any permanent construction without the prior approved of both the Building and Fire Inspectors.
- 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 or in the public right of way.
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:

\_\_\_\_\_  
Jennifer Walker, Management Analyst

\_\_\_\_\_  
Date

## Attachment IV – Neighborhood Outreach Strategy

Hello neighbors near and far,

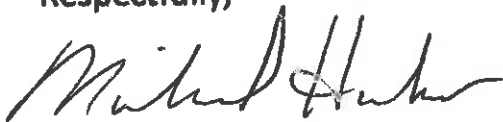
My name is Michael Huber and I along with my wife, Makiko, and two children, Annabelle and Ashton, live at 1585 Molitor Rd. I am writing you today because we are planning to remodel our house. And the Belmont Planning Department has given me all your addresses and said that I need to contact you and ask for your feedback. We are planning to add a second story bedroom, and change rooflines to add some storage over the garage and solar power on the southern facing roof. Enclosed you will find 2 pages; one, showing the external views of the proposed house and a second, showing the upper floor plan for the second story.

We would like to hear your comments, concerns and questions about the project. There are two ways to contact us.

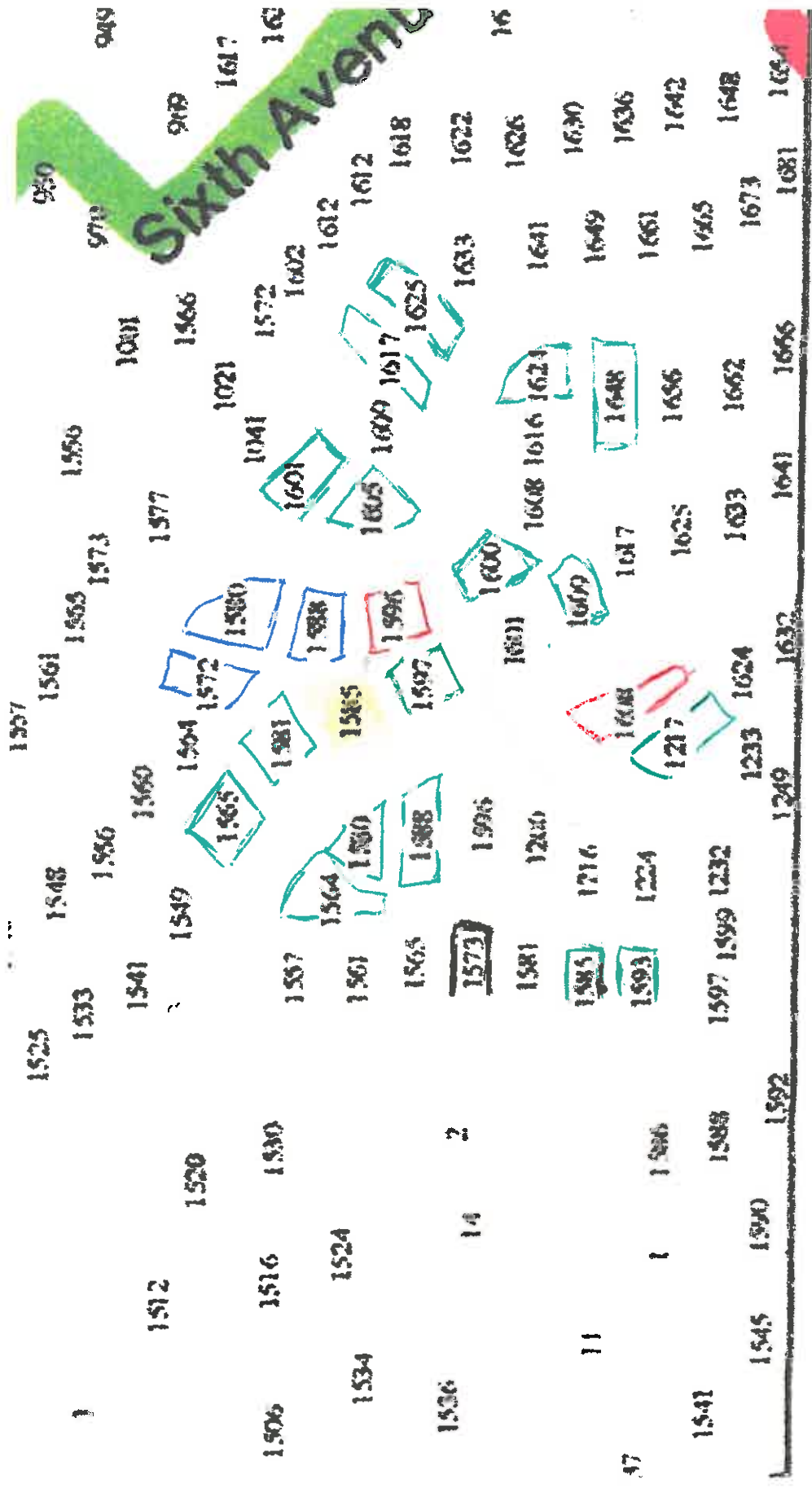
1. Write down your thoughts on a piece of paper and put it in the stamped envelope addressed to me and send it.
2. If you have a computer, you can email your response to:  
[molitor1585@yahoo.com](mailto:molitor1585@yahoo.com)

Thank you for time.

Respectfully,

A handwritten signature in black ink that reads "Michael Huber". The signature is written in a cursive style with a large initial "M".

Michael Huber



1585 - PROJECT SITE

- HOMEOWNERS OK WITH PLANS
- HOMEOWNERS OK WITH PLANS / WORRIED ABOUT WEEK NOISE AND HOURS
- HOMEOWNERS WITH ISSUE ABOUT PROJECT

PAUL & EMMA FARMER  
1608 MOLITOR RD

1) SUPPORT OUR TROOPS  
July 16 2012

Hi, Mike! we are not happy, after we were reading, what you are planning to do.

You see about 5 years ago, our neighbor on Lane Street extended the house up and out to the yard which took away our View upward, from our balcony



2) SUPPORT OUR TROOPS

Now your plan will take away our View's from our bedrooms + porch + front lawn. We are getting fenced in by high rises.

best regards,

Paul & Emma Farmer

I am sure the City Dept. will be happy to collect higher Taxes



Donna and Joseph Ruk

1596 Sunnyslope Ave

Belmont, Ca 94002

Re: House Addition at 1585 Molitor Road

Dear Mr. Huber,

We are in receipt of your letter in reference to your proposed house remodel at 1585 Molitor Road. Due to the location of our house below and to the south of your property we have several concerns on the affect of this project on our back yard.

Due to the physical layout of our backyard and the slope of the hill we have very limited sun direction into our backyard as it is. The house directly above us, 1597 Molitor, is three stories high and blocks the afternoon sun already. Your project will cast an additional shadow and create another tall obstruction above us. Due to the level of our backyard, 8' to 10' below the upper property's backyards, the effect is of a four storey house on top of us.

In your letter you describe a two storey addition but in actuality the addition on the back side is three. What is the height from the backyard ground level to the roof peak?

We would like to see story poles put in place to visually see the true height. Also, provide some analysis on the shadow cast in backyard with sun rotation.

Currently there are two trees in the corner of your property, which were planted probably to block view of the telephone pole. These trees just block the view of your existing house but would not screen the addition. There is no guarantee that these trees would not be cut down by you or the next owner. If so then the addition would be even more visible.

Also, the addition of solar panels would be facing our yard and could be unsightly.

Respectfully,

  
Donna and Joe Ruk

c/c Belmont Planning Department